

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

The Assembly met in the Assembly Chamber, Shillong at 11 A.M., on Wednesday the 5th November, 1947.

PRESENT :

The Deputy Speaker in the Chair, six Hon'ble Ministers and fortyeight Members.

**Election of Speaker**

**The Deputy Speaker:** The first item in the agenda is the election of a Speaker. I have received only two nomination papers for the same candidate, and the candidate is Srijut Lakshesvar Borooah.

In the first nomination paper the name of the proposer is Srijut Lakshmidhar Bora and the name of the seconder is Srijut Mohendra Mohan Chaudhury. In the second nomination paper the proposer is Srijut Beliram Das and the name of the seconder is Srijut Gaurikanta Talukdar. The nomination papers were received on the 30th October 1947 at 2-15 P. M., and they are both valid.

As there is only one Member nominated for the office of the Speaker, I have the pleasure in declaring Srijut Lakshesvar Borooah having been duly elected Speaker of the Assam Legislative Assembly.

I want to convey the congratulations of all the Members to the new Speaker. Mr. Borooah as we all know needs no introduction to the House. He is one of the oldest Members of this House. He is a staunch Congressman and an experienced legislator. And with his experience we hope he will make a very successful Speaker. We hope he will also follow the foot-steps of his illustrious predecessors Mr. Basanta Kumar Das and Srijut Debeswar Sarmah, whose absence we all feel. From now on we look to Mr. Borooah as the custodian of the rights and privileges of all the Members of this House.

With these few words I would ask Mr. Lakshesvar Bordooh to come and occupy the Chair.

(The Deputy Speaker, Mrs. Bonily Khongmen then vacated the Chair and the elected Speaker, the Hon'ble Srijut Lakshesvar Borooah occupied it, amidst great applause from all sides of the House).

**Felicitations to the Speaker**

**The Hon'ble Srijut GOPINATH BARDOLOI:** মাননীয় Speaker মহোদয়, গৱৰ্ণমেণ্টৰ পক্ষৰ পৰা, গৱৰ্ণমেণ্টৰ মেম্বৰ সকলৰ পক্ষৰ পৰা আৰু মোৰ নিজৰ পক্ষৰ পৰাও মই আপোনাক আমাৰ অভিনন্দন জনাওঁ। সকলোৱে বোধকৰো জানে যে মোৰ ওচৰত বহি থকা মাননীয় মিঃ নিকলছ বায়ৰ বাহিৰে এই ব্যৱস্থাপক সভাৰ আপুনিয়ৈ সকলোতকৈ পুৰণি মেম্বৰ। আপোনাৰ অভিজ্ঞতা সম্বন্ধে মই একো কব নালাগে। এছেম্বলিৰ যি বিলাক কাৰ্য্য বিবৰনী লিখি ৰখা হৈছে তাৰ পৰাই মই কোৱাতকৈ বাইজে আপোনাৰ কাৰ্য্যাবলী সম্বন্ধে বেচিকৈ বুজিব পাৰিব! আনহিচাবেও আপুনি কংগ্ৰেছ পাৰ্টিৰ এজন উপযুক্ত আৰু সকলোৰে সম্মানিত সদস্য। সেই কাৰণে পাৰ্টি হিচাবেই বোলক বা গৱৰ্ণ মেণ্টৰ তৰফৰ পৰাই বোলক, আজি আমাৰ পক্ষে বৰ আনন্দৰ কথা যে আপুনি এই গধুৰ দায়িত্ব লবলৈ ওলাইছে। এইটো বৰ গৌৰৱৰ কথা যে সকলো সদস্যই একে মতে আপোনাক এই সম্মান দিছে। আমাৰ কোনো সন্দেহ নাই যে আপুনি এই গুৰুত্বপূৰ্ণ কৰ্ত্তব্য অতি সম্মানেৰে আৰু সম্পূৰ্ণ দায়িত্ব পূৰ্ণতাৰে সম্পাদন কৰিব। Speaker ৰ কৰ্ত্তব্য দেখোতে লঘু হলেও, দায়িত্ব কম নহয়। ইয়াত গৱৰ্ণমেণ্ট

আৰু বিপক্ষ দল দুয়ো আছে। সেই সকলোৰে মাজত ন্যায় আৰু উপযুক্ত বিচাৰ কৰি সত্যমত প্ৰকাশ কৰাৰ দায়িত্ব নিশ্চয় গধুৰ। মই নিঃসন্দেহে কব পাৰো যে আপোনাৰ বিচাৰত সকলোৰেই সন্তোষ হ'ব আৰু আপোনাৰ নেতৃত্বত এই সভাৰ সদস্য সকলৰ আৰু এই সভাৰ স্বাধীনতা সম্পূৰ্ণৰূপে বজায় থাকিব। মই গৱৰ্ণমেণ্টৰ তৰফৰ পৰা আকৌ আপোনাক অভিনন্দন জনাইছো আৰু আপুনি এই উচ্চ সম্মানৰ পদ লাভ কৰাত আমাৰ অস্থলৰ আনন্দ জনাইছো।

**Maulavi ABUAL MAJID ZIAOSH SHAMS:** Mr. Speaker, Sir, on behalf of the Muslim League Party in the House, and on my own personal behalf, since I know you from 1911 while we were college students, I offer you my heart-felt congratulations on the occasion of your elevation to this dignified office. To-day, Sir, you cease to be a party-man and more than anybody in the House I think you are fully alive to the responsibilities of your office and to its dignity. You are the custodian of the rights and liberties of this House. You will not only maintain the conventions and dignity of the House, but you will also, whenever possible and whenever necessary, establish new conventions and establish new rights and liberties for us in the House. We expect, Sir, in your hands, even-handed justice and a fair and square deal, and knowing you as we do that you are an experienced man and you have worked as a parliamentarian for many years, we need not impress upon you the sense of duty and responsibility which should be in you and which, we think, you have got in sufficient quantity.

Now, Sir, on behalf of my Party, I say we shall always give you our hearty co-operation in the discharge of your onerous duties. With these words, I again congratulate you on your elevation to this high office.

**Mr. C. W. MORLEY:** Mr. Speaker, Sir, we on our side would also like to join in congratulating you, Sir, on your election as Hon'ble Speaker and we wish to assure you of our co-operation on every occasion. Mr. Lakshesvar Borooah, I think, is one of the oldest Members of this House and is, we feel, well-suited for the heavy responsibilities which will now fall upon him. I have known him personally for many years and we have served on many committees together and he has always shown great impartiality.

With these few words, Sir, we wish you all success in your new and honourable status.

**Mr. P. M. SARWAN:** Mr. Speaker, Sir, as an independent Member in this House, and speaking on behalf of independent-minded people in Assam, about whom very little is known as yet, I offer you my heart-felt congratulations on your being placed in charge of the working of this House. You have a very great responsibility because by the manner in which you discharge your responsibilities in this House you will be discharging your responsibilities to the people of Assam. We have known you as a man who gives a fair deal to everyone. We therefore hope that the minority party that may be found in this House from now on will receive just treatment in your hands. You will find that if you give a fair deal to everyone, the majority party and the minority party, the big group and the smallest of the small groups, you will be earning the gratitude of all sections of people in Assam. I again offer you my hearty congratulations on behalf of the independent Members of the House.

