

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

(First Sitting of the Assembly in Free India)

The Assembly met in the Assembly Chamber, Shillong, at 11 a. m. on Tuesday, the 2nd September, 1947.

PRESENT

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the six Hon'ble Ministers and forty two Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral Answers were given)

The Hon'ble the SPEAKER : Do we take up yesterday's Question ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Yes, Sir, I am ready.

(Further Supplementaries on *Starred Question No. 105.)

* Price of Masur Dal at Jorhat

Dr. EMRAN HUSAIN CHAUDHURY asked :

* 105. (a) Will Government be pleased to state whether they have sanctioned Rs. 26-8-0 per maund for Masur Dal brought by Rai Bahadur Rameswar Saharia at Dibrugarh against the controlled price of Rs. 21-8-0 for such Dal ?

(b) If so, will Government be pleased to state the reasons for such special treatment in the case of this Rai Bahadur ?

(c) Are Government aware that the Jorhat wholesale dealers have been asked to purchase 20 tons of that Dal from Dibrugarh at Rs. 26-8-0 per maund and to sell the same to the retailers of Jorhat at Rs. 27-12-0 per maund against the controlled price of Rs. 22-12-0 per maund ?

(d) If so, will Government be pleased to state why the retailers of Jorhat have been allowed by Government to sell the same Dal to consumers at Re. 0-11-0 per seer against the controlled price of Re. 0-9-6 per seer ?

(e) Are Government aware that the wholesalers are unable to bring in that Dal to Jorhat within the margin of profit of Re. 1-4-0 per maund ?

(f) Will Government be pleased to state whether they have invented some method of making the Masur Dal of different prices so that the consumers would be able to detect profiteering by seeing those distinctive marks ?

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

105. (a)—Yes. The United Provinces Government did not undertake to make supplies available at the controlled rate.

(b)—Because the Agent had to purchase the stuff from the open market to make supplies Provinces at a price much higher than the controlled rate.

(c)—Yes.

(d)—As the retailers had to purchase at a higher rate they were allowed to sell at higher rate.

(e)—Government have no information. The wholesalers were given a margin of Re. 1-4-0 as against the normal margin of 12 annas in order to meet the extra cost.

(f)—No. But steps were taken to see that as far as practicable Masur Dals of different prices were not sent to the same centres.

‡ **Dr. EMRAN HUSAIN CHAUDHURY:** Yesterday, in answer to one of my Questions, I mean Question No. 105 (a), Government answered that they sanctioned the purchase of Masur Dal at the rate of Rs. 26-8-0 instead of the controlled price. May I know from Government why this rate was sanctioned by Government ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The reason is this: Government fixed the controlled price; but the United Provinces Government from whom this Government has to get the Masur Dal did not fix any controlled price at all, and when our officers went to the United Provinces, the Government of the United Provinces said—'You can get your Masur Dal from the open market'. The price in the open market was very high—it was from Rs. 20 to about Rs. 22—or something like that. The contractor had to write to the Director of Supply and he was allowed to purchase from the open market at a higher rate.

‡ **Dr. EMRAN HUSAIN CHAUDHURY:** Then on what basis Government fixed the controlled rate previously ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Government thought that they would get at that price from the United Provinces. The price was fixed by this Government depending also upon the price fixed by the Central Provinces Government. The United Provinces Government has no controlled price.

‡ **Srijut LAKSHESVAR BOROOAH:** Is it a fact that dealers were coming forward to supply Dal at the controlled rate ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, it was a fact. But the difficulty was that the United Provinces Government did not have any controlled rate at all and our dealers had to purchase Dal from the open market, and no one could get Dal from the United Provinces at our controlled rate.

The Hon'ble the SPEAKER: Mr. Barua's point was that at that point of time when this particular applicant, Rai Bahadur Sabaria, asked for a bigger price other dealers came forward and offered to the Government of Assam that they would sell at the controlled price.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We have no report from the Liaison Committee at Dibrugarh.

‡ **Srijut LAKSHESVAR BOROOAH:** Did not the recommendation of the Liaison Committee reach the Government ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: There was no information of that kind.

‡ **Srijut MOTIRAM BORA:** When did the Government increase the rate ? Before the purchase or after the purchase ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The contractor informed the Government when he found that he could not get it at the controlled price from the United Provinces Government. The question was discussed and afterwards he was allowed to purchase.

‡ **Srijut MOTIRAM BORA:** How was the Government satisfied that Rs. 26-8-0 was the price ?

‡ Speech not corrected.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The vouchers from the contractor were examined by the officers of the Department, and the price was fixed after that.

The Hon'ble Srijut GOPINATH BARDOLOI: I think I had better elucidated the point to the House. The United Provinces Government have no official procurement. The Government of India has allotted the quota of Dal from the United Provinces but the United Provinces Government did not procure the *dal* themselves; the permit holders were left to purchase them from the individual dealers. The result is that dealers vary their price according to the conditions of the market. So this disparity has arisen. The same thing has happened in respect of *Gur* also. There also we sent three officers to different zones to collect *Gur* for our permit holder; but the officers were left at the mercy of the dealers of the United Provinces Government who have no official procuring agency just as we have in the matter of rice and paddy. That quota of export from the provinces is determined by the Government of India on the reports sent by the Provincial Governments to Government of India, and the Government of India allot quotas to the procuring provinces. It is for these reasons all these anomalies have arisen. Our agents have been made to knock from door to door in the United Provinces and eventually they were forced to purchase at rates beyond the controlled rate.

The Hon'ble the SPEAKER: One thing remains rather obscure. In reply to a question of Mr. Bora it was said that when Rai Bahadur Rameshwar Saharia could not buy Dal at the controlled rate, he wrote to the Government, and the Hon'ble Minister said that at the time of fixing prices the vouchers were examined. But the vouchers must have been obtained after the purchase was made.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The position is this. Rai Bahadur Rameswar Saharia was allowed to purchase at higher rates but he could not get it at same prices from all the dealers. Therefore he had to submit his voucher to the Government officers for examination.

Mr. HARENDRA NATH SARMA: Did Government endeavour to get the quantity of *masur dal* through any other agency excepting this Rai Bahadur?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not know about this particular case, but the position is that permits were given here on the assumption that the procuring agents would be able to procure at the controlled rate, but it was later on found that they could not do so.

Srijut LAKSHESVAR BOROAH: My definite information is that other dealers came forward at that time who were ready to supply Dal at controlled rate. The Liaison Committee of Dibrugarh sent up their recommendations to Government.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The recommendations of the Liaison Committee were not found at all in the files of the Secretariat. I asked the Secretary and he said that he could not get any record at all. Then, Sir, I find from the discussion in the file that it was found that if Rai Bahadur Rameswar Saharia was not allowed to purchase at the higher price we could not get Dal anywhere.

Maulavi MUHAMMAD ROUFIQUE: Is the United Provinces the only Province from where Dal can be procured?

The Hon'ble Srijut GOPINATH BARDOLOI: No, we can procure from the Central Provinces also. The Central Provinces has got official procurement and therefore there is absolutely no difficulty about the Central Provinces, where the prices are fixed. We can therefore fix prices here without any difficulty. It is only the United Provinces which is actually responsible for all these disparities in prices and so many anomalies which are happening in the procurement of *dal* as well as *gur*.

Maulavi ABDUL HAI: Before getting from the United Provinces did Government try the Central Provinces ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: There are definite quotas from the United Provinces and the Central Provinces and we cannot purchase more from the Central Provinces than the quota allotted to us by the Government of India.

Srijut MOTIRAM BORA: Government said that they fixed the prices by examining the vouchers. My question is how could Government ascertain the genuineness of the vouchers ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: In this kind of affair a person has to depend on something or some one.

Srijut SARAT CHANDRA SINHA: Was Government under any obligation to accept the vouchers produced by the Rai Bahadur ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This is not the only basis for fixing the price. I have got records about the prices obtaining then in the United Provinces market. Prices were called for and these were supplied month by month by our officers. On a comparison with these prices the prices paid by the Rai Bahadur could not be doubted.

Sri SATINDRA MOHON DEV: Is it not a fact that the other procuring agents procured *masur dal* at controlled rate ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Not from the United Provinces but from the Central Provinces because the Central Provinces has got an official procurement organisation.

Maulavi ABDUL HAI: Are we to understand that at that time *masur dal* was available from the Central Provinces ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, but to a limited extent. We were allotted a quota of only about 10,000 tons from the Central Provinces, and the remainder of about 30,000 tons had to be obtained from somewhere else.

Srijut DANDESWAR HAZARIKA: May we know what was the cost price of the Rai Bahadur at the United Provinces ?

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

Srijut MOTIRAM BORA: Did Government make any enquiry about the genuineness of the prices alleged to have been paid by Rai Bahadur Rameswar Saharia at the United Provinces ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The vouchers were sent to the officers for examination. Rai Bahadur Rameswar Saharia under the orders of the United Provinces Government had to purchase *masur chanti* from the open market in the United Provinces at rates much higher than the rates which we fixed as controlled prices. All the purchase vouchers, etc., were thoroughly examined and scrutinised before he was allowed the higher rates for sale. He was allowed only the agency rate, viz., Rs. 24-4-0 for 150 tons allotted to the Dibrugarh Subdivision and the Political Officer of Sadiya and Tirap, and Rs. 26-8-0 for 350 tons for Jorhat, Sibsagar, Golaghat, Nowgong, and other places.

Srijut MOTIRAM BORA : Where was the scrutiny made? It must have been in Shillong. Had it any reference to the actual state of things obtaining in the United Provinces?

Maulavi Saiyid MUHAMMAD SAADULLA: My hon. Friend's point is whether vouchers were sent to the United Provinces for check to see if claimed prices were actually paid.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I don't know whether these vouchers were sent to the United Provinces for verification or not. I cannot say that unless I make further enquiries.

Srijut MOTIRAM BORA: Is it a fact that some other person who purchased from the United Provinces was not given the same rate though he produced vouchers?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: As far as I find from the file only Rai Bahadur Rameswar Saharia was given the permit to purchase *masur dal* from the United Provinces.

Dr. EMRAN HUSAIN CHAUDHURY: Are we to understand that only one agent was allowed to purchase *masur dal* from the United Provinces?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is the information I have got.

Srijut MOTIRAM BORA: Will the Hon'ble Minister make an enquiry whether Rai Bahadur Joharmall Agarwalla of Nowgong produced vouchers of the same firm, but he was not allowed the same rate that was given to Rai Bahadur Rameswar Saharia?

Srijut LAKSHESVAR BOROOAH: May I know whether there were tenderers other than Rai Bahadur Rameswar Saharia?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I was told, Sir, that this matter was not settled by calling tenders. There were many applications and the selection was made from among them by the then Hon'ble Minister of Supply and the Hon'ble Prime Minister.

Srijut SARAT CHANDRA SINHA: One thing seems to me very peculiar, Sir. A definite recommendation was sent by a Liaison Committee but that recommendation is lost in the Secretariat. How is it? Will Government see to it?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I made enquiries from the Secretary and he told me that he had asked his office to search for that recommendation.

Srijut LAKSHESVAR BOROOAH: We are told that there were no tenders. But it is a fact that tenders were invited by Gazette notification.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I could not follow, Sir.

The Hon'ble the SPEAKER: He says that tenders were invited by Gazette notification.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is not my information, Sir. I do not find that anywhere. He may be right or I may be right.

Srijut MOTIRAM BORA: Who actually fixes the price, Sir? Whether the Director himself or a reference is made to Government?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: A reference was made to Government after the whole thing was examined.