**The Hon'ble the SPEAKER:** The Hon'ble Leader of the House, the hon. Deputy Leader of the Opposition, the hon. Leader of the European Group and other hon. Members of this House, I thank you

most heartily for your kindly electing me as the Speaker of this august Assembly. Let me hope with your good-will and co-operation, I shall be able to discharge the heavy duties and responsibilities attached to this office. It shall be my scrupulous care to see that the dignity and honour of this House are maintained. Gentlemen, from now onwards so long as I hold this office you have the unassailable right to look upon me not as one representing any one party but as custodian of the honour and dignity of the House (*hear, hear*), and also as one safeguarding the rights and privileges of all Members of the House. Friends, as time rolls on you will be called upon to deliberate on and also to take decisions on matters which will be calculated to build up a strong and Independent State, and I invoke your good-will and co-operation and above all, I invoke the blessings of the Divine Power to bestow on me that quality to guide your deliberations in this House. With these few words, gentlemen, I again thank you for electing me as Speaker and also for the kind words that you have so kindly lavished on me. (*Applause*).

I have the pleasure to announce that His Excellency the Governor will address this House to-day. The hon. Members know as to how we should receive His Excellency when he comes in. In order that uniformity might be maintained the Secretary has issued a sort of a directive to you. As soon as His Excellency will arrive, myself with the hon. the Deputy Speaker and the Secretary will go out and welcome His Excellency in. When His Excellency comes here the hon. Members will kindly follow the procedure laid down. In the meantime the hon. Members may either sit down or go to their rooms.

We, on your behalf, are going out to welcome His Excellency in.

#### Address by His Excellency the Governor

51/11/47

Mr. Speaker and hon. Members of the Assam Legislative Assembly,

You must pardon me for letting six months pass since my assumption of office before making my bow to you. The reason has been that I wanted to get to know something of the Province and its people before presuming to speak about them to their elected representatives.

In the first place, I would like to associate myself in congratulating the new Mr Speaker on his elevation and to wish him good fortune in the discharge of his onerous responsibilities. He is succeeding one who worthily upheld the traditions of the high office of Assam and the Indian Dominion in another sphere—I mean Srijut

- Debeswar Sarma. His breaking himself away from old familiar associations and accepting the office of Dominion Agent in Manipur is a shining example of subordination of personal inclinations to the call of public duty. I am sure you will join with me in wishing him well.

The last six months since I have been in Assam have been a period of revolutionary change and that the necessary adjustments have been made smoothly and without loss reflects credit on the Government, the Legislature and the people of Assam. The greater part of the credit must of course go to Providence; but Providence would not have helped us had we not ourselves been on the alert.

During the last six months we have passed through some critical times. We have weathered them through the knowledge which potential disturbers of the peace had that Government were prepared to meet any attack on the normal life of the people and by the good sense of the people themselves. I do not mention it in any spirit of complacency but only of thankfulness; that the normal life of the people should run undisturbed by malefactors is the ordinary function of Government and it is the due of the people that this duty is faithfully discharged; but there are other duties which are ancillary and no less important. They are to improve or rather assist in the improvement of the spiritual and material life of the people. It is of course the people who must do the striving but it is for the Government to take steps to ensure that such striving is not only not obstructed but assisted.

The political life of India and the relationship as between the communities has for the last quarter of a century if not more been poisoned and made unhealthy by the canker of Separate Electorates and all that they have brought in their train. On the eve of the Transfer of Power the Government of Assam decided that in so far as Assam was concerned this poison should be expelled from the body politic. Therefore under the powers given under the Independence Act we introduced Joint Electorates with reservation of seats, which it has been the aim for many years past of every liberal Indian statesman to achieve. It is a tribute to those natives of Assam who happen to be Muslims that not a voice was raised against this necessary reform. We have led the rest of India, and we may be forgiven if we take some little pride in this achievement.

During my recent visit to places in the Assam Valley, I found a general desire among the leaders of the people to get together and work for their own good and the good of the Province in a spirit of amity and give and take. The one exception was the attitude of some people towards the Bengalees. It lacked friendliness. This feeling is by no means wide-spread but has gained for us undue notoriety outside Assam. While I am sure that such feelings, which

are alien to the traditions and character of the people of Assam, are not by any means as extensive as they are made out to be we must be on our guard lest what is now a cloud no bigger than a man's hand should develop into a tempest. There are historical reasons for the present unpopularity of those Bengalees who once formed part of Assam or infiltrated from outside in search of a living. Even assuming that these reasons are well-founded it is really no use now raking up old sores and trying to pay back alleged injuries. Let us rather look at the position which now exists. The natives of Assam are now masters in their own house. They have a Government which is both responsible and responsive to them. They can take what steps are necessary for the encouragement and propagation of Assamese language and culture and of the language and customs of the tribal peoples, who are their fellow citizens and who also must have a share in the formulation of such policies. The Bengalee has no longer the power even if he had the will to impose anything on the people of these Hills and Valleys which constitute Assam. The basis of such feeling against him as exists is fear—but now there is no cause for fear. I would therefore appeal to you to exert all the influence you possess to give the stranger in our midst a fair deal, provided of course he in his turn deals loyally with us.

The Government, hampered though it has been by the lack of adequate and efficient instruments of policy, have initiated a number of projects which will make the life of this Province fuller and better than it has been so far. I would give pride of place to the initiation of their scheme of Rural Reconstruction and the establishment of a University at Gauhati. It is expected that these two will shortly begin to function in a modest way first but gathering momentum and breath as time elapses. The Rural Reconstruction Scheme will bring health and education in greater measure than they enjoy at present to the village communities of this Province and provide the local communications which will enable them to market their produce more easily than they have been able to do. The University along with the proposed Engineering College and the Medical College established at Dibrugarh will provide instruction in the arts and sciences which the youth of Assam have up till now had to seek elsewhere. The University will also, I hope, become a centre of historical research which will inform more adequately, than is the case at present, the people of Assam of the achievements and culture of their ancestors.

Assam has in the past lacked good external and internal communications. Good communications are the handmaid of industrial, forest and even agricultural development; and such development can only come about if we have good communications by rail, by road and by air. You will have seen from notices which

have appeared in the Press that Government have initiated measures to satisfy our wants in all these three directions. In consultation with the Government of India and with their assistance we will within the next two to three years have direct and speedy communication by rail and road with the rest of India. Again in consultation with them and with their help we are setting about improving certain selected airfields which will enable regular commercial flying services to connect Assam with the rest of India and other services operating within Assam itself. To encourage the youth of Assam to become air-minded, Government have as a first step decided to establish a Flying Club at Gauhati and have already placed orders for the necessary machines. A comprehensive Road programme both in the Plains and in the Hills has been initiated which will open up tracts of country hitherto only imperfectly served by communications or not served at all. To ensure that these matters are being speedily and intelligently attended to, Government have established a Ministry of Transport and already there is encouraging progress. The same Ministry is in charge of the vast project of harnessing the Brahmaputra and some of its tributary rivers for the production of electric energy, for the control of floods and the improvement of navigation on the Brahmaputra.