Maulavi MUHAMMAD ROUFIQUE: Sir, why not another man was tried when it was found that this particular man was unable to procure at controlled rate, that is, why another agent was not tried to procure it at a lower price?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The point was this, Sir, that this particular agent was given the permit to purchase *dal* and the demand for Assam was so urgent that *dal* had to be procured somehow or other. The quota of *dal* allotted by the Government of India to Assam from the Central Provinces was about 10,000 tons and we had to procure 40,000 tons. On account of the urgency that this was done.

Maulavi MUHAMMAD ROUFIQUE: Sir, there was no dearth of other dealers who were willing to purchase at controlled rate.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have no information about any other people offering lower price.

The Hon'ble the SPEAKER: We pass on to † Starred Question No. 115.

† Distributing Agents of Dal at Dibrugarh

Srijut LAKSHESVAR BOROOAH asked :

*115. (a) Is it a fact that the distributing agents of Dal at Dibrugarh have failed to supply Dal at the rate quoted in their tenders.

(b) Is it a fact that they have brought a huge quantity of Masur, Mug and Arhar Dals and are not distributing unless they are assured of a much higher price?

(c) Is it a fact that the meeting of the Liaison Committee, Dibrugarh, held on the 11th January last unanimously refused to accede to the unreasonable demand of the agents and recommended to Government to cancel their contract and issue permits to individual dealers to import Dal from the United Provinces and Bihar and sell it at the controlled rate?

(d) If so, what action does the Hon'ble Minister of Supply propose to take on recommendation of the Liaison Committee?

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

115. (a) & (b)—No. Only one Rai Bahadur Rameswar Saharia of Dibrugarh who imported 150 tons of Masur from the United Provinces for which this Government allowed higher sale price on examination of accounts might have refused sale of the stock at the controlled rate.

(c)—No.

(d)—Does not arise.

After a pause

The Hon'ble the SPEAKER: There is no supplementary question. We then pass on to †Starred Question No. 124.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to issue instruction to the college authority that in future for appointments of Laboratory Assistants, Demonstrators and Librarians certain educational qualification not below Matriculation should be insisted upon?

The Hon'ble Srijut GOPINATH BARDOLOI: Well, Sir, they are under the general instruction that they should take properly qualified men. If it is necessary to put down any University qualification for that and if the hon. Member can hazard his opinion that it should be of a particular kind, I shall make enquiries. I am now presuming that the Principals are exercising their discretion in the matter of appointment of these people.

Srijut GAURI KANTA TALUKDAR: Sir, all I want is that, a minimum qualification for Laboratory Assistants, Demonstrators and Librarians should be fixed and that it should not be below Matriculation. Do Government accept such proposal?

The Hon'ble Srijut GOPINATH BARDOLOI: Government do accept that properly qualified men should be taken into consideration in filling up the posts. I presume Matriculates could be appointed as Laboratory Assistants.

†**Laboratory Assistants, Demonstrators and Librarians of an affiliated College**

Srijut GAURI KANTA TALUKDAR asked:

*124. (a) Are Government aware that the Laboratory Assistants attached to the Chemistry Laboratory and one of the Laboratory Assistants attached to the Physics Laboratory of the Cotton College are mere bearers promoted to such posts—without any academical qualifications?

(b) If the reply to the above question be in the affirmative, will Government be pleased to state the reasons for promoting bearers to the post of Laboratory Assistants?

(c) Will Government be pleased to state whether any bearer has been promoted to the post of a Laboratory Assistant in the Murarichand College?

(d) Are Government aware that at present there is no paucity of qualified candidates for the post of Laboratory Assistants?

(e) Do Government propose to instruct the College authorities to discontinue the practice of promoting bearers to the post of Laboratory Assistants?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

124. (a) Of the two Laboratory Assistants attached to the Chemistry Department one read up to Class VII of High School and the other a Matriculate. The former worked as a Laboratory bearer since 1922 and was promoted to the post of the Laboratory Assistant in April 1944 having rendered approved officiating service for 2 years.

One of the Laboratory Assistants attached to the Physics Laboratory is Middle English passed. He served as Laboratory bearer since 1932 and was temporarily promoted as Laboratory Assistant in November 1946.

(b)—For want of suitable candidates the authorities promoted the bearers having been satisfied of their merit in holding the posts of Laboratory Assistants.

(c)—No.

(d)—Yes, if confined to Matriculates.

(e)—Yes, whenever it may be possible for the Principals, bearing in mind the interest and efficiency of the Departments.

Crimes committed in Gauhati, Dibrugarh and Jorhat Subdivisions during the year 1945 and 1946

Srijut LAKSHESVAR BOROAH asked :

*125. Will Government be pleased to state—

- (a) The reported cases of (1) Murder, (2) Robbery, (3) Burglary, (4) Theft of property and cattle in each of the subdivisions of Gauhati, Dibrugarh and Jorhat during the years 1945 and 1946 ?
- (b) The number of cases under each head in which the police succeeded in detecting the offenders ?
- (c) The number of cases in which the prosecutions ended in (1) conviction, (2) discharge and (3) acquittal ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

125. (a), (b) & (c)—A statement is furnished below:—

Statement of crimes committed in Gauhati, Dibrugarh and Jorhat Subdivisions during the years 1946 and 1947

Crime	Reported			Detected			Convicted			Acquitted and discharge		
	Jorhat	Gauhati	Dibrugarh	Jorhat	Gauhati	Dibrugarh	Jorhat	Gauhati	Dibrugarh	Jorhat	Gauhati	Dibrugarh
Murder ..	24	10	64	18	7	30	14	6	18	4	1	12
Robbery ..	3	23	31	3	9	5	3	2	2	..	*7	3
Burglary ..	580	841	1,097	87	127	197	62	44	140	25	†83	57
Theft of property and cattle.	430	602	1,847	137	235	449	94	122	327	43	‡111	122

*3 cases returned in final reports for want of sufficient evidence.

†18 cases ditto ditto ditto.

‡22 cases ditto ditto ditto.

and one case withdrawn and one pending.

Srijut LAKSHESVAR BOROAH : মোৰ এই প্ৰশ্নৰ উত্তৰত গবৰ্ণ-মেণ্টে এটা বিবৃতি দিছে। তাৰ পৰা দেখা যায় যে ১৯৪৬ আৰু ১৯৪৭ চনত যোৰহাটত ৫৮০টা বেৰকটা আৰু সিন্ধি খন্দা চুৰি বা burglary, গুৱাহাটীত ৮৪১টা আৰু ডিব্ৰুগৰত ১০৯৭টা case, হৈছিল। তাৰ ভিতৰত পুলিচে ধৰিছে যোৰহাটত ৫৮০টাৰ ভিতৰত ৮৭টা, গুৱাহাটীত ৮৪১টাৰ ভিতৰত ১২৭টা আৰু ডিব্ৰুগৰত ১০৯৭টাৰ ভিতৰত ১৯৭টা। মই শুধিব পাৰোনে যে পুলিচৰ এই detection সন্তোষ জনক হৈছে পুলি গবৰ্ণমেণ্টে বিবেচনা কৰেনে ?

†**The Hon'ble Srijut GOPINATH BARDOLOI:** মই ঠিক প্ৰশ্নটে বুজি নাপালে।

Srijut LAKSHESVAR BOROOAH: মই গবৰ্ণমেণ্টৰ উত্তৰত দিয়া burglary case ৰ প্ৰতি প্ৰধান মন্ত্ৰীৰ দৃষ্টি আকৰ্ষণ কৰিছোঁ। ইয়াত দেখা যায় যে ১৯৪৬ আৰু ১৯৪৭ চনত যোৰহাটত ৫৮০টা, গুৱাহাটীত ৮৪১টা আৰু ডিব্ৰুগৰত ১০৯৭টা burglary case, মানে বেৰকটা, সিদ্ধিকন্দা আদি হৈছিল। ইয়াৰ ভিতৰত যোৰহাটৰ পুলিছে ৫৮০ টাৰ ভিতৰত ৮৭টা, গুৱাহাটীৰ পুলিচে ৮৪১টাৰ ভিতৰত ১২৭টা আৰু ডিব্ৰুগৰৰ পুলিচে ১০৯৭টাৰ ভিতৰত ১৯৭টা ধৰিব পাৰিছে। মই শুধিব খোজোঁ গবৰ্ণমেণ্টে পুলিচৰ এই detection সম্ভাষণজনক হৈছে বুলি ভাবেনে?

†**The Hon'ble Srijut GOPINATH BARDOLOI:** কেনেকুৱা অৱস্থাৰ এই বিলাক অপৰাধ আৰু কেনেকুৱা অৱস্থাত এই বিলাক অপৰাধ হৈছিল তাৰ ওপৰত নিৰ্ভৰ কৰিব। বহুত সৰুসুৰা technical offence অকো burglary বুলি ধৰিব পাৰি। কিন্তু যদিহে এই বিলাক আচল burglary হয়, তেন্তে নিশ্চয় সম্ভাষণজনক হোৱা নাই বুলি কব লাগিব।

Srijut LAKSHESVAR BOROOAH: গবৰ্ণমেণ্টে অলপ চোকা দৃষ্টি দিবনে যাতে পুলিচ অলপ সচেতন হয়? এইকপে যোৰহাটত murder case হৈছিল ২৪টা, তাৰ ভিতৰত ১৮টা ধৰিছে; গুৱাহাটীত ১০টা murder case হৈছিল, তাৰ ভিতৰত ৭টা ধৰিছে; আৰু ডিব্ৰুগৰত ৬৪টা হৈছিল, তাৰ ভিতৰত ৩০টা ধৰিছে। ইমান বিলাক নবহত্যা হৈছিল, কিন্তু তাৰ ভিতৰত ইমানহে ধৰিছে। এই বাবে মই মন্ত্ৰী ডাঙৰীয়াৰ দৃষ্টি আকৰ্ষণ কৰিছোঁ। যাতে পুলিচৰ ওপৰত চোকা দৃষ্টি ৰাখে আৰু যাতে পুলিচে ভালকপে কাৰ্য্য পৰিচালনা কৰি সমাজৰ প্ৰকৃত সেৱা কৰে।

†**The Hon'ble Srijut GOPINATH BARDOLOI:** এই সম্বন্ধে পুলিচ বিভাগৰ দৃষ্টি আকৰ্ষণ কৰা হব।

†**Mr. C. W. MORLEY:** From the wording of this question I find that two years' figures were wanted. I gather from the Questioner that he wished to get some comparison but the statement shows the total for two years. It would be better to give the figures separately.

†**The Hon'ble Srijut GOPINATH BARDOLOI:** I could not follow the question.

†**The Hon'ble the SPEAKER:** দুবচৰৰ figure বেলেগ বেলেগকৈ দিয় হলে comparison কৰিবলৈ সুবিধা হ'ল হেতেন।

†**The Hon'ble Srijut GOPINATH BARDOLOI:** সেইটো ঠিক কথা।

Srijut GAURI KANTA TALUKDAR: Sir, from the report placed before us it appears that the detection of offences by police has shown miserable results and as regards conviction I find the same miserable state of affairs. It shows that the police is not sufficiently active. Will Government be pleased to enquire into the matter and find out whether it was due to negligence on the part of police or whether they were not in adequate number?

†**The Hon'ble Srijut GOPINATH BARDOLOI:** I do not know, Sir, whether any reply is called for. I have already said that the Department will be asked to look into this question. So far as the increase of staff is concerned, the hon. Member will find from the reply to the Question which has been put to-day that sufficient increase has been made in the police forces in the various places.

Requisition or acquisition of village grounds and waste lands in Dibrugarh Subdivision

Srijut LAKSHESVAR BOROOAH asked:

*126. (a) Is it a fact that village grounds and waste lands situated within 3 miles of the growing towns like Chabua, Dikom, Panitola, Tinsukia, Digboi, Margherita and Naharkatya in Dibrugarh Subdivision were requisitioned or acquisitioned for military purposes under the Defence of India Act?

(b) Is it a fact that all or most of the above lands have now been released?

(c) Is it a fact that the Deputy Commissioner, Lakhimpur, has settled or proposes to throw open some of village grazing grounds and waste lands situated as aforesaid, with speculators particularly in and about Chabua?

(d) If so, does the Hon'ble Minister-in-charge of Revenue propose to cause immediately or stop such settlements and reserve such lands situated as aforesaid, for public purposes?

The Hon'ble Srijut BISHNURAM MEDHI replied:

126. (a)—Yes.

(b)—Yes. Most of the lands have been released.

(c)—No.

(d)—Does not arise.

Srijut LAKSHESVAR BOROOAH: মই waste land ৰ সম্পর্কে কৈছিলোঁ।। সেইটোৰ উত্তৰ কিয় দিব নোৱাৰিব?

The Hon'ble Srijut BISHNU RAM MEDHI: In case of important stations like Chabua, Panitola, Tinsukia, Digboi, Margherita and Naharkatia we have said that these should be declared as town areas. With regard to the derequisitioned land first preference should be given to the original owner at the time of requisition.

Srijut LAKSHESVAR BOROOAH: মন্ত্রী ডাঙৰীয়াই মোৰ কথা মানি লব নে যে চাবুৱাৰ পৰা আধা মাইল দূৰৈত চাৱেলি নুনিয়া নামৰ মানুহ এটাৰ মাটি লৈছিল, কিন্তু derequisition হ'লত তাৰ মাটি টাউনৰ speculator এজনৰ লগত settle কৰিছে।

The Hon'ble Srijut BISHNURAM MEDHI: If that is so and if the hon. Member gives the definite name of the persons I will enquire into the matter.

†Speech not corrected.

Srijut LAKSHESVAR BOROOAH: নাম মই কলোৱেই। মানুহটোৰ নাম চাৰেলি।

The Hon'ble Srijut BISHNURAM MEDHI: It will be better if some description of the land and its boundaries are specifically given to me.

Srijut LAKSHESVAR BOROOAH: মই দাগৰ নম্বৰ আৰু পট্টাৰ নম্বৰ আজিয়েই দি দিম।

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Re Excise Department

Professor NIBARAN CHANDRA LASKER asked:

358. (a) Will Government be pleased to state whether their attention has been drawn to the resolutions passed at the annual session of the Assam Excise Officers' Association held at Shillong in April 1946?

(b) If so, what actions have been taken to meet their demands?

359. (a) Will Government be pleased to state whether the post of Commissioner of Excise is proposed to be thrown open to members of the Assam Excise Service?

(b) Are Government aware of the feeling that the present system of appointing a member of the Assam Civil Service to that post affects adversely the prospects of the members of the Assam Excise Service?

(c) Are Government aware that in Bengal the post of the Commissioner of Excise is filled up by members of the Bengal Excise Service?

360. (a) Do Government propose to revise the scales of pay of the Inspectors and Sub-Inspectors of Excise and to bring the same to at par with the Inspectors and Sub-Inspectors of Police?

(b) Do Government propose to consider immediately the question of granting second class travelling allowance to the Inspectors of Excise?

(c) Are Government aware that lack of travelling amenities hamper the efficient discharge of their duties?

(d) Are Government aware of the scale of pay and the class of travelling allowance drawn by the Inspectors of Excise in Bengal?

(e) If so, what are those?

The Hon'ble Srijut RAMNATH DAS replied:

358. (a)—Yes.

(b)—The various questions raised are under examination.

359. (a)—Yes, for future.

(b)—It has been represented to be so.

(c)—This post is open for the Bengal Excise Service.

360. (a)—Revision of the scales of pay of officers generally is engaging the attention of Government.

(b)—The matter is under consideration.

(c)—It may be so.

(d) & (e)—Yes, Rs.125—360 and second class.

Re Extension of service or re-employment after retirement**Srijut PURNA CHANDRA SARMA** asked :

361. Will Government be pleased to state—

- (a) The names of officers who have been granted extensions after pensionable period of their service or re-employment after retirement in the Forest, Excise and the Public Works Departments with reasons for their extension or re-employment, as the case may be ?
- (b) Whether any more extension or re-employment is contemplated in the case of any one ?
- (c) If so, why ?

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

361. (a)—In the Forest and Excise Departments the following officers are now re-employed :—

1. Mr. N. N. Das, Divisional Forest Officer, Sylhet.

2. Rai Sahib D. Barua, Divisional Forest Officer, Nowgong.

They were re-employed on account of the paucity of experienced officers fit to hold divisional charges.

None in Excise.

(b) & (c)—Government propose to extend the re-employment of above named officers by short period until relieved by suitable officers.

Srijut PURNA CHANDRA SARMA : Are these people still in service ; I mean Mr. N. N. Das and Mr. D. Barua ?**The Hon'ble Srijut RUPNATH BRAHMA** : Mr. D. Barua is not in service now. Mr. N. N. Das was in charge of the Sylhet Division and now he is without any post as he has not been taken by the Pakistan Government.**Srijut PURNA CHANDRA SARMA** : Has he been granted any extension ?**The Hon'ble Srijut RUPNATH BRAHMA** : It will appear later in connection with some other question.**Number of Officers at present in the Procurement and Supply Departments****Maulavi ABUAL MAJID ZIAOSH SHAMS** asked :

362. Will Government be pleased to state—

- (a) The total number of officers at present in the Procurement and Supply Departments in Assam with the designation of each ?
- (b) How many of them are Muslims and what are their designations ?
- (c) How many officers have been taken in the Procurement and Supply Departments within the last one year commencing from February 1946 and how many of them are Muslims, giving the designations of the officers taken in ?
- (d) How many persons have been appointed from Goalpara District in course of last one year commencing from February 1946 in the Procurement Department ?

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

362. (a)—A statement is given below—

In the Supply Department

Superintendents of Supply ...	8
Assistant Controllers of Rationing ...	9
Inspectors of Supply ...	21
Sub-Inspectors of Supply ...	112
Deputy Director of Supply ...	1
Assistant Directors of Supply ...	2
Director of Supply ...	1
Deputy Director of Supply (Accounts) ...	1
Deputy Director of Supply (Rationing) ...	1
Accounts Officer, Supply (Accounts) ...	1
Personal Assistant to the Director of Supply ...	1

In the Procurement Department

Director of Supply (Procurement), Assam ...	1
Special Officer, attached to Director of Supply (Procurement), Assam.	1

Assam Valley Procurement

Deputy Directors of Procurement ...	4
Assistant Directors of Procurement ...	3
Controllers ...	3
Inspectors ...	38
Sub-Inspectors ...	12
Assistant Sub-Inspectors ...	11

Surma Valley Procurement

Deputy Director of Supply (Procurement) ...	1
Assistant Director of Supply (Procurement) ...	1
Controllers ...	3
Inspectors ...	20

(b)—They are as below—

Superintendents of Supply ...	5
Assistant Controllers of Rationing ...	2
Inspectors of Supply ...	7
Sub-Inspectors of Supply ...	39
Deputy Director of Supply (Rationing) ...	1

Assam Valley Procurement

Deputy Director of Procurement ...	1
Assistant Director of Procurement ...	1
Inspectors of Procurement ...	12
Sub-Inspectors of Procurement ...	3
Assistant Sub-Inspectors ...	4

Surma Valley Procurement

Deputy Director of Supply (Procurement) ...	1
Controllers ...	3
Inspectors ...	11

(c)—They are as shown below:—

Superintendent of Supply ...	1	1
Assistant Controllers of Rationing ...	3	...
Inspectors of Supply ...	8	4
Sub-Inspectors of Supply ...	22	7

Muslim

- (b) If so, what are their names ?
 (c) At what pay they have been re-employed ?
 (d) Whether they are holding charge of any Forest Division ?
 (e) Whether it is a fact that two officers of this Service have been given extension ?
 (f) If so, for how many years and when their retirement was due and when their period of extension will be terminated in each case ?
 (g) Whether Government are aware that the principle of giving extension is neither wholesome to the public interest nor beneficial to the Department and financially more expensive ?
 (h) Whether Government propose to stop this practice of giving extension or re-employing retired officers further in future ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

363. (a)—Twenty-eight. The cadre is under revision. The names of present incumbents are given below.

Statement showing the names of permanent officers in the Forest Department, Assam.

- | | |
|--------------------------------|---|
| 1. H. P. Smith, Esq. | 15. Srijut Madhab Chandra Bhatta-charyya. |
| 2. J. B. Rowntree, Esq. | 16. Babu Phani Bhusan Kar. |
| 3. P. D. Stracey, Esq. | 17. Mr. Justman Swer. |
| 4. Dr. N. L. Bor. | 18. Srijut Rabindra Mohan Das. |
| 5. J. L. Harrison, Esq. | 19. Babu Mohendra Nath Pait. |
| 6. M. C. Jacob, Esq. | 20. Srijut Probhakar Baruah. |
| 7. K. B. Mohan Lal, Esq. | 21. Maulavi Md. Azizul Islam. |
| 8. M. M. Srinivasan, Esq. | 22. Srijut Makhan Lal Saikia. |
| 9. C. A. Rama Bhadrans, Esq. | 23. Srijut Monomohan Das. |
| 10. C. S. Purkayastha, Esq. | 24. Mr. Doyal Chand Kaith. |
| 11. Srijut Parasuram Dutta. | 25. Srijut Bhupendra Nath Das. |
| 12. Babu Ramesh Chandra Dutta. | 26. Maulavi Md. Sirajul Islam. |
| 13. Babu Sasi Mohan Dev. | 27. Maulavi Md. A. S. M. Zaheruddin. |
| 14. Babu Biresh Chandra Sen. | 28. Maulavi Md. A. Hamid. |

(b)—No. Three. Mr. J. N. Das has retired.

(c)—Besides the three posts reserved for promotion, Government have three candidates under training at the Forest College.

364 (a)—Yes.

(b)—First appointed temporarily in 1928 at the age of 23 years 3 months and on a pay of Rs.400 per mensem.

(c)—Rupees 200.

(d)—In view of his previous service under Government and Wards' Estates.

(e)—He held charge of Golaghat Range but he is no more in charge of that Range.

(f)—Not always.

(g)—This is an important Range and has been also held by other Senior Officers.

(h)—The answer to the first part is in the affirmative, but the claims of other officers have not been overlooked.

(i)—Does not arise.

365. (a)—Yes, one.

(b)—Mr. N. N. Das

(c)—On Rs.750 per mensem.

(d)—Mr. N. N. Das in charge of Sylhet Division and not now.

(e) & (f)—The period of re-employment ran out on 16th April 1947 ; Government have decided to grant Mr. Das a further extension up to the end of the current financial year, *i. e.*, 31st March, 1948.

(g)—This is a matter of opinion.

(h)—Government are generally opposed to grant of extension or re-employment of retired officers, but in some circumstances this cannot be avoided without handicapping the administration.

Maulavi Muhammad ROUFIQUE: We want to know why Mr. N. N. Das was granted extension ?

The Hon'ble Srijut RUPNATH BRAHMA: The reply is already there. We are short of experienced officers to hold charge of responsible posts.

Srijut PURNA CHANDRA SARMA: May I know why Mr. N. Das is still in service ?

The Hon'ble Srijut RUPNATH BRAHMA: His case will come up for consideration shortly and we shall see if we would require his services.

Srijut PURNA CHANDRA SARMA: Has Mr. Das been posted to any Division in the Assam Valley ?

The Hon'ble Srijut RUPNATH BRAHMA: No.

Maulavi ABDUL HAI: Sir, in reply to Question No.364(b), may I know if this pay of Rs.400 was given as a special case ?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, in consideration of his previous service under Government and Wards' Estates as stated in (d).