Some time back the Government of Assam requested the Central Government for the assistance of the technical organisation which the Government of India have established for this purpose in working out this project. This organisation is called the Central Waterways, Irrigation and Navigation Control Board. Mr. Khosla is the head of it. The Government of India acceded to our request and sent Mr. Khosla and his assistant, Sardar Man Singh, who have already paid two exploratory visits to the areas in question. Following their last visit Mr. Khosla made proposals to the Government for a more detailed survey which the Government of Assam have accepted. These will now be considered by the Government of India. Mr. Khosla assured us that it will take a very little time before this survey is started and for the commencement of work on the actual project to be begun. If as I hope this project succeeds, the Brahmaputra and the rivers of Assam will, also in the material sense, become her guardian deities.

The magnitude of the project which Mr. Khosla and his assistants are framing may be judged from some comparative figures. The project will give us 5 millions kilowatts of electrical energy; as against these 5 millions the whole of India now develops less than 4 millions. The power potential of the Tennessee Valley is  $2\frac{1}{2}$  millions and of Sweden  $5\frac{1}{2}$  millions. Government are assured that within a period of five years from the date of undertaking this project Assam will begin to enjoy the use of some of the Hydro-electric power which the scheme will, when completed, give her.

Hon'ble Members can imagine the advance in industrial development which this will bring about. The harnessing of the Brahmaputra for the production of Power will also deepen it by training it to a narrower and less fitful course than it at present pursues. These measures will also bring in their train freedom from floods and greater ease of navigation. The harnessing of this mighty river will indeed bring great benefits to the people whom it will serve. I foresee, as the years roll by Assam's industries now in being or to be started and her railways run by cheap Power, her villages lighted by electricity, her hills made more accessible and her forest wealth better exploited by the cheap Power made available. It is in view of these developments that Government are considering the initiation of a scheme to re-plan some of the more important towns along the river which must remain one of the main arteries of her commerce.

In view of the difficulty of the food situation a separate Ministry of Food has been established. Its principal function will be to find out ways and means of getting people to grow more food or in other words to give them instruction and assistance to fulfil this great need. Drainage and embankment are necessary to bring more land under cultivation and increase the yield of some of the lands now being cultivated. These activities require to be co-ordinated with the Grow More Food Campaign, and have therefore been transferred to the Ministry of Food from their present location in the Ministry of Agriculture. The Food Minister being also in charge of Supply will see to the proper distribution of available supplies. This has been done not only for the sake of the Province but for the due discharge of such obligations to the Central Government as it may undertake under the Central Food Plan.

All these measures which will bring such abundant prosperity to the Province will however come to nought if Government have not at their hand the instruments which will enable these works to be done. An efficient administrative machine with its Departmental activities properly co-ordinated is essential to bring these projects and others, for I have mentioned only a few major ones, to fruition. I have referred to this topic of administrative efficiency on several occasions since I came to this Province. Just as you cannot make bricks without straw so you cannot have a progressive and happy Province without an efficient and honest administrative service. I am afraid it must be stated that the administrative services in Assam are far away from this ideal. It is the duty of Government to ensure that an official is protected against the whims of those in authority over him; or in other words, is assured that he will not be penalised for actions done in good faith but which may not be in accord with the views of his superior. It is perfectly correct that the superior authority is fully entitled to set aside the action of its subordinate or to overrule his views; but it should not

I submit, if we are to build up an honest administration, punish the official simply because he has before a decision has been taken argued against it. Those who always agree, the 'yes-men' as they are called, may be comfortable for a time but in the end they always lead one down the drain. The most recent example of the danger of being surrounded by 'yes-men' is to be found in the case of Hitler. But while Government have to conform to certain principles in their dealings with officials, the latter also have certain duties failure to perform which should be punished. The first is that officials are public servants. They earn their livelihood in serving the public and should not consider that the tax-payer is compelled under some species of Divine right of officials to support them. Secondly, they must work harder than, I am afraid, is the case in Assam at present. There are too many holidays and too short hours of work. If officials would only consider that they have just as much and as useful a mission to perform *vis-a-vis* the public, as for example politicians, we would get a much quicker move on than we are doing at present. Thirdly, they must be strictly disciplined. The first breath of freedom seems to have brought about a certain laxity—particularly among some of the lower ranks—in the performance of even their routine duties. But no Government can go ahead with any big task unless it has officers who are prepared to subordinate their comforts to the good of the country. It is true that the administration is under-staffed: that is due to reasons which I have explained on another occasion recently; but unless we are able to bring about a dynamic change in the outlook of our officials we may increase the numbers ten-fold and yet effect very little improvement. Please do not think that I am referring to all officials who are at present helping to run the administration. There are many, some in high positions and in humble who are doing yeoman service. What I am asking for is for an all-round realisation of the spirit of public service. The speed of a convoy of ships is dictated by the speed of the slowest vessel. The degree of efficiency of an administration depends upon the efficiency of its weaker brethren. It is to these weaker brethren that my appeal is directed. Government are doing what they can for improving present conditions by the institution of scholarships for administrative training, by setting up an impartial Appointment Board who will advise on promotion etc., and so on. But to make these measures effective there must also be a corresponding response from the services.

I cannot close without making a reference to the all important subject of Provincial Finance. You know of the great effort which the Government is making to obtain for Assam a fairer deal in matters of Finance from the present Government of India than was the case under the old dispensation. You also know in this connection



something of the efforts of our Prime Minister. I applaud and support these efforts. The Government of Assam have since the transfer of Power unquestionably the same ideology as that of the National Government of India. Expressed in one sentence it is to improve the standard of life of the common man and woman; to give them a healthier and happier life, as free from want as we humans in our limited wisdom can provide for them. That is the ultimate purpose of all Planning and the aim of all Reconstruction. It is not possible to achieve these ends without money; and all that we are asking is that a good share of the revenue derived from the expenditure of Assam's natural assets which are being diminished should be made available for the service of the people of Assam. There is another reason for enabling this Province to become strong and happy. We have the honour and privilege of being the Guardians of India's Eastern Frontier; a Frontier whose importance the march of world events is tending to increase. Only a strong and happy people can worthily discharge this duty towards India. All that we ask in return is to be allowed to retain some part of the resources which will enable us adequately to do our duty.

Mr. Speaker, I have perhaps unduly detained this hon. House from the heavy agenda which is before it. I have made these observations as the servant of the people; and I hope that coming from one who though till recently a stranger to this Province has made her interests his own, these reflections may be of some use to you on whom the ultimate direction of her destinies depend. This survey has, given the limitations on your time, been necessarily imperfect and because I have left out some topics it must not be considered that such topics are unimportant. Life in modern times has become too complex to enable one to take in everything in the compass of a few minutes. I hope however that when it is my good fortune to address you again, I will be able to give you not only the same picture as I have done to-day of internal harmony; but also in addition a satisfying record of things accomplished for the good of the people whom we serve.