Maulavi ABDUL HAI: Was his age 23 years and 3 months at the time of giving this special pay of Rs.400 ?

The Hon'ble Srijut RUPNATH BRAHMA: At the time of his first appointment he was 23 years and 3 months of age.

Maulavi ABDUL HAI: Was that his age when he was granted the special pay ?

The Hon'ble Srijut RUPNATH BRAHMA: He was not appointed as a Special Officer.

Maulavi ABDUL HAI: But why he was given a special pay ?

The Hon'ble Srijut RUPNATH BRAHMA: He was given special pay in view of his past experiences in the Wards' Estate where he was, so far as I know, getting Rs. 385 per mensem. In consideration of this and his previous experiences and as the Government was very much in need of experienced officers he had to be given this special pay.

Maulavi ABDUL HAI: Is it not a fact that once he was given the charge of Golaghat Range ?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, he was in-charge of Golaghat Range.

Maulavi ABDUL HAI: What is the pay of a Ranger while he is in-charge of a Range ?

The Hon'ble Srijut RUPNATH BRAHMA: If the hon. Member goes carefully through the reply, he will find the answer.

Maulavi ABDUL HAI: Is it not a fact that if a Ranger holds charge of a Range he gets a Ranger's pay and not any special pay ?

The Hon'ble Srijut RUPNATH BRAHMA: That Range was sometime held by Ranger but not for all the time. Even officers more senior to this gentleman use to hold charge of that Range.

Maulavi ABUAL MAJID ZIAOSH SHAMS: When he was reappointed after his services in the Ward's Estate ?

The Hon'ble Srijut RUPNATH BRAHMA: That is altogether a separate question. I want notice of it.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Can the Government state what was his age when he was reappointed ?

The Hon'ble Srijut RUPNATH BRAHMA: I want notice of this, Sir.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Was he not age-barred, Sir ?

The Hon'ble Srijut RUPNATH BRAHMA: I want fresh notice of this question.

Purchase of Furniture and Materials from Military Depot for Dibrugarh Medical College

Srijut BHADRA KANTA GOGOI asked :

366. Will Government be pleased to state—

- (a) The amount spent by them in buying furniture and materials from the Military Depot for the Dibrugarh Medical College ?
- (b) Under whose charge the articles so purchased have been kept ?
- (c) Whether it is a fact that many of that purchased articles have been stolen ?
- (d) If so, what is the actual amount of the loss ?
- (e) For whose negligence these articles were stolen ?
- (f) What steps have been taken to punish the persons at fault ?

The Hon'ble Srijut RAMNATH DAS replied :

366. (a)—Government have purchased American Hospitals' stores and equipment belonging to the 20th and 234th American General Hospitals and 25th Field Hospital at a total cost of Rs. 13 lakhs out of which, hospital equipment of 1,000 beds, approximately valued at Rs.6 lakhs has been earmarked for the Dibrugarh Medical College.

(b)—Under the charge of the Civil Surgeon, Lakhimpur, the Officer in immediate charge of the stores at Chabua being an Assistant Surgeon.

(c)—Some of the articles are reported to have been stolen. Every case of theft was immediately brought to the notice of Police.

(d)—The matter is under investigation and actual loss cannot, therefore be ascertained at this stage.

(e)—Does not arise in view of the reply in (d) above.

(f)—Does not arise at present as the matter is still under Police investigation.

Srijut LAKSHESVAR BOROOAH: বঙ্গ বিলাক চুৰি হোৱা সম্পৰ্কে তদন্ত কৰা হৈছিল বুলি উত্তৰৰ পৰা জনা গৈছে। প্রশ্নটো মাৰ্চ মাহতে কৰা হৈছিল। তদন্ত কৰি পালেনে কোন দায়ী ?

The Hon'ble Srijut RAMNATH DAS: তদন্ত কৰি নাকো দায়ী কৰিব পৰা নগল।

Srijut BHADRA KANTA GOGOI: এই মদকে দুজনক dismiss কৰা কথাটো সচানে মিছা ?

(No reply).

Srijut PURNA CHANDRA SARMA: কেইজন officer ক dismiss কৰা হৈছে ?

The Hon'ble Srijut RAMNATH DAS: মই কৈছোঁ যে তদন্ত কৰি কাকো দায়ী পোৱা নগল।

The Hon'ble the SPEAKER: From the answer it is not clear whether the cases of the officer or officers responsible were investigated also ?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir, the police has submitted final report after their investigations and the Inspector-General of Civil Hospitals enquired into the matter. He could not lay blame on any officers.

Srijut LAKSHESVAR BOROOAH: পুলিচ বিপোর্টৰ পৰা জনা গৈছে যে বিপোর্ট কৰা মতে প্ৰকৃততে বাহিৰা মানুহে চুৰ কৰা নাই।

Srijut MATIRAM BORA: Loss কিমান হৈছিল কব পালেনে ?

The Hon'ble Srijut RAMNATH DAS: ২,০১৩ টকা।

Moslem Hostel attached to Sibsagar Government High School and re Moslem Boarders of Government High Schools

Dr. EMRAN HUSAIN CHAUDHURY asked :

367. (a) Is it a fact that the existing Muslim Hostel buildings attached to the Sibsagar Government High School are unhygienic, uncared for and unfit for habitation ?

(b) Is it a fact that Muslim guardians of Sibsagar Subdivision submitted a petition sometime ago to the Hon'ble Premier, with copies to the Director of Public Instruction and Inspector of Schools, Assam Valley Circle for the reconstruction of the Hostel Buildings at an early date ?

(c) If so, will Government be pleased to state what steps have been taken by them in the matter ?

368. Are Government aware that the Muslim Boarders of Government High Schools all over Assam experience a lot of difficulties while residing in their existing Hostels ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

367. (a)—No.

(b)—Yes.

(c)—Action is being taken for the reconstruction of the hostel building.

368.—Government have no information.

Maulavi Saiyid MUHAMMAD SAADULLA : Will the Hon'ble Prime Minister state why he undertook to reconstruct the building, if his reply to Question (a) is correct ? In reply to (a) he says that the building was not uncared for, unhygienic and unfit for habitation but in his reply to Question (c) he says that action is being taken for the reconstruction of the whole building.

The Hon'ble Srijut GOPINATH BARDOLOI : Even without the existence of such conditions repair or rebuilding of a building may be necessary.

Maulavi Saiyid MUHAMMAD SAADULLA : Was it simply for the purpose of wasting taxpayer's money that the building was reconstructed, or that reconstruction was necessitated by the unhealthy condition of the building ?

The Hon'ble Srijut GOPINATH BARDOLOI : It was not built because of unhygienic conditions and unfit for habitation but it was felt necessary to reconstruct it in order to have a sounder building.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS** : Why then the Government wants to incur all this expenditure for reconstruction of the building ?

The Hon'ble Srijut GOPINATH BARDOLOI : Government sometimes think it fit to reconstruct some building and that does not mean waste of money.

Maulavi Saiyid MUHAMMAD SAADULLA : It seems that the Government's quarrel to Question (a) was with the vocabulary and not with the substance. That the building was unfit for habitation, Government does not admit it but all the same they have been compelled to reconstruct it.

The Hon'ble Srijut GOPINATH BARDOLOI : Sir, I have already replied to the question.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS** : Is it in the static sense that the Government replied to the questions ?

The Hon'ble Srijut GOPINATH BARDOLOI : I am not going to reply to this question.

Grants to non-Government Colleges

Srijut PURNA CHANDRA SARMA asked :

369. Will Government be pleased to state what grants are received by the non-Government Colleges in the Province and the number of students at present in each such college ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

369.—A list is given below—

List of Aided Colleges with their existing grants

Name of Colleges	Existing monthly grant	Present enrolment
	Rs.	
1. J. B. College, Jorhat
2. M. C. College, Barpeta ...	700	388
3. Hamidabad Intermediate College ...	650	68
	300	10 (grants under suspension).

†Speech not corrected.

Name of Colleges	Existing monthly grant	Present enrolment
	Rs.	
4. B. Borooah College, Gauhati	400	175
5. Nowgong College	250	156
6. Darrang College, Tezpur	250	56 (1st year class only and 2nd year sent up).
7. Nalbari Arts' College	200	58
8. Guru Charan College, Silchar	700	204
9. Brindaban College, Habiganj	500	242
10. Madanmohan College, Sylhet	800	278
11. St. Anthony's College, Shillong	560	234
12. St. Mary's College, Shillong	250	68
13. L. K. Girls' College, Shillong	700	57
14. Sunamganj College	600	Not available.

Srijut PURNA CHANDRA SARMA: ইয়াত দেখা যায় যে বহুত কলেজত ছাত্ৰৰ সংখ্যা কম হোৱাতো টকা বেচি দিয়া হৈছে। এই অসামঞ্জস্য কিয় হৈছে আমি জানিব পাৰো নে?

The Hon'ble the SPEAKER: It seems that in putting questions in Assamese the language is not always expressive. I hope the hon. Members will please clearly put their questions so that the real meaning is expressed.

Srijut PURNA CHANDRA SARMA: ৩৬৯ নং প্ৰশ্নৰ উত্তৰত দেখা যায় যে যি বিলাক কলেজত grant দিয়া হৈছে, তাত ছাত্ৰৰ সংখ্যা হিচাবে grant দিয়া হোৱা নাই। বহুত কলেজত ছাত্ৰৰ সংখ্যা কম থকাতো ছাত্ৰৰ সংখ্যা বেচি থকা কলেজতকৈ বেচি grant দিয়া হৈছে।

The Hon'ble the SPEAKER: This cannot be put as a supplementary question as it involves a question of policy.

Srijut PURNA CHANDRA SARMA: I find that there is disparity in the distribution of grants by the Government. My point is that some of the Colleges have been given more grant although the number of students is less than in other Colleges. I want to know from the Government the reason of such disparity?

The Hon'ble the SPEAKER: If it is a general question I cannot permit it because the disparity in giving grants cannot be put as a general question. If the hon. Member wants to refer to any particular case where he thinks that there was disparity he may state that.

Srijut PURNA CHANDRA SARMA: My question is with regard to all the Colleges.

The Hon'ble the SPEAKER: That is not permissible in supplementary questions to this main question.

Srijut PURNA CHANDRA SARMA: I can make more clear. Why the Nowgong College which has an enrolment of 156 which is far more higher than many other Colleges in the Province is getting so small a grant as Rs.250 only as against those with smaller number of student which are getting bigger grants. For example, as you see, the M. C. College, Barpeta, with only 68 in the enrolment is getting Rs.650, whereas the Nowgong College with 156 is getting only Rs.250. How is this?

The Hon'ble Srijut GOPINATH BARDOLOI: If he refers to the M. C. College, Barpeta, it was started in 1939. During its existence of about ten years, whenever there was occasion for Government to consider the question of grants, it has received some consideration from Government. As regards the Hamidabad Intermediate College, it has ceased to exist.

Srijut PURNA CHANDRA SARMA: What about the L. K. Girls' College ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is a Girls' College and is on the same footing as the M. C. College, Barpeta.

Srijut MOTI RAM BORA: তেনেহলে, যোৰহাট কলেজো পুৰণিকলীয়া আৰু তাত ৩৮৮ জন ছাত্ৰ আছে। তাত মুঠেই ৭০০ টকাহে দিয়া হৈছে; বৰপেটা কলেজত মাত্ৰ ৬৮ জন ছাত্ৰ, কিন্তু তাত কিয় ৬৫০ টকা দিয়া হৈছে ?

The Hon'ble Srijut GOPINATH BARDOLOI: যি কোনো কাৰণেই হওক পুৰণি কলেজ বুলি যোৰহাট কলেজে ৭০০ টকা পাইছে।

Srijut MOTI RAM BORA: আপুনি কৈছে যে পুৰণি কলেজ দেখি টকা বেচি দিয়া হৈছে। যোৰহাট কলেজো পুৰণি কলেজ; তাত কিয় বেচিকৈ দিয়া হোৱা নাই ?

The Hon'ble Srijut GOPINATH BARDOLOI: যোৰহাট কলেজে ৭০০ টকা পাইছে।

Srijut MOTI RAM BORA: যোৰহাট কলেজত ৩৮৮ জন ছাত্ৰ আছে; তাত দিয়া হৈছে ৭০০ টকা। কিন্তু মাত্ৰ ৬৮ জন ছাত্ৰ থাকাতো বৰপেটা কলেজত ৬৫০ টকা দিয়া হৈছে কিয় ?

The Hon'ble Srijut GOPINATH BARDOLOI: আৰু এটা কথা আছে। ৩৮৮ জন ল'ৰা থাকিলে তাত fee আদিও বেচি পাব। তেনেকুৱা কাৰণে হ'ব পাৰে। সংখ্যা বাঢ়িলেই যে grant বাঢ়িব সেইটো হ'বনে ?

Srijut MOTI RAM BORA: তেনেহলে ছাত্ৰ সংখ্যা বাঢ়িলে grant বেচি পাব লাগিব ?

The Hon'ble Srijut GOPINATH BARDOLOI: ছাত্ৰ সংখ্যা কম হলেও যদি বেচি বিষয় শিক্ষা দিব লাগে, তেন্তে নিশ্চয় টকা বেচি পাব।

Srijut MOTI RAM BORA: যি কলেজত মাত্ৰ ৬৮ জন ছাত্ৰ থাকে তেনে কলেজ ব'খা উচিত নে ?

The Hon'ble Srijut GOPINATH BARDOLOI: যদি কিবা বেচি বিষয় শিক্ষা দিব লাগে তেন্তে খৰচো বাঢ়িব।

Srijut MOTI RAM BORA: কি কি বিষয় শিক্ষা দিলে grant বেচি পোৱা যায় ?

The Hon'ble Srijut GOPINATH BARDOLOI: সেইটো বিষয় অনুসাবে হব। যদি বেচি বিষয় থাকে তেনেহলে সেই অনুসাবে grant বেচি দিয়া হব পাৰে। বৰপেটাৰ M. C. College, 1st Grade College.

Srijut BELI RAM DAS: যিখন কলেজত ছাত্ৰ সংখ্যা কম আছে তাতো বেচি ছাত্ৰ থকা কলেজৰ দৰে সমানে staff ৰাখিব লাগে।

Srijut MOTI RAM BORA: যি কলেজত ১০ বছৰৰ মূৰতো ৬৮ জন ল'ৰা থাকে তেনে কলেজ বখা উচিত নে ?

Srijut PURNA CHANDRA SARMA: এনে কলেজ বখা গবৰ্ণ-মেণ্টৰ পক্ষে উচিত হৈছেনে ?

The Hon'ble Srijut GOPINATH BARDOLOI: নই কম যে সেইটো policy ৰ কথা। আপোনাসকলে এই এছেম্বলিত যি মতামত দিয়ে নই সেইমতে চলিবলৈ বাজী আছে। কিন্তু বৰ্ত্তমানে যি বিচাৰ কৰি টকা দিয়া হৈছে সেইটো পুনৰ্ণি দেখি দিয়া হৈছে। সেইটোৱেই মূল নীতি আৰু সেই বকমেই grant দিয়া হৈছে।

Dr. EMRAN HUSAIN CHAUDHURY: যোৰহাট কলেজৰ grant বঢ়াবলৈ চেষ্টা কৰিবনে ?

The Hon'ble the SPEAKER: মূলনীতিৰ বাখ্যা বুজা নগল। সেই নীতি কি এয়ে যে ল'ৰাৰ সংখ্যা কম হলে টকা বেচি দিব আৰু বেচি হলে কম দিব ?

The Hon'ble Srijut GOPINATH BARDOLOI: সেই কাৰণে যদি ছাত্ৰসংখ্যা ১০০ জন বা ৫০ জনৰ কম হয় তেনেহলে গবৰ্ণমেণ্টে grant নিদিব—এনেকুৱা policy কৰক। যদি এই ধৰণৰ নীতি মানিলোৱা হয় তেন্তে সেই বকমে চলিব লাগিব। যোৰহাট কলেজ 1st Grade College আৰু বৰপেটা M. C. কলেজে 1st Grade কলেজ যদিও তাত ছাত্ৰসংখ্যা কম। যদি ছাত্ৰসংখ্যা হিচাবে grant distribute কৰিব লাগে তেনেহলে House এ কওক মই তাৰ পৰা grant ওছাই দিম।

Srijut DANDESWAR HAZARIKA: যোৰহাট কলেজে grant বঢ়াই দিবৰ কাৰণে বহুত আবেদন কৰিছিল ; কিয় বঢ়াই নিদিলে ?

The Hon'ble Srijut GOPINATH BARDOLOI: বঢ়াই দিছে। আগেয়ে ৬০০ টকা আছিল ; এতিয়া ৭০০ টকা।

Srijut HARINARAYAN BARUA: বৰপেটা M. C. কলেজ 1st Grade কলেজ হলেও তাত মাখন ৬৮ জন ছাত্ৰ আছে। আজি ১০ বছৰ ভিতৰতো যেতিয়া ছাত্ৰসংখ্যা বৃদ্ধি হোৱা নাই, তেনেহলে এই সভাৰ মত এয়ে যে এই কলেজৰ grant বন্ধ কৰি দিয়াই ভাল।

The Hon'ble Srijut GOPINATH BARDOLOI: এজন লোকৰ মত নহৈ যদি এছেম্বলিৰ মত হয়, তেনেকুৱা মত গ্ৰহণ কৰাত মোৰ কোনো আপত্তি নাই।

Srijut HARINARAYAN BARUA: যদি তাকে কৰিব নালাগে, তেন্তে যিবিলাক কলেজৰ ছাত্ৰসংখ্যা বেচি তাত grant বেচিকৈ দিব লাগে।

Maulavi ABDUL HAI: মোৰ question হৈছে নলবাৰীত ৫৮ জন student আছে, তাত ২০০ টকা দিছে; প্ৰধান মন্ত্ৰী ডাঙৰীয়াই কৈছে যে যিবিলাক কলেজত কম সংখ্যক ছাত্ৰ আছে তাত বেচিকৈ grant দিছে; সেই হিচাবে নলবাৰী কলেজত বেচিকৈ grant নিদিয়ে কিয়?

The Hon'ble Srijut GOPINATH BARDOLOI: নতুনকৈ যি কলেজ হৈছে সেই কলেজৰ grant ২০০ টকাকৈ আবস্ত কৰা হৈছে। কেৱল নগাঁও আৰু দৰং কলেজক special কৰি ২৫০ টকাকৈ দিয়া হৈছে।

Maulavi ABDUL HAI: দৰং কলেজ তেনেহলে নতুন?

The Hon'ble Srijut GOPINATH BARDOLOI: মোট কথা হৈছে aid. Aid সম্পৰ্কে এতিয়ালৈকে যি নীতি চলি আহিছে সেইমতে প্ৰথম বছৰত ২০০ টকাকৈ দিয়া হৈছে। কেৱল নগাঁও আৰু দৰং কলেজক special কৰা হৈছে।

Srijut MOTI RAM BORA: নগাঁও কলেজত 3rd year ৰ পৰাহে দিয়া হৈছে। এতিয়া 4th year চলিছে।

The Hon'ble Srijut GOPINATH BARDOLOI: ইউনিভাৰ্চিটিৰ মতে এতিয়া 3rd year বুলিহে জানো।

Dr. EMRAN HUSAIN CHAUDHURY: এইটো মনত ৰাখি মোৰহাট কলেজৰ grant অলপ বৃদ্ধি কৰিবনে?

The Hon'ble Srijut GOPINATH BARDOLOI: সেই সম্বন্ধে বিবেচনা কৰা হব।

Maulavi ABUAL MAJID ZIAOSH SHAMS: grant to the Hamidabad College was suspended? May I know, Sir, why the

The Hon'ble the SPEAKER: Order, order. That is a new question.

Maulavi ABUAL MAJID ZIAOSH SHAMS: But it was stated in the reply that the grant was suspended.

The Hon'ble the SPEAKER: How this question can arise? The question is: "Will Government be pleased to state what grants are received by the non-Government Colleges in the Province and the number of students at present in each such College?" It is a very simple question and the answer given is also simple?

Maulavi ABUAL MAJID ZIAOSH SHAMS: Why it was replied at all that it is under suspension?

The Hon'ble the SPEAKER: Two 'wrongs' do not make a 'right'!
(Laughter).

The Hon'ble Srijut GOPINATH BARDOLOI: Well, I think I can reply to that, Sir. The House will remember that at the request of the hon. Leader of the Opposition regarding the continuance of the grant, I had taken up the matter. But soon after two of the teachers made application to me that they were not receiving any payment since the beginning of the Institution and that they were working there with furniture. The Director of Public Instruction further reported that there were only 8 students and there was no Managing Committee. So, the Institution was only existing in name. Thus there was no other alternative but to accept the report of the Director of Public Instruction.

The Hon'ble the SPEAKER: Order, order.

The Assam Land and Revenue Regulation (Amendment) Bill, 1947

Maulavi MUHAMMAD ROUFIQUE: Mr. Speaker, Sir, yesterday I pointed out that this Bill was dated 28th August only and that for the first time a copy of the Bill was placed before the Members yesterday, that is, on the 1st September. Now it is really very regrettable that the Hon'ble Minister has cast to the winds all practice and procedure in bringing this Motion before the House. According to Rules, the Members are entitled to have a copy of the Bill at least seven days before the Motion is brought before the House. This the Hon'ble Minister has simply done away with. Again, Sir, as hitherto followed, the Bill is published in the Official Gazette. In this case this Bill has not been published. It has a far reaching character in the Bill, because by this Bill the Government could by one stroke of pen create some free estates circle areas and bring ruin and devastation to many homes.

(Hon'ble Srijut Bishnuram Medhi: How?)

If the Hon'ble Minister goes through the provisions in the Bill he will find that people are liable to be ejected from their homestead land within the belt when the belt is created and people live inside. He has drafted several new sections from 162 to 171. These are very stringent provisions because by Gazette notification Government could create some area within the existing village. All settlement of land will be regulated by the Deputy Commissioner under powers delegated to him under this Act. I do not know why the Hon'ble Minister was in such a hot haste to bring this Bill and rush it through the Session. It might be out of his anxiety to placate his Tribal friends and keep this within the party fold or may be to keep the party falling down otherwise. I do not really understand why there is such hurry and why there should not be normal compliance of the procedure. I therefore move

that this Bill should be published or circulated for eliciting public opinion. The Hon'ble Speaker can direct the Hon'ble Minister to bring it in compliance with the rules laid down in the Manual. They should either publish it in the Gazette or give sufficient notice to the Members. Now, as he has not done so, this Bill should be circulated for eliciting public opinion.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I think I can explain; what my Friend Mr. Roufique has been placing before the House is that according to Rule 56, when a Bill is introduced, or on some subsequent occasion, the member-in-charge may make one of the following motions in regard to the Bill, namely, that it be taken into consideration by the Assembly either at once or at some future day..... But this is subject to the proviso in sub-clause (2) of the same rule—"provided further that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made and such objection shall prevail unless the Speaker, in his discretion, allows the motion to be made".

Now according to my Friend's contention printed copies of the Bill that we have got were ready on the 28th of August, but it was not circulated to the Members and it was laid on the table of some of the hon. Members only yesterday. Seven days have not elapsed between its publication and subsequent Motion for consideration of my Friend the Hon'ble Minister. So my Friend has got a right to object. I think it will be graceful on the part of the Hon'ble Minister if he makes his Motion for consideration on a subsequent day during this Session.