(There was loud applause when His Excellency the Governor concluded his speech).  
His Excellency then left the Chamber.

**Allotment of days for Private Members' business by the Hon'ble Speaker.**

**The Hon'ble the SPEAKER:** As the Question hour is over now all the Questions to be out to-day will be taken over to-morrow.  
Now item No.3 of to-day's agenda may be taken up.

**The Hon'ble the SPEAKER:** In pursuance of Rule 17 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Prime Minister the following days for Private Members' Business during the present Adjourned Session of the Assam Legislative Assembly:—

Friday, the 7th November	}	Private Members' Motions and Resolutions.
Saturday, the 8th November		

This order shall be subject to my revision, if necessary, from time to time.

### Statement regarding course of Government Business

**The Hon'ble Srijut GOPINATH BARDOLOI:** With your permission, Sir, I desire to make a statement about the course of Government business during this Adjourned Session.

2. The Government Business which is to be taken up to-day and to-morrow is shown in the agenda, a copy of which has been placed on each Member's table. I need not detail it again. If the Motions for taking into consideration of (1) The Assam Shops and Establishments Bill, 1947, (2) The Assam Local Rates (Amendment) Bill, 1947, (3) The Assam Sales Tax Bill, 1947, (4) The Assam Local Self-Government (Amendment) Bill, 1947, (5) The Assam Municipal (Amendment) Bill, 1947, (6) The Assam Court Fees (Amendment) Bill, 1947, (7) The Assam Home Guards Bill, 1947 and (8) The Assam Revenue Tribunal (Transfer of Powers) Bill, 1947 are accepted by the House either to-day or to-morrow, we propose that these Bills be considered clause by clause and passed on the 10th and 11th November, 1947.

### Message *re*: assent to certain Bills

**The Hon'ble the SPEAKER:** Item No.5. The Secretary to the Assembly will now announce the Bills to which the assent of His Excellency the Governor has been received.

**The SECRETARY to the Assembly:** Information has been received from the Adviser to the Governor of Assam for Excluded Areas and States that, under the provisions of section 75 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, His Excellency the Governor has assented to the following Bills which were passed by the Assam Legislative Assembly:—

1. The Assam Sales Tax Bill, 1947.
2. The Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1947.
3. The Assam Commissioner's (Transfer of Powers) Bill, 1947.
4. The Assam Primary Education Bill, 1947.
5. The Assam Committees of the Legislature (Evidence) Bill, 1946.
6. The Assam Land and Revenue Regulation (Amendment) Bill, 1947.
7. The Gauhati University Bill, 1947.

**The Hon'ble the SPEAKER:** Item No.6. The Hon'ble Srijut Gopinath Bardoloi

**The Assam Home Guards Ordinance, 1947**

**The Hon'ble Srijut GOPINATH BARDOLOI:** I beg to lay before you copies, which have already been circulated to each hon. Member of the House, of the Assam Home Guards Ordinance, 1947, under Section 88(2)(a) of the Government of India Act, 1935.

**Presentation of the Finance and Appropriation Accounts for 1945-46**

**The Hon'ble Srijut BISHNURAM MEDHI:** Sir, I beg to present the Finance and Appropriation Accounts for 1945-46 and the connected Audit Reports, copies of which have been placed on the table of each hon. Member.

**The Assam Shops and Establishments Bill, 1947**

**The Hon'ble the SPEAKER:** The Report of the Select Committee on the Assam Shops and Establishments Bill, 1947 has just now been received. It is now in the process of being distributed. If the House desire this may be taken up to-morrow.

Item No. 8 may be taken up now. The Hon'ble Srijut Bishnuram Medhi.

**The Assam Local Rates (Amendment) Bill, 1947**

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, I beg to introduce the Assam Local Rates (Amendment) Bill, 1947 and to move that the Bill be taken into consideration.

Now, in moving this Motion, I want only to say that this is only a permissive legislation by which the maximum limit of local rates is proposed to be increased from one anna and four pies to two annas and eight pies. Of course, it will be for the Local Boards themselves to decide whether they consider it desirable to increase this local rate and if so, to what extent. If the representatives of the Local Boards consider that this is necessary, they will sit in a meeting and decide the matter and then request the Government to give the permission to the Local Boards concerned to raise the present local rate from one anna and four pies to any rate not exceeding two annas and eight pies.

Now, representations have been made by some Local Boards that on account of the maximum limit, which is in existence for the last 60 years under the present Act, they cannot raise the local rates beyond the rate of one anna and four pies. With a view that there may not be any bar limiting the local rate to one anna and four pies and to leave the discretion to the Local Boards to decide for themselves the question of enhancing the rate, this permissive legislation is introduced in the House. And the principle Amendment proposed in the first proviso of section 3 of the said Regulation is that for the words 'one anna four pies' the words 'two annas eight pies' should be substituted. The hon. Members will remember that this maximum of one anna and four pies was fixed 68 years ago. The maximum which was fixed 68 years ago is now considered to be inadequate with the rise in the standard of living and it was difficult for the Boards to run their administration unless their resources and income are increased. This legislation want to give the option to the Local Boards to raise the local rates upto a maximum of annas two and eight pies if any of the Boards consider it necessary and pass a resolution in a meeting and request Government to give

necessary permission. Government will then reconsider the matter of enhancement. There may be some misapprehension that this is a compulsory legislation, and that from after this Bill is passed the local rate will be levied at the enhanced rate. As I have already stated that the individual Local Board is given the opportunity to decide for itself if it wants to enhance the rate above the present maximum of one anna and four pies. In order to remove this difficulty the Government has introduced this new legislation and, I hope, the hon. Members of this House will accept my Motion.

**The Hon'ble the SPEAKER :** Motion moved :

“ That the Assam Local Rates (Amendment) Bill, 1947, be taken into consideration.”

I also want to announce a Message from His Excellency the Governor with regard to this Bill.

“ Under the provisions of sub-section (1) (a) of section 82 of the Government of India Act, 1935, I, Muhammad Saleh Akbar Hydari, Governor of Assam, recommend to the Assam Legislative Assembly the consideration of the Assam Local Rates (Amendment) Bill, 1947.

A. HYDARI,  
*Governor of Assam*.”

Hon. Members may now speak on the Motion.

**Maulavi ABUAL MAJID ZIAOSH SHAMS :** May we know which Local Boards have requested Government to increase the local rates ?

**The Hon'ble Srijut BISHNURAM MEDHI :** I do not exactly remember the names.

**Srijut BELIRAM DAS :** Sir, may I draw your attention to the fact that this is a very important matter as it aims at taxation. We know that people are against any increase in land revenue and this measure is practically one calculated to enhance revenue by increased taxation. It is therefore better to send this Bill, in my opinion for eliciting public opinion, if the Government will kindly agree to it.

**Maulavi ABUAL MAJID ZIAOSH SHAMS :** Mr. Speaker, Sir, since the objection comes from the other side I feel emboldened to support the hon. Member from that side and endorse his views. I should also think that this Bill should first be sent for eliciting public opinion. We being in a hopeless minority cannot move so boldly as has been done. I therefore whole-heartedly support this Motion.