The Hon'ble Srijut BISHNURAM MEDHI: I have no objection; if the House desires I will bring a Motion afterwards. I am not in hurry. I have no objection.

The Hon'ble the SPEAKER: The Motion for consideration will be taken up at a later date, *i.e.*, on the 12th, which is the next Government day.

The Hon'ble Srijut BISHNURAM MEDHI: Then the Motion for eliciting public opinion, I think, is withdrawn.

Maulavi MUHAMMAD ROUFIQUE: In view of my leader's statement I beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: Now we pass on to the item No. 15.

The Assam Maternity Benefit (Amendment) Bill, 1947

The Hon'ble Srijut RAMNATH DAS: Hon. Members have not received copies of the Bill. I am sorry that the Bill has gone to the Press for printing only yesterday. As it nearly tries to give legal status to the agreement with regard to maternity benefit of the Tripartite Conference, so I may be permitted to introduce the Bill on the 12th.

The Hon'ble the SPEAKER: Probably I shall be agreeing to a very dangerous precedent if I put it to the House to agree to the Hon'ble Minister's proposal for consideration of a Bill, the copies of which are not with the hon. Members.

The Hon'ble Srijut RAMNATH DAS: Sir, this is a harmless Bill and an urgent one.

The Hon'ble the SPEAKER: This particular piece of Bill may be a harmless one but this will create a very dangerous precedent. I am sorry, I cannot agree to this proposal.

Maulavi Saiyid MUHAMMAD SAADULLA: The same procedure which we have proposed to adopt with regard to the Hon'ble Revenue Minister's Bill might be adopted in this case also. If my Hon'ble Friend the Medical Minister is ready with copies of his Bill, we may take this up for introduction day after to-morrow.

The Hon'ble the SPEAKER: If Government are ready with printed copies we can take it up for introduction day after to-morrow although that day has been allotted for Private Members' business.

Principles of a Model Provincial Constitution

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to present the *"Principles of a Model Provincial Constitution" and to move that it be taken into consideration.

Before actually discussing the terms of these principles as embodied in the clauses it is possibly necessary for us to know the function which we, as Members of this Assembly, have to discharge in reference to this matter. You very well know, Sir, that the last elections were fought on the general issue of determining what our future constitution should be. Both the Muslim League Party as well as the Congress Party made this an issue in their elections. Each party had of course their own viewpoint as to what their future should be; but it is a fact that both the parties fought the elections on the issue of what the future constitution will be. The issue so far as the Congress Party was concerned was also to get some mandate from the people as to how they should function in the Constituent Assembly. What happened as a result of that election is known to us all. The Muslim League came with their own viewpoint with regard to their future and the Congress also came with ideas as to what should be their future. In the meantime vast changes have taken place and the final authority for framing our constitution has been left to us by the British Government by the Declaration of May 16th, subsequently modified by the Declaration of 3rd June. We of course know that the Constituent Assembly Members were elected by us, the Muslim part electing the Muslim Members and the General part electing their own Members. Those Members sat in the Constituent Assembly, took part in the discussions there and discharged, so far as the General part is concerned, their functions even without the co-operation of the Muslim League party till the last July Session of the Constituent Assembly. In the meantime of course a portion of the Model Constitution, which is placed before the House, was discussed; but at a subsequent stage the Assam Members from the Muslim League also participated in the discussion till the whole thing was completed, printed and sent to different provinces for consideration. The House had been pleased to send their delegates to the Constituent Assembly who did their part in agreement with the representatives of other places, but since it is on the franchise of this House that we did agree to these principles we have considered it desirable to place them before the House for consideration and for favour of giving their opinion. Regarding the draft itself we shall discuss it later on, but now the procedure to be adopted as to how we propose to intimate our opinion to the Constituent Assembly, which will be drafting the main constitution soon, should be decided. The House will be glad to hear that the hon. Leader of the Opposition has been made a Member of the Drafting

* See Appendix 'F'

Committee. It would be necessary for us to let our opinion be known to the Drafting Committee which is sitting from the middle of this month, if not a little earlier. It is therefore desirable that as soon as we are able to discuss this matter we send our opinion to the Constituent Assembly. As a matter of fact there was a rule in the Constituent Assembly's Rules of Procedure that the provinces should be given a chance of giving their opinion on a draft of this kind, but on account of the change that has taken place in the meanwhile about May 16th plan, that rule was removed from the body of the Rules. But nevertheless it has been desired by the framers of the Constitution that they should receive the opinions of the Provincial Assemblies for their consideration. It is in pursuance of such a desire among the Members of the Constituent Assembly that I venture to place this draft before you. I really like you, if you will be so pleased, to place your views on the method by which this opinion could be recorded in this Assembly and communicated to the Constituent Assembly. After all I do not think it would be proper for us to negative or in any way interfere with the decisions that have been taken so far but we can, I think, consistently with the responsibility that lie in the Constituent Assembly, send suggestions, if we so desire. These suggestions may or may not be considered by the Drafting Committee. But my own view is that if we feel that any suggestion is necessary to be considered, we can send those suggestions. Therefore, the method of getting these suggestions will be a matter in which I feel, Sir, that with your permission the House should give their opinion. There are two ways of doing it. The whole debate might be recorded and then sent over to the Constituent Assembly. But there may be another way also, *viz.*, that we may be able to formulate certain issues and these issues might be according to the clauses in the draft, and we might give opinion on them. But what procedure would appear suitable to the House may, I think, be left to the Hon'ble Speaker, who, in his turn, might adopt the one after consultation with the House. That is the first thing that I would like to put before the House.

Regarding the contents of the Draft, I would like to point out that this draft is more or less based on the Constitution Act, 1935.....

The Hon'ble the SPEAKER: Can we take that subject on the day when we actually come to discuss it? That will be convenient.

The Hon'ble Srijut GOPINATH BARDOLOI: I will put only the general feature. But the more important point to be decided will be the procedure ✓

The Hon'ble the SPEAKER: Please move the Motion.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to move that the House do consider the Principles of a Model Provincial Constitution as adopted by the Constituent Assembly of India. This is the Motion I put before the House.

The Hon'ble the SPEAKER: Motion moved: "That the House do consider the Principles of a Model Provincial Constitution as adopted by the Constituent Assembly of India."

What I contemplate about this is that we fix 2 or 3 days for discussion of the Model Provincial Constitution, clause by clause. I suggest but I will now take the sense of the House. Of course, that is what here and now. To my mind, as our vote is not binding, we do not go to vote

but on clause by clause we record consensus of opinion and when we discuss the matter we thresh out clause by clause. That is what I am thinking but I should like to be benefited by the opinion of the Leaders of the various Parties.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, the position is rather complex and not free from difficulty. This House sent their own accredited representatives to take part in the Constituent Assembly of the Federation of India. As my Friend the Hon'ble the Prime Minister has intimated the House, they played their part to the best of their ability in the deliberation and the Constituent Assembly has come to certain definite and broad principles which have been formulated and which have now been placed by the Hon'ble Prime Minister for consideration of this House. As he has stated, no amount of argument of this side can change one iota of that document. Then what is the use of our considering the subject? Originally it was thought that a Model Provincial Constitution will be framed by the Constituent Assembly which will then be submitted to each Provincial Legislature for their approval. But that procedure has been abrogated now. That was the idea of the Cabinet Mission Plan, not on the Plan of the 16th of May or 3rd of June. Matters have been so precipitated by antedating the time of transfer of power to India that this procedure has been cancelled and now the principles of a draft constitution has been formulated by the Constituent Assembly of India. Now the idea is that at the earliest possible time the constitution is finally drawn up to consolidate our position—I mean the creation of Federation of India. Yet, I think, the Hon'ble Prime Minister is right in seeking the approval from this House of the doings of their representatives in the Constituent Assembly. Taking into full consideration that we cannot change the Constitution in any way, we can only make suggestions. I understand from the provisional programme and a letter issued by the Secretary of the Assembly that consideration of this Model Provincial Constitution will be taken up towards the end of the Session, that is on the third week of this month. The procedure that you have tentatively suggested that you would allow us to go clause by clause and record our opinion seems to me not the best. Members will get sufficient time—very nearly 3 weeks—to study the document that has been placed. If any one has got any suggestion to make, let him put the suggestion in the form of a Motion and let the House discuss that Motion and if the House approve that suggestion, this can be recorded and sent to the Drafting Committee or the Secretary of the Constituent Assembly to place it before the Constituent Assembly.

The Hon'ble the SPEAKER: Does it not amount to same thing?

Maulavi Saiyid MUHAMMAD SAADULLA: It won't mean that. It will mean merely scrutinising the provisions that have already been drafted by the Constituent Assembly. But each province has got its own peculiarities, peculiar conditions—geographical and physical. Then also different groups of people in the same area may have some special requirements. Suggestions for these, I think, will be welcome to the Drafting Committee and also to the Constituent Assembly. But if we take this Model Constitution, clause by clause, that will mean that we are sitting on judgment of the framers of the constitution.

I have not received any official intimation as yet that I have been nominated to the Drafting Committee, but my Friend, Hon'ble Mr. Bardoloi, sent me two telegrams from Delhi, dated 25th and 26th of the last month intimating to me that I have been nominated to the Drafting Committee. A similar telegram was received from our colleague in the Constituent Assembly, Srijut Rohini Kumr

Chaudhuri, who wanted my presence there immediately. He said "your presence will be useful in many ways". I also received a telegram from the Secretary of the Muslim League party in the Constituent Assembly enquiring whether I am willing to work in the Drafting Committee. To all my hon. friends I have stated that I am willing to undertake this very arduous and difficult task in spite of my present state of health. But I do not know what my hon. friends are thinking about my nomination. Well, I have passed that stage of seeking further honour. But it is an honour done to Assam that one of her sons has been selected to help in drafting the future constitution of Free India. Very few provinces have received that honour. As I said I have passed the stage of seeking honour but I take it as a proud privilege for Assam. So, if you can give me your suggestions before I proceed to Delhi, I will be very much obliged. In the telegram which my Friend, Hon'ble Mr. Bardoloi, sent from Delhi he stated that the Drafting Committee would be sitting from the 3rd week of September. My own idea is that the Committee will sit as soon as the Adviser to the Constituent Assembly, Sir B. N. Rau, returns from Burma where he has gone to help the Burmese Government in the drafting of their constitution. If I remember aright, while I was at Delhi last, it was suggested that the draft constitution should be placed before the Constituent Assembly towards the end of October. So we, should sit as early as possible and my request to you and to Government is that the House should try to find some time to discuss and give suggestions as early as possible, for I may have to leave for Delhi towards the middle of this month.

✓ **The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I do not want to add to what the hon. Leader of the Opposition has said in regard to the framing of the constitution itself. The Drafting Committee will frame the constitution, but the constitution will be placed in the next session of the Constituent Assembly which will start work from about the beginning of November and will end its task before the Christmas holidays. We have had an assurance from the Hon'ble the President of the Constituent Assembly that every section of the draft will be gone through carefully giving sufficient opportunity to all the Members of the Constituent Assembly to participate in the debate before any final conclusions are reached. But the whole constitution is not a complete thing in itself. Therefore our suggestions in whichever form are given will not only be useful to you, I mean the Leader of the Opposition as a representative of this Province, but will also be useful to the Constituent Assembly, if they are properly put by the representatives of this Assembly for free consideration. Therefore the draft that has been presented, although it has all the sanctity of a final thing, is not actually the final thing. So there is yet time for submitting our suggestions. It is of course evident that we should be able to send our opinion as early as possible so that the hon. Leader of the Opposition in his capacity as a member of the Drafting Committee can take advantage of them and can bring it up in time before the Drafting Committee concludes its draft. Our labours are not merely labours of a sort of an onlooker. We can make suggestions and we can, I think, proceed not necessarily by a kind of fixed definition but by submission of some sort of opinion which can be taken note of by the Drafting Committee. I would think that that would give us a better chance of detailed discussion.

Regarding the time, I think, we should have it as early as possible. I do not know if there is enough time for Government business.

The Hon'ble the SPEAKER: If the hon. Members agree we will take this up on the 9th. They should be given a day or two to give their suggestions

so that there may not be duplication both in substance as well as in form. I think it will be better if the hon. Members give their suggestions on the 8th.

The Hon'ble Srijut GOPINATH BARDOLOI: The suggestions may be given in the shape of Motions.

The Hon'ble the SPEAKER: No. Members may give their suggestions on the clauses that they want to amend or remodel.

Maulavi ABDUL HAI: Then we are going clause by clause.

The Hon'ble the SPEAKER: I will accept the suggestion of the Hon'ble Leader of the House.

Maulavi ABDUL HAI: Is this Model Provincial Constitution based on the Indian Model Constitution?

Maulavi Saiyid MUHAMMAD SAADULLA: It is a part of that.

Maulavi ABDUL HAI: But from some of the sections we have seen that certain sections of the Government of India Act are omitted in the Indian Model Constitution whereas in the Provincial Model Constitution something has been added. Will it not be better if we get a copy of that Indian Model Constitution for comparison? Those copies are not available.

The Hon'ble Srijut GOPINATH BARDOLOI: I have not been able to follow the suggestion.

Maulavi ABUAL MAJID ZIAOSH SHAMS: May I suggest one point, Sir? We have got here the India (Provisional Constitution) Order, 1947.....

The Hon'ble the SPEAKER: I have seen the difficulty of the hon. Members. Probably, it will be better for the Hon'ble Prime Minister and the Leader of the Opposition to sit together and discuss this matter and give their opinion on it. I want now to put the question.

Maulavi ABUAL MAJID ZIAOSH SHAMS: In the India (Provisional Constitution) Order, 1947, we find that certain sections of the Government of India Act, 1935, have been omitted but the question is that we find that in the Model Provincial Constitution, which we are now discussing, exactly some of those provisions have been adopted from those omitted portions of the Government of India Act. I think, this Model Provincial Constitution was framed long before the abrogation of this. So a copy of the India (Provisional Constitution) Order, 1947, will be required.

The Hon'ble the SPEAKER: Adaptation Order?

Maulavi ABUAL MAJID ZIAOSH SHAMS: Yes, Sir.

The Hon'ble Srijut GOPINATH BARDOLOI: I do not know whether it will be necessary to have them. Of course, for the information of the House, I may say that by the Adaptation Order the parliamentary control over the Government of India Act ceased and India is left to frame her own constitution without any interference from anybody. That is the object of the Adaptation Orders

But the draft constitution has been framed in reference to the Governments of the provinces as well as the Government of the Centre. In this draft constitution certain provisions of the Government of India Act have been omitted while certain provisions have been adopted as principles which should guide the Government of the future provinces. In the new constitution for instance the Governor of the province will be elected on adult franchise and he has been given sufficient powers for that fact. But for the purpose of information, to get exactly the picture of what the British Government are thinking about the future of India, to have a copy of the Provisional Orders under the Indian Independence Act may be valuable, but I do not know whether a copy can be given to each hon. Member. A few copies will surely be available and I will request the Chief Secretary to supply them to the Members.

The Hon'ble the SPEAKER : Let me put the question.

The question is "That the House do consider the Principles of a Model Provincial Constitution of India."

(After a pause).

The question was adopted.

The Hon'ble the SPEAKER : Do the hon. Members agree that we take up the consideration of the matter on the 9th?

Maulvi Saiyid MUHAMMAD SAADULLA : I submit that 9th will be too early. It will not give the hon. Members in the House sufficient time to study and make suggestions.

Srijut GAURI KANTA TALUKDAR : My suggestion is that we should be given sufficient time to study and then give suggestions.

Maulavi Saiyid MUHAMMAD SAADULLA : Do we understand that the hon. Member will have discussion on the Principles, clause by clause as suggested by the Hon'ble Leader of the House?

The Hon'ble the SPEAKER : Yes, I am afraid that there may be duplication of Amendments to some clauses.

Srijut GAURI KANTA TALUKDAR : My question is, are we to discuss the Model Constitution, clause by clause and suggest amendments the same day?

The Hon'ble the SPEAKER : No. I personally prefer the suggestions to be given after the hon. Members study it.

Srijut GAURI KANTA TALUKDAR : My suggestion is, with due respect to your decision, that the best way of dealing with this matter will be to allow discussion, clause by clause, though that may take some time. We have learned from the Hon'ble Leader of the House that the Constituent Assembly will not close discussion very soon. If we submit that the Constituent Assembly of this month the Constituent Assembly will have our opinion even by the end consideration the suggestions that we may submit. time enough to take into

The Hon'ble the SPEAKER : Our idea is to allow sufficient time for discussion. The House will take it, clause by clause. Let the hon. Member study and then give suggestions.

Srijut GAURI KANTA TALUKDAR: My object is that the procedure should be such as would allow all the hon. Members opportunity of giving suggestions if they like.

The Hon'ble the SPEAKER: All the Members?

Srijut GAURI KANTA TALUKDAR: My object is to allow us the opportunity to discuss it, clause by clause. If any hon. Member does not go through the principles, that does not matter.

Shri SATINDRA MOHAN DEB: There will be many hon. Members who will read and understand and there will be many who may read and may not understand, even if sufficient time is given. (*Laughter*).

The Hon'ble the SPEAKER: I do not want to impose my opinion. I want only to economise time for the benefit of hon. Members. If hon. Members want that we should take it up, clause by clause, and if that is the sense of the House, I will follow that.

Srijut GAURI KANTA TALUKDAR: The question of time is very insignificant. The matter is very important. When the fate of the whole Province is going to be decided, we must have sufficient opportunity to discuss the matter. My earnest request, Sir, is that the matter should be allowed to be discussed, clause by clause.

Maulavi Saiyid MUHAMMAD SAADULLA: I would suggest Monday, the 15th, Sir, as a suitable date for discussion. Today is the 2nd, hon. Members will get two weeks to study.

The Hon'ble the SPEAKER: I think as there are objections from certain quarters and the matter is a very important one, we shall take up discussion, clause by clause, and we will start on the 15th.

The Hon'ble Srijut GOPINATH BARDOLOI: My difficulty is this, Sir. Government business are so heavy as you will see from the agenda that I doubt if we will find time to dispose of them.....

The Hon'ble the SPEAKER: My idea is to push back the whole agenda by a day or two. Can we take it up on the 12th so that Government business can be taken on the 15th. We have to adjust matters.

The Hon'ble Srijut GOPINATH BARDOLOI: I do not know what is the harm to start from the 11th. On the 12th we have other Bills to be taken up.

The Hon'ble the SPEAKER: Can we start on the 11th?

Maulavi Saiyid MUHAMMAD SAADULLA: But that is for Private Members' business. If you want to cut down Private Members' business.....

The Hon'ble the SPEAKER: I do not want to cut down Private Members' business but I propose to push back the agenda day by day, but if hon. Members agree we can cut down. For the present let us fix a date. We can start on the 11th.

(*Voices—Yes let us start from the 11th*).

The Hon'ble Srijut GOPINATH BARDOLOI: About the procedure that has been spoken of by my Friend, Mr. Talukdar, I think Mr. Talukdar has mistaken in following my point.

The Hon'ble the SPEAKER: He has not mistaken ; he wants sufficient time to discuss the matter.

The Hon'ble Srijut GOPINATH BARDOLOI: Every clause will be taken into consideration ; but if discussion is required on any clause that clause may come in the shape of a Motion so that if any hon. Members want to give any suggestion, they can do so and discussion will be taken. Therefore, there can be no point for discussion, clause by clause, apart from the Motion that may be presented there by any hon. Member. My objective is that the draft should be gone through by the House and the hon. Members give their opinion as to what suggestions they like to make.

Srijut GAURI KANTA TALUKDAR: I see that I have been misunderstood by the Hon'ble Leader of the House.

The Hon'ble the SPEAKER: Order, order. If we have fixed 11th for taking suggestions, I think 2 P.M., on the 10th will be the last date for submission of Amendments or suggestions.

The Hon'ble Srijut GOPINATH BARDOLOI: One word more, Sir. I am afraid, Mr. Talukdar's objection as well as the objections of other Members of the House will be obviated if we had, as I had proposed in the beginning, to have preliminary discussion on the main constitution itself. That is what I proposed in presenting the draft so that we may have at least a rough idea of what Amendments or suggestions we should be proposing ; but if that is not done, I am sure the difficulty will be there. Like any other Motion or a Bill for consideration, I thought it was necessary to let the House know the broad principles of the draft. That is what actually is going to take much of our time.

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I suggest one thing, Sir ? During the Budget speech you just want to know previously who among the hon. Members are going to take part. We can do likewise in this case also.

The Hon'ble the SPEAKER: No, it is an important matter and it is necessary that every hon. Member be given an opportunity to have his say.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, may I make one suggestion that we need not take into consideration the Model Provincial Constitution, clause by clause. I have two different ideas in my mind. The first is that I want to minimise time ; much time will be minimised in this way. There are provisions as my Friends will see that there should be a Governor in the Province.....

The Hon'ble the SPEAKER: I have already announced that it will be taken up, clause by clause, and that we will start discussion on the 11th and 2 P.M., on the 10th will be the last date and time for submission of Amendments or suggestions.

Adjournment

The Assembly was then adjourned till 11 A.M., on Thursday, the 4th September, 1947.

SHILLONG :
The 15th September, 1947.

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

*Speech not corrected.

APPENDIX 'F'

CONSTITUENT ASSEMBLY OF INDIA

PRINCIPLES OF A MODEL PROVINCIAL CONSTITUTION

[AS ADOPTED BY THE CONSTITUENT ASSEMBLY]

PART I

GOVERNORS' PROVINCES

CHAPTER I

The Provincial Executive

1. Governor.—For each Province there shall be a Governor to be elected directly by the people on the basis of adult suffrage.

[*Note.*—The Committee were of the opinion that the election of the Governor should, as far as possible, synchronize with the general election to the Provincial Legislative Assembly. This may be difficult to provide by statute, because the Legislative Assembly may be dissolved in the middle of its term.]

2. Term of Office.—(1) The Governor shall hold office for a term of four years, except in the event of death, resignation or removal.

(2) The Governor may be removed from office for stated misbehaviour by impeachment, the charge to be preferred by the Provincial Legislature, or where the Legislature is bicameral, by the Lower House of the Provincial Legislature, and to be confirmed by the Upper House of the Federal Parliament after investigation by a special committee of that House, the resolution in each case to be supported by not less than two-thirds of the total membership of the House concerned.

(3) The Governor shall be eligible for re-election once, but only once.

3. Deputy Governor.—There shall be a Deputy Governor for every province. He will be elected by the Provincial Legislature on the system of proportional representation by single transferable vote after every general election. The Deputy Governor will fill a casual vacancy in the office of the Governor for the remainder of the term of office of the Governor and he will also act for the Governor in his absence.

4. Age qualifications.—(1) Every citizen of the Federation of India who has reached his 35th year of age shall be eligible for election as Governor.

(2) No person holding any office or position of emolument in the regular services of the Provincial Government or the Union Government or any local authority subordinate to the same shall be eligible for election as Governor.

5. Disputes regarding election.—Disputes regarding the election of a Governor shall be enquired into and determined by the Supreme Court of the Federation.