**The Hon'ble the SPEAKER :** Does hon. Mr. Das want to move a specific Motion that the Bill be circulated for eliciting public opinion ?

**Srijut BELIRAM DAS :** Yes, Sir. I beg to move that the Assam Local Rates (Amendment) Bill, 1947 be circulated for eliciting public opinion.

**The Hon'ble the SPEAKER :** Returnable by which date ?

**Srijut BELIRAM DAS :** By the 31st December, 1947.

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, most probably the statement that I made in connection with the Motion for introduction and consideration of this Amendment Bill, was not fully grasped by my hon. Friend who has moved this Motion. His impression is that as soon as this Bill is passed every place will be assessed with the rate of 0-2-8 pies. That is not so. Unless the Local Boards come forward with a resolution in a meeting specially convened for the purpose and unless any Local Board wants to raise this rate the provision of this Bill will not be enforced. So, it will be for the local representatives of a particular area to decide whether they should enforce the enhanced rate and if so, to what extent. We only wanted to remove the bar that now exists even if they decide to raise local rates, as under the existing law the maximum amount of local rates has been laid down at 0-1-4 pies and this maximum was fixed 68 years ago. This is only an enabling Bill. In view of this I request my hon. Friend to withdraw his Motion.

**Mr. HARENDRA NATH SARMA:** Mr. Speaker, Sir, the Hon'ble Revenue Minister is opposing the Motion of my hon. Friend Mr. Das on the ground that the Mover seemed to have misunderstood the explanation which the Hon'ble Revenue Minister gave in support of his Motion to the House. Sir, the Hon'ble Revenue Minister said that although he proposed to raise the maximum rate from Rs. 0-1-4 pies to as high a level as Rs. 0-2-8 pies, this enhancement would not be given effect to by the Government of Assam, but would be given effect to only if the Local Boards would deem it fit to do so. Sir, but can we rest assured with this explanation? When even this Government, which is composed of the popular representatives of the people of Assam and who are elected to the Assembly mostly on Congress ticket and who at that time assured that they were going to reduce the burden of taxation of the common man and not increase it, think it fit to bring in a Bill to increase local rates, then, Sir, can we rest assured that the local bodies of the different districts composed of different elements will not give effect to this rate of Rs. 0-2-8 pies almost overnight? With these words, I support the Motion moved by Srijut Beliram Das.

**Maulavi MAHAMMAD ROUFIQUE:** Mr. Speaker, Sir, I want to say a few words in support of the Motion moved by Srijut Beliram Das.

The Hon'ble Revenue Minister has sought to depict the measure as a very innocent one. But that is not so. He wants us to believe that it is only a permissive measure and there is no compulsion on the Local Boards to impose this enhanced taxation on the people. But his purpose is not that. He wants to goad the Local Boards to take recourse to this unpopular measure. Sir, he knows perfectly well that all the Local Boards are suffering for want of funds; all their appeals to Government for a share of land revenue have fallen on deaf ears all these years, and now the Government instead of giving them a fair share of the land revenue to which the Local Boards are morally entitled, they are now trying to shift the whole responsibility on the Local Boards, they are now empowering them to take recourse to this increased taxation.

Sir, you will find in the list of Questions which stand in the name of Srijut Rajendra Nath Barua, there is a Question concerning this subject. There was already a resolution passed by the Jorhat Local Board suggesting to Government to increase the rates of fee-simple grants. This resolution must have been sent before this Bill was drafted. But the Government instead of considering this very good suggestion has come forward with this Bill to throw the entire responsibility on the Local Boards to tax the people who are already over-taxed. Now, Sir, the Local Boards when they find that there is no money, that they cannot undertake any measures for the upliftment of the people, they will be compelled to impose this increased taxation. They will then become unpopular.

This Government will go on without giving any help to the Local Boards, who will be put in a false position before the public and the rate-payers. Therefore, Sir, I think it will be better to circulate this Bill for eliciting public opinion, since the Hon'ble Revenue Minister stated in course of his speech that he received some representations from some of the Local Boards in favour of his Bill. If that be the case, he should not have any objection to circulate this Bill. Let the House know whether people are in favour of giving this power to the Local Boards to increase local rates.

**The Hon'ble the SPEAKER:** What does the hon. Mover propose to do after what he has heard from the Hon'ble Revenue Minister?

**Srijut BELIRAM DAS:** I have fully understood the implications of this Bill, but in view of the statement made by the Hon'ble Revenue Minister I beg leave of the House to withdraw my Motion.

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

**The Hon'ble the SPEAKER:** Does any hon. Member want to speak on the main Motion for consideration?

**Mr. P. M. SARWAN:** Mr. Speaker, Sir, the move taken by my Friend Mr. Beliram Das was a sound one but I would not say anything in support of it...

**Srijut DANDESWAR HAZARIKA:** That has been already withdrawn.

**The Hon'ble the SPEAKER:** You cannot speak on the Motion of Srijut Beliram Das but you may speak on the main Motion.

**Mr. P. M. SARWAN:** I will not speak on the Motion of Srijut Beliram Das but I will confine myself on the main Motion. Sir, I would like to tell Government that gradually they are earning the odium of the people because of this particular Bill. Throughout the country the people are hearing a rumour that this party, the Congress Party, which has set up the Government is not now keeping up its pledge of reducing the taxes rather they are raising the taxes as high as possible. I am bringing this fact to the notice of the House. I am not speaking on the Motion of Srijut Beliram Das with regard to circulation of the Bill but the Local Boards are trying to put the Government on the wrong and the Government seem to put the onus of taxation on the Local Board to prove that the people have to pay taxes if they want better services from the Local Boards. But such a tax might not be good for the province just now but might hurt both the party raising the tax as also the administration of the country. If the Government would actually find out how people are thinking about it, I think, they would quickly withdraw it instead of earning the odium of the people.

**Srijut DANDESWAR HAZARIKA:** মাননীয় সভাপতি ডাঙৰীয়া, আসামৰ লোকেনবোর্ড বিলাকৰ অৱস্থা সচাকৈয়ে বৰ শোচনীয়। গাঁৱৰ মানুহৰ খোৱা পানীৰ কেনেকুৱা অৱস্থা, বাস্তাৰ কেনেকুৱা অৱস্থা, স্কুল ঘৰৰ কেনেকুৱা অৱস্থা, আৰু আশ্পতালৰ কেনেকুৱা অৱস্থা তাক বোধ কৰো সকলো সদস্যই দেখিছে। আগেয়ে লোকেন বোর্ড যি এক অনাৰ আছিল, আজিও সেই এক অনাৰেই আছে। কিন্তু ইফালে যুদ্ধৰ কাৰণে মজুৰীৰ খৰচ আৰু বস্ত্ৰবাহানিৰ দাম সকলো বাঢ়ি গৈছে। সেই কাৰণে লোকেনবোর্ড বিলাকে বাইজৰ অভাৱ অভিযোগ বিলাক আঁতৰ কৰি দিব পৰা নাই। এই বাবে বহুত লোকেনবোর্ডে লোকেন

বেট বচাব খুজিছে, কোনো চব্-ভিত্তিক বা ডিষ্ট্ৰিক্ট মানুহে হয়তো বিচাৰে যে তেওঁলোকক ভাল বাস্তা, ভাল পুখুৰী, ভাল স্কুল আৰু ভাল আস্থাতাল আদি লাগে। তেতিয়া গৱৰ্ণমেণ্টে লোকল বোর্ড বচাবলৈ নিদিয়াটো গঁচাকৈয়ে সুবিধাজনক নহব। সেই কাৰণে গৱৰ্ণমেণ্টে যিখন বিল উপস্থাপন কৰিছে মই সেই বিল সমৰ্থন কৰো। কিন্তু, তাৰ ভিতৰত এটা কথা ভাবিব লগা হৈছে যিটো we must not tax the poor to help the rich. সেই কাৰণে যি সকল সদস্যই আপত্তি কৰিছে, মই তেখেত সকলক অনুবোধ কৰো যে তেখেত সকলে যেন এনেকুৱা Amendment দিয়ে যে যিবিলাকে ১০ টকা বা ২০ টকা খাজনা দিয়ে তেওঁলোকক লোকল বোর্ড বচাব নোৱাৰে। কিন্তু যিবিলাকে হাজাৰ টকা বা তাতকৈ বেচি খাজনা দিছে তেওঁলোকে যে ১/৬ পাই বা ১/৯ পাই লোকল বোর্ড দিব নোৱাৰিব তাৰ মানে নাই। আজিকালি আধি-খান্দুৱা দি মানুহে এপুৰা মাটিত ৪০-৫০ পুৰাকৈ গুটি ধান লৈছে। সেই কাৰণে তেওঁলোকৰ যথেষ্ট দিবৰ ক্ষমতা আছে। এই নিমিত্তে মই এই বিল সমৰ্থন কৰোঁ। আশা কৰো, যি সকল সদস্যই আপত্তি কৰিছে, তেখেত সকলে Amendment দি যাতে দুখীয়া ৰাইজৰ লোকল বোর্ড নবঢ়াকৈ থাকে আৰু চহকী বিলাকৰ বাঢ়ে তাৰ কাৰণে চেষ্টা কৰিব।

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, now I am glad that my hon. Friend has asked for permission to withdraw his Motion for circulation for eliciting public opinion but there is some misconception in the minds of some of the hon. Members of the House it appears in that there was an application from the Jorhat Local Board to enhance the local rate regarding the fee-simple grants. That was not so. The resolution in so many words was differently worded to increase the revenue. That was the resolution as far as I remember and that will take time for study and I have replied to the Question accordingly. But even under the present Local Rate Regulation there is scope to amend only the proviso which provides that the rate shall not exceed 0-1-4 pies. In place of which the proposed Bill substitutes 0-2-8 pies. If the particular Local Board comes forward with a resolution instead of increase of rate of ordinary local rate to raise the local rate only with regard to fee-simple land, Nisfikhirajland, etc., the matter will be considered by Government. That is why the section says "as the Provincial Government may from time to time fix". The idea is not to impose the maximum proposed all at once but the Government will, on receipt of the resolution of a particular Board asking for the enhancement of local rates, consider the desirability of the proposal. This is purely an enabling section. So there need not be any misapprehension in the minds of the hon. Members. All these aspects will be taken into consideration as to what class of land and to what extent the effect should be given to the proposal of the Local Board when made. Even the suggestion made by Srijut Hazarika that some people who are making enormous money by *adhi* system should be taxed will be taken into consideration.

**Maulavi MAHAMMAD ROUFIQUE:** Will it be a discriminatory taxation?

**The Hon'ble Srijut BISHNURAM MEDHI:** There is no question of discrimination.

**Maulavi MAHAMMAD ROUFIQUE:** From what he says Government can make it discriminatory—Government can exclude certain land.

**The Hon'ble Srijut BISHNURAM MEDHI:** Even now Lakheraj land pays more local rate than Kheraj land. Lands which are revenue-free are liable to pay more local rate.

**Srijut SARAT CHANDRA SINHA:** মাননীয় সভাপতি মহোদয়, হাজৰীকা ডাঙৰীয়াই যি কথা কৈছে সেইটো হৈছে এই যে যি বিলাক মানুহ দুখীয়া সেই বিলাকক ওপৰতেই বাদ দিব লাগে। যি বিলাকে ২০-৩০ টকা খাজানা দিছে তেওঁলোকক এই যি বিলাকে তাতকৈ বেচিকৈ খাজানা দিয়ে তেওঁলোকৰ ওপৰত এই বেটু লগাব লাগে। যি বিলাক মানুহ দুখীয়া তেওঁলোকৰ ওপৰত এই বৰ্দ্ধিত লোকেল বেটু লগাব নালাগে। এনেকুৱা বাৰু যদি এই বিলত থাকে তেনেহলে ভাল হয়।

**The Hon'ble Srijut BISHNURAM MEDHI:** These matters will come for consideration of Government only when a particular Local Board wants to increase the revenue. Now we are only fixing the maximum.

**Srijut SARAT CHANDRA SINHA:** দুখীয়া মানুহ বিলাকক বক্ষা কৰাৰ কাৰণে যদি আমি এটা বাৰু লগাব পাৰোঁ, তেনেহলে তাত কি আপত্তি হ'ব পাৰে?

**The Hon'ble the SPEAKER:** এই বিলৰ মূলনীতি হৈছে যে কৰৰ ভাৱ বঢ়োৱা যাব নে নাযাব। আপোনালোকে কৈছে যে দুখীয়া মানুহ বিলাকৰ বাফিৰ নালাগে। যেতিয়া clause by clause বিবেচনা কৰা হ'ব, তেতিয়া আপোনালোকে এই সম্বন্ধে Amendment দিব পাৰিব।

**Maulavi MAHAMMAD ROUFIQUE:** A special rate is assessed on the fee-simple grants and there was a suggestion to the Government to increase this rate.

**The Hon'ble Srijut BISHNURAM MEDHI:** That is not correct. It was to increase the revenue.

**Maulavi MAHAMMAD ROUFIQUE:** I have seen a column in the *Assam Tribune* where this resolution was explained by the Chairman of the Jorhat Local Board. The suggestion was that the rate that is assessed on the fee-simple grants should be raised and instead of this being done by the Government, this Bill is brought by Government. It was suggested that the rate on fee-simple grant be raised by Government so as to save the Local Board from being unpopular by such a measure.