6. Conditions of Governor's office.—(1) The Governor shall not be a member of the Provincial Legislature and if a member of the Provincial Legislature be elected Governor, he shall be deemed to have vacated his seat in that Legislature.

(2) The Governor shall not hold any other office or position of emolument.

(3) The Governor shall have an official residence and shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule.....

(4) The emoluments and allowances of the Governor shall not be diminished during his term of office.

7. Executive authority of Province.—The executive authority of the Province shall be exercised by the Governor either directly or through officers subordinate to him, but this shall not prevent the Federal Parliament or the Provincial Legislature from conferring functions upon subordinate authorities, nor shall it be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge or officer or local or other authority.

8. Extent of the Executive authority of Province.—It shall be competent for a Province, with the previous sanction of the Federal Government, to undertake, by an agreement made in that behalf with any Indian State, any legislative, or executive or judicial functions vested in that State, provided that the agreement relates to a subject included in the Provincial or Concurrent Legislative List.

On such an agreement being concluded, the Province may, subject to the terms thereof, exercise the legislative, executive or judicial functions specified therein through the appropriate authorities of the Province.

8A. Subject to the provisions of the Constitution, and of any special agreement referred to in Clause 8, the executive authority of each Province, shall extend to the matters, with respect to which the Provincial Legislature has power to make laws.

[*Note.*—The reference to special agreements in this provision requires a word of explanation. It is possible that in the future there may be Indian States or groups of Indian States desiring to have a common administration with a neighbouring Province in certain specified matters of common interest. In such cases, the Rulers concerned may by a special agreement cede the necessary jurisdiction to the Province. Needless to say, this will not interfere with the accession of the State or States concerned to the Federation, because the accession to the Federation will be in respect of Federal subjects, whereas the cession of jurisdiction contemplated here is in respect of Provincial subjects.]

9. Council of Ministers.—There shall be a council of ministers to aid and advise the Governor in the exercise of his functions except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

[*Note.*—For the most part, the Governor will act on advice, but he is required to act in his discretion in the following matters:—

(1) the prevention of any grave menace to the peace and tranquillity of the Province or any part thereof [clause 15 (2) of this Part],

(2) the summoning and dissolving of the Provincial Legislature (clause 20 of this Part),

(3) the superintendence, direction, and control of elections [clause 22 of this Part],

(4) the appointment of the Chairman and the members of the Provincial Public Service Commission and of the Provincial Auditor General (Part III).

It is to be noted that the Governor, under the proposed Constitution, is to be elected by the people, so that he is not likely to abuse his "discretionary" powers.]

10. If any question arises whether a matter is one for the Governor's discretion or not, the decision of the Governor in his discretion shall be final.

11. The question whether any, and, if so, what advice shall be tendered by the ministers to the Governor shall not be enquired into in any court.

12. Other provisions as to ministers.—The Governor's ministers shall be chosen and summoned by him and shall hold office during his pleasure.

13. (1) A minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a minister.

(2) The salaries of ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor :

Provided that the salary of a minister shall not be varied during his term of office.

14. Conventions of responsible Government to be observed.—In the appointment of his ministers and his relations with them, the Governor shall be generally guided by the conventions of responsible Government as set out in Schedule..... but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with these conventions.

[*Note.*—Schedule..... will take the place of the Instrument of Instructions now issued to Governors.]

15. Special responsibilities of Governor.—(1) Where the Governor of a Province is satisfied in his discretion that a grave situation has arisen which threatens the peace and tranquillity of the Province and that it is not possible to carry on the Government of the Province with the advice of his ministers in accordance with the provisions of Section 9 he may, by Proclamation, assume to himself all or any of the functions of Government and all or any of the powers vested in or exercisable by any Provincial body or authority ; and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Provincial body or authority ;

Provided that nothing in this sub-section shall authorise the Governor to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any provision of this Act relating to High Courts.

(2) The Proclamation shall be forthwith communicated by the Governor to the President of the Union, who may thereupon take such action as he considers appropriate under his emergency powers.

(3) The Proclamation shall cease to operate at the expiration of two weeks, unless revoked earlier by the Governor himself or by the President of the Union.

16. Advocate-General for Province.—(1) The Governor shall appoint a person, being one qualified to be a judge of a High Court, to be Advocate-General for the Province to give advice to the Provincial Government upon legal matters.

(2) The Advocate-General shall retire from office upon the resignation of the Prime Minister, but may continue to carry on his duties until a new Advocate-General shall have been appointed.

(3) The Advocate-General shall receive such remuneration as the Governor may determine.

17. Conduct of business of Provincial Government.—All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor.

18. Rules of Business.—The Governor shall make rules for the more convenient transaction of the business of the Provincial Government and for the allocation of duties among Ministers,

CHAPTER II

The Provincial Legislature

19. Constitution of Provincial Legislatures.—(1) There shall for every Province be a Provincial Legislature which will consist of the Governor and the Legislative Assembly ; in the following Provinces, there shall, in addition, be a Legislative Council (here enumerate those Provinces, if any, which desire to have an Upper House).

9. The representation of the different territorial constituencies in the Legislative Assembly shall be on the basis of population and shall be on a scale of not more than one representative for every lakh of the population, subject to a minimum of 60 for any Province, and a maximum of 300.

The elections to the Legislative Assembly shall be on the basis of adult suffrage, an adult being a person of not less than 21 years of age.

(3) Every Legislative Assembly of every Province, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting.

(4) In any Province where the Legislature has an Upper House, the composition of that House shall be as follows:—

(a) The total numerical strength of the Upper House should not exceed 25 per cent. of that of the Lower House.

(b) There should be within certain limits functional representation in the Upper House on the lines of the Irish Constitution, the distribution being as follows:—

one-half to be elected by functional representation on the Irish model ;

one-third to be elected by the Lower House by proportional representation ;

one-sixth to be nominated by the Governor on the advice of his ministers.

[*Note.*—Under the existing Constitution, Madras, Bombay, Bengal, the U. P. Bihar and Assam have 2 Houses and the rest 1. It was agreed that the member of the Constituent Assembly from each Province should vote separately and decide whether an Upper House should be instituted for the Province. There is to be no special representation in the Legislative Assembly either for universities, or for labour, or for women.]

20. Composition of Provincial Legislatures, etc.—The provisions for the meeting, prorogation and dissolution of the Provincial Legislature, the relations between the two Houses (where there are two Houses) the mode of voting, the privileges of members, disqualification for membership, parliamentary procedure, including procedure in financial matters, etc., shall be on the lines of the corresponding provisions in the Act of 1935, with the following changes in the provisions of section 71 of the Government of India Act, 1935—

‘For sub-sections (3, and (4) of section 71 of the Government of India Act, 1935, substitute the following:—

‘The powers, privileges and immunities of the members of the legislature of the Province shall be such as are declared by the Provincial Legislature and until so declared shall be those of the members of the House of Parliament of the United Kingdom and of its members and committees at the establishment of this Constitution’.

20A. (1) The validity of any proceedings in a Provincial Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of a Provincial Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

21. Language.—In the Provincial Legislature, business shall be transacted in the Provincial language or languages or in Hindustani (Hindi or Urdu) or in English. The Chairman (where there is an Upper House) or the Speaker, as the case may be, shall make arrangements for giving the House, where he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the House.

22. Franchise for the Provincial Legislature.—For the first election of the Provincial Legislature under his Constitution, the constituencies, qualifications of voters and other particulars shall be such as may be prescribed in the Schedule to this Constitution.

The Provincial Legislature may from time to time, in accordance with the procedure for amending the Provincial Constitution, make provisions with respect to all or any of the following matters, that is to say,

- (a) the delimitation of territorial constituencies ;
- (b) limitations to adult franchise on grounds of non-residence or personal disabilities not based on birth, race, religion or community, and the preparation of electoral rolls ;
- (c) the qualifications for being elected as a member of either House ;
- (d) the filling of casual vacancies in either House ;
- (e) the conduct of elections under this Constitution and the methods of voting thereat ;
- (f) the expenses of candidates at such elections ;
- (g) corrupt practices and other offences at or in connection with such elections ;
- (h) the decision of doubts and disputes arising out of or in connection with such elections ;
- (i) matters ancillary to any such matter as aforesaid :

Provided

- (1) that no member of the Lower House shall be less than 25 years of age and no member of the Upper House shall be less than 35 years of age ;
- (2) that all provisions under clause 22 (a) to (i) will be made on the principles and in conformity with the instructions laid down in the schedule annexed hereto so as to maintain uniformity in these matters throughout the Indian Union.

CHAPTER III

Legislative powers of the Governor

23. (1) If at any time when the Provincial Legislature is not in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require.

(2) An ordinance promulgated under this clause shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

(a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the re-assembly of the Provincial Legislature, or if before the expiration of that period resolutions disapproving it are passed by the Legislature, upon the passing of the second of those resolutions ; and

(b) may be withdrawn at any time by the Governor.

(3) If and in so far as an ordinance under this clause makes any provision which the Provincial Legislature would not under this Constitution be competent to enact, it shall be void.

[*Note.*—The ordinance-making power has been the subject of great criticism under the present Constitution. It must however be pointed out that circumstances may exist where the immediate promulgation of a law is absolutely necessary and there is no time in which to summon the Provincial Legislature. In 1925, Lord Reading found it necessary to make an ordinance abolishing the cotton excise duty when such action was immediately and imperatively required in the interests of the country. The Governor who is elected by the people and who has normally to act on the advice of ministers responsible to the Legislature is not at all likely to abuse any ordinance-making power with which he may be invested. Hence the proposed provision.]

24. The Governor of a Province in which the legislature consists of a single chamber shall have the right to return at his discretion a Bill passed by the legislature for reconsideration and may suggest amendments. If the Bill is passed again by the legislature with or without amendments, he shall assent to it.

CHAPTER IV

Excluded and Partially Excluded Areas

[The provisions of this Chapter cannot be framed until the Advisory Committee has reported.]

PART II

The Provincial Judiciary

1. The provisions of the Government of India Act, 1935, relating to the High Court should be adopted *mutatis mutandis* ; but judges should be appointed by the President of the Federation in consultation with the Chief Justice of the Supreme Court, the Governor of the Province and the Chief Justice of the High Court of the Province (except when the Chief Justice of the High Court himself is to be appointed) :

Provided that

- (a) all the High Courts in the Union of India shall have right to issue prerogative writs or any substituted remedies there for throughout the area subject to the appellate jurisdiction ;
- (b) the restriction as to jurisdiction in revenue matters referred to in section 226 of the Government of India Act, 1935, shall no longer apply to the High Courts ; and
- (c) in addition to the powers enumerated in section 224 of the Government of India Act, 1935, the High Courts shall have powers of superintendence over subordinate courts as under section 107 of the Government of India Act, 1915,

2. The judges of the High Court shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule.....

3. The emoluments and allowances of the judges shall not be diminished during their term of office.

PART III

Provincial Public Service Commission and Provincial Auditor-General

Provisions regarding Public Service Commissions and Auditors-General should be inserted on the lines of the provisions of the Act of 1935. The appointment of the Chairman and members of each Provincial Public Service Commission and of the Auditor General should be vested in the Governor in his discretion.

PART IV

Transitional Provisions

1. Any person holding office as Governor in any province immediately before the commencement of this Constitution may be continued as such and when so continued shall be deemed to be the Governor of the Province under this Constitution until a successor, duly elected under this Constitution, assumes office.

2. There should be similar provisions, *mutatis mutandis*, in respect of the Council of Ministers, the Legislative Assembly and the Legislative Council (in Provinces which decide to have an Upper House).

[*Note.*—These provisions are necessary in order that there may be a Legislature and a Government ready to take over power in each Province as soon as this Constitution comes into force.]