**Srijut SARAT CHANDRA SINHA:** মাননীয় সভাপতি মহোদয়, মই খুবী লোকলবোৰ্ডৰ কথা বিশেষকৈ ক'ব পাৰো যে তাত প্ৰাইমাৰী শিক্ষক সকলে তেওঁলোকৰ বেতন বঢ়াবৰ কাৰণে বোৰ্ডলৈ দৰ্খাস্ত দিছিল আৰু নবঢ়ালে ধৰ্ম্মঘট কৰিবলৈ বাধ্য হ'ব বুলি সিদ্ধান্ত কৰিছিল এই সম্পৰ্কে লোকলবোৰ্ডে এটা বিশেষ কমিটি গঠন কৰি দিয়ে আৰু সেই কমিটিক প্ৰাইমাৰী শিক্ষক সকলৰ দৰমহা কেনেকৈ বঢ়াব পাৰি এই সম্বন্ধে উপায় উলিয়াবলৈ নিৰ্দেশ দিয়ে। সেই কমিটি এই সিদ্ধান্তত উপনীত হয় যে যদি মেম্বৰ সকল, চেয়াৰমেন আৰু ভাইচ-চেয়াৰমেনৰ allowance বাদ দিয়া যায় তেন্তে সেই টকাৰে প্ৰাইমাৰী শিক্ষক সকলৰ বেতন অলপীয়াকৈ হলেও বঢ়াব পাৰি। খুবী লোকলবোৰ্ডে allowance ৰ নিমিত্তে ৯,০০০ টকা খৰচ কৰিব লাগে। যদিহে চেয়াৰমেন আৰু ভাইচ-চেয়াৰমেন আৰু মেম্বৰ সকলে এই allowance নিনিয়ে তেনেহলে সেইটকাৰে প্ৰাইমাৰী শিক্ষক সকলক গড়ে এটকাকৈ হে দিব পাৰি। যদিহে প্ৰাইমাৰী শিক্ষক সকলৰ দৰমহা গাইপতি এটকাকৈ বঢ়াবলৈকে মেম্বৰ, চেয়াৰমেন আৰু ভাইচ-চেয়াৰমেনে allowance ত্যাগ কৰিব লগা হয়, তেনে অৱস্থাত যদি গৱণমেণ্টে লোকল বেটু ৮/৮ পাইলৈ বঢ়ায় তেন্তে বোৰ্ডেও জাপ দি ৮/৮ পাইব পৰা ৮/৮ পাইলৈ বঢ়োৱাত একো অসুবিধা নেপায়। লোকলবোৰ্ডে ক'ব যে গৱণমেণ্টে আইন কৰিছে, আমি নিমিত্ত মাত্ৰ হে; ইয়াত আমাৰ দোষ নাই। গতিকে, দোষ পৰিব গৱণমেণ্টৰ ওপৰত হে।



**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, as the Local Boards come within my portfolio, I beg to say a few words on the subject of the increase of the maximum by this Bill. I find that my hon. Friends have misunderstood the object of the Bill. We all know that the Local Boards now are in charge of essential services, that is the services which are primarily essential for the public whether poor or rich. Unless these services are rendered efficiently, the condition of our mass people will very much degenerate and life will not be worth living in the villages. So, in order to render these essential services more efficiently, Government have brought in this Bill. Sir, in course of my administration for more than a year I have noticed that various representations were made by the Local Bodies for getting special grants from Government, or for getting loans which many of the Local Bodies are not in a position to repay. From their financial position we could very well understand that the loan asked for by the Local Bodies would not be repaid. As my Hon'ble Colleague has already stated, this maximum was fixed long ago. Circumstances have since changed very much, conditions of life have changed and the needs and requirements of the Local Bodies have increased to a great extent. For instance, a road which could be repaired a few years ago by spending a hundred rupees would now require five to seven hundred rupees, the machine which was available for a very small sum would not be available now for ten times the price. We have pointed out to the Local Boards that the grants given to the dispensaries by them have proved very inadequate. They have approached Government for special grants. In order to appreciate this Bill we must take all the circumstances into consideration and whether Government can increase their provincial revenues to such an extent by other means. Supposing the demands of the Local Board is so high that it is not possible for this Government to meet those demands from the ordinary revenue, then how are we to carry on the administration of Local Boards? If Government cannot improve their finances to meet these demands and if the Local Boards also do not pay, then how to find money to meet the demands? You can very well imagine what would be the condition of our mass people. The reasons are that we have advanced to a great extent and the condition of the world has changed so much and the earning capacity of our people has not at all improved. So in order to maintain these Local Boards in an efficient condition, I say to restore them to their pre-war efficiency, we must find out some solution. This is rather not a very easy matter. We all know that the Local Boards are constituted of the representatives of the people in a far better way than we are in this House. Here, only one representative can come from a constituency whereas in the case of Local Boards several representatives are elected from a constituency and therefore it is better represented in the Local Board. And supposing in some localities the public are willing and are in a position to pay for the services they want from the Local Board, then why should they not be given the opportunity to spend for their own improvement? This Bill is introduced just to give an opportunity to those people who want to pay for better service.

If the Local Boards, who are the representatives of the people and who know better the condition of their constituencies, think that the people will be in a position to pay for the better services they want, they will be allowed to impose a higher local rate and this will not be an oppression to their constituencies. So, it is for the Local Boards, who are the representatives of the people, to judge whether it will be possible for the people to pay higher local rates for better services that they want. Why should Government stand in the way of a particular Local Board to impose higher local rates for the purpose of improving the condition of the people, for giving them better services, better primary education, better medical and communication facilities? It is for these reasons, Sir, that this Bill has been introduced, *i. e.*, to give facilities to Local Boards to impose higher local

rates where, of course, if the public desire it and the representatives of the people find that it would not be a harassment on the people. It is in such places that the provisions of the Bill will be given effect to. If in a particular district or subdivision the people want the help of this Bill to improve their condition, they will do so. There is no compulsion. We all know, Sir, that unless we take some contrivance or measure to improve the essential services, the public will suffer very much and their lives will not be worth living. An hon. Friend of mine has said some time ago that the people want good water, primary education widely spread and better medical and communication facilities but the Local Boards are not in a position to give them all these. So, some solution must be found out. That is why we offer by this Bill the opportunity to the Local Boards, who desire to impose higher local rates and the people are in a position to pay them for the purpose of rendering better services to the people.

**The Hon'ble the SPEAKER:** I take it that no other hon. Members will take part in the discussion.

The question is:

"That the Assam Local Rates (Amendment) Bill, 1947, be taken into consideration."

The question was adopted.

The last date for submitting Amendments to this Bill will be on or before 3 P. M. of the 7th November 1947.

We now take up the next item No. 9.

### The Assam Sales Tax Bill, 1947

**The Hon'ble Srijut BISHNURAM MEDHI:** I beg, Sir, to introduce the Assam Sales Tax Bill, 1947, and to move that the Bill be taken into consideration.

Hon. Members will be a little surprised when to-day a message has been sent to this House by His Excellency the Governor giving his full assent to the Assam Sales Tax Bill that was passed in the last Budget Session, why this fresh Bill is introduced again. I would like to explain why it has been necessary to do so. The House will remember that when this Bill was passed by this House, it was sent to the Upper Chamber, and during the pendency of the Bill before the Chamber, it was abolished. Then, there were two methods of getting the Bill passed—either by submitting it here in this House or by getting the assent of His Excellency the Governor. To expedite matters, instead of submitting the Bill to this House, we got the assent of His Excellency the Governor, and the Bill became an Act immediately after the 15th August. At that time the Legal Remembrancer left his service and the Hon'ble President of the Upper House was not also functioning. So, there remained some clerical mistakes in the Bill which should have been corrected by the Legal Remembrancer and published. As for instance, the Assam Sales Tax Act has been numbered here as "VI" but it should have been "X(A)" and there are some such other clerical mistakes also. In section 2—sub-section (3) "dealers" means any person who carries on the business of selling or supplying goods in the Province of Assam. The word "Assam" should have been omitted. There are some other clerical mistakes also.

**Maulavi MAHAMMAD ROUFIQUE:** May I know from the Hon'ble Minister whether there is any alteration in the present Bill?

**The Hon'ble Srijut BISHNURAM MEDHI:** There is no alteration in the Bill except a few words like those I have mentioned. The word "Assam" should have been dropped in the sub-section—"dealers" means any person who carries on the business of selling or supplying goods in the Province of Assam. And in some other places it has been retained and also proper punctuation, *e. g.*, coma, semi-colon, has not been properly printed.

**\*Mr. C. W. MORLEY:** May I enquire of the Hon'ble Minister why the normal procedure of amending the minor mistakes was not adopted?

**The Hon'ble Srijut BISHNURAM MEDHI:** That is another thing. I am going to that. I am drawing the attention of the hon. Members to clerical errors and printing mistakes; in order to avoid the delay we got the Bill as passed into an Act. This hon. House may remember the fate of the Assam Prohibition Bill which was passed in this House. It was sent to the Governor General for his assent which we have not got till now. So in order to avoid delay we wanted to pass this Bill taking the necessary risk of a few sections which is hit by Section 107 of the Government of India Act. I may in this connection draw the attention of the hon. Members to clause 24 of the Bill which says:—"When the ownership of the business of a registered dealer is entirely transferred, the liability to pay any tax payable in respect of such business and remaining unpaid at the time of the transfer shall be jointly and severally on the transferor and the transferee....." This is somewhat in conflict with Section 8 of the Transfer of Property Act. But although the Section 24 conflicts in some way with some provisions of section 8 of the Transfer of Property Act, Section 107(1) of the Government of India Act, 1935, as far as that clause is concerned may be held to be void to that extent in absence of consent at the most. Section 107(1) of the Government of India Act, 1935, says:—"If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, *be void.*" So in order to obviate such a contingency, this Bill in the present form has been introduced to enable to secure the necessary assent of the Governor General immediately after this Bill is passed by the Assembly. Sub-Section (2) of Section 107 of the Government of India Act, 1935 reads as: "Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal law or an existing Indian law with respect to that matter, then, if the Provincial law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure has received the assent of the Governor-General or of His Majesty's pleasure provincial law shall in that Province prevail." So, in order to follow this procedure we have introduced this Bill in this form without adding any other clause to the original Act.

**The Hon'ble the SPEAKER:** Motion moved:  
 "That the Assam Sales Tax Bill, 1947, be taken into consideration".  
 Here is a message of His Excellency the Governor recommending consideration of the Bill which I may read out:

\*Speech not corrected.

"Under the provisions of sub-section (1) and sub-section (2) of section 82 of the Government of India Act, 1935, I, Muhammad Salehuddin Hydar, Governor of Assam, hereby recommend to the Assam Legislative Assembly the consideration of the Assam Sales Tax Bill, 1947

A. HYDAR,  
Governor of Assam."

SHILLONG:  
The 21st October 1947.

**Mrs. BONILY KHONGMEN:** Mr. Speaker, Sir, in view of the All Assam Hills and Plains Peoples Exhibition to be opened by His Excellency the Governor at 2-15 p. m. to-day the House may be adjourned at 1 p. m. to-day with the consent of the House.

**The Hon'ble the SPEAKER:** Yes, personally speaking I should also think that the House should adjourn so that the Hon'ble Members may have an opportunity to meet the brothers and sisters residing in hills. I shall, however, be guided by the opinion of the House. What does the Leader of the House think?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I welcome the suggestion that has come from a lady hon. Member not only for the opening ceremony of the function but that the hon. Members should also associate themselves closely with the Exhibition of the Hills and Plains Peoples.

**Maulavi ABUAL MAJID ZIAOSH SHAMS:** From this side of the House, Sir, we also welcome the suggestion. It would be unchivalrous if we do not accede to the request made by a lady hon. Member (laughter).

#### Motion Re: Time of the sitting of the Assembly

**Srijut PURNA CHANDRA SARMA:** মাননীয় সভাপতি ডাঃবাৰুৱা, মই আৰু প্ৰশ্ন কৰিব খুজিছো। বৰী বিলাক বৰ্তমানে এগৰাকৈ আৰু বে মৌৱাত আমাৰ অনুবিৰা হৈছে। এছেম্বলিৰ নিয়ম মতে ১১ বজাত এছেম্বলি বহে। এতিয়া ১০ বজাত বহা নিয়ম কৰিলে আৰু বেচি সময় হাতত পান আৰু আমাৰ বহুত পিন যুনিধাও হব আৰু পৰুলি হোৱাৰ আগতে আমাৰ কান শেষ কৰিব পাৰিম।

**The Hon'ble the SPEAKER:** এইটো অৱশ্যে দৰ্শনী কথা, এতিয়া standard time ৰ প্ৰচলন হৈছে। আপন যি rule আছিল এতিয়া সেইটো মৰনি কৰিব অপৰীয়া হৈছে। সেইটো কাইলৈ consider কৰিব পাৰিব।

**Maulavi MAHAMMAD ROUFIQUE:** Rule টো amend কৰিলে কালিৰ পৰাই সেই বকনে বহিব পাৰিব।

**Srijut PURNA CHANDRA SARMA:** সেইটো কৰিলে Hills আৰু Plains Week ত আৰু ২ বজাতেই সভা বন্ধ কৰি যোগ দিব পাৰিম আৰু আমাৰ এছেম্বলিৰ কামৰ কাৰণে ৩ ঘণ্টা সময় পাম। সেই কাৰণে কালিৰ পৰাই এই ব্যৱস্থা কৰিলে ভাল হয়।

**The Hon'ble the SPEAKER:** মোৰ বোধেৰে এই বিষয়ে এটা formal Motion আনিলে ভাল হয়।

**Maulavi ABUAL MAJID ZIAOSH SHAMS:** In substance we revert to the old time. So we have no objection from this side. We welcome it.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I do not know exactly the rule. If it is the desire of the House it can be changed.

**The Hon'ble the SPEAKER:** The hon. Member will bring a Motion in the regular form.

**The Hon'ble Srijut GOPINATH BARDOLOI:** One word ; the tickets for admission into the Hills and Plains Peoples Exhibition will be available in the Assembly Office ; so there will be no difficulty in obtaining them.

### Adjournment

The Assembly was then adjourned till 11 A.M., on Thursday, the 6th November, 1947

SHILLONG :  
The 16th December 1947.

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