

Proceedings of the Ninth Session of the First 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 Saturday, the 7th June, 1941.

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten Hon'ble Ministers and fifty-four members.

QUESTIONS AND ANSWERS

SHORT NOTICE QUESTIONS

Payment for the Makum-Digboi Road from the Reserve Road Fund

Mr. E. H. S. LEWIS asked :

8. Will Government be pleased to state on what grounds the Government of India has refused to pay for the Makum-Digboi Road from the Reserve Road Fund, since it has been classed as a road of strategic importance ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

8.—A copy of letter No.C.3R/2/40/3539, dated the 5th June 1941, from the Chief Engineer, Assam, to the address of the Honorary Secretary, Indian Roads and Transport Development Association, Assam Branch, giving information on this subject is placed on the Library table.

***Mr. BAIDYANATH MOOKERJEE**: May I enquire one thing, Sir ? As regards this letter that is placed on the Library table, I want to know whether it will be printed in the proceedings or not ?

The Hon'ble the SPEAKER: Generally statements placed on the Library table are not printed in the proceedings. If the hon. member wants I shall take steps to have it printed in the proceedings.

***Mr. BAIDYANATH MOOKERJEE**: I think in all such cases whatever is placed on the Library table should go to the proceedings.

The Hon'ble the SPEAKER: Sometimes the statements are very long and they cannot be usefully printed. But in this particular case, if there is any special request, I shall see that it is printed.

***Mr. BAIDYANATH MOOKERJEE**: Sir, if we want to put some questions in future, in that case if it is not in the proceedings, it becomes very difficult. Practically the asking of the question is of no use to us. So I request that the Hon'ble Speaker will be pleased to see that the things that are placed on the Library table are printed in the proceedings.

**Speech not corrected by the hon. member concerned.*

The Hon'ble the SPEAKER : I shall look into the practicability of the whole question. Hon. members get notice of the questions which would be coming up for answer on a particular day. They can very well anticipate whether any statements are going to be laid on the table or not. If they take care when they come to the Chamber to see whether any statements have been placed on the Library table that would be helpful to them for the purpose of putting supplementary questions. Such statements are placed on the Library table at least half an hour before the Assembly sits. They can come early and examine whether such statements are laid on the table.

***Mr. BAIDYANATH MOOKERJEE :** The difficulty is that we have received the answer just now. We did not receive it before.

The Hon'ble the SPEAKER : As I have already said, hon. members can very well anticipate that such statements will be laid on the table. They get notice of the questions to be answered on a particular day on the day previous.

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI :** If the hon. member wants I can read out the letter just now.

The Hon'ble the SPEAKER : The Hon'ble Minister may read the letter.

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI :** The letter reads thus—

"With reference to the concluding paragraph of my letter No. 2351-G., dated the 18th April 1941 and your letter No. RD3196, dated the 23rd April 1941, I have the honour to inform you with regret that the Government of India have been unable to make a special grant of Rs. 89 thousand from the Reserve Fund to meet the cost of improving this road as requested by the Government of Assam.

2. The following facts are given for your information:—

- (i) The available sums in the Reserve are fully earmarked for other works of military importance ;
- (ii) All provinces have been called upon to meet from their provincial allocations, expenditure on roads urgently required for strategic purposes ;
- (iii) Assam has received in the past particularly generous treatment from the Central Reserve ;
- (iv) While the Government of India have in the past left to provincial Governments the initiative in proposing schemes for the utilisation, not only of the allocations made to them, but also grants they have been able to make from their Reserve, this should not be taken as implying that they have relinquished their responsibility for the selection of projects, nor can they constitutionally divest themselves of that responsibility. The Road Fund is part of Central Revenues, is provided by the annual vote of the Central Assembly and, under the Resolution of the Central Legislature governing this matter, can be spent only on schemes approved by the Governor-General in Council on the advice of the Standing Committee for Roads of the Central Legislature.
- (v) Proposals have been made by non-officials in the Standing Committee that all expenditure on works which are not of military importance should be suspended until the full demands for strategic purposes have been satisfied. The Government of India have not thought it necessary to proceed to this extent, but they feel that at the present

*Speech not corrected by the hon. member or Minister concerned,

junction roads of military importance should have a prior claim on the provincial allocations to the extent to which these are able to meet the demands that may be made without causing undue dislocation to provincial progress."

***Mr. BAIDYANATH MOOKERJEE:** Does the Hon'ble Minister think that this road is of great strategic importance?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government of India think so.

***Mr. BAIDYANATH MOOKERJEE:** What is the opinion of our Government?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** We take the opinion of the Government of India as it is.

***Mr. BAIDYANATH MOOKERJEE:** We find that the entire blame has been laid on the shoulders of our Government. Do they admit that they are really guilty or are they going to take any steps to refute the blame?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I do not understand the implication of this question. Will the hon. member kindly explain?

***Mr. BAIDYANATH MOOKERJEE:** From the letter that has been read out, I find, Sir, that it was the duty of the Provincial Government to take note of this road. Money was given by the Central Government, but it was not utilised for a road which is of such strategic importance. This is the meaning of the letter as I understand it. So, my question is whether our Government admit that this road is of strategic importance.

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** It is not denied that this road is of military importance. But our provincial share from the Road Fund has been distributed according to the recommendations of the Communications Board. So far, this road has never been included in the recommendations of the Communications Board.

***Mr. BAIDYANATH MOOKERJEE:** May I know whether this road was ever included in the list of the Provincial Government?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I shall require notice of this question.

(At this stage the Hon'ble the Speaker specified the short notice questions standing in the name of Maulavi Abdur Rahman.)

The Hon'ble the SPEAKER: Maulavi Abdur Rahman will now put the short notice questions standing in his name.

With regard to these questions I may draw the attention of the House to one fact. These questions were originally tabled as starred questions and they were ready for reply on the first day the Assembly met. Unfortunately the hon. member was not present and the questions could not be answered on that day. Then he submitted these questions again as short notice questions. Hon. members know that for short notice questions consent of the Hon'ble Minister-in-charge is necessary. The Hon'ble Ministers have given their consent; but the file was obtained back from the Secretariat yesterday late in the afternoon. So, the questions could not be printed afresh with answers, neither could they be cyclostyled. I therefore have made this arrangement that these questions will be answered as printed in the list of the first day. I of course realise the difficulty of the hon. members in that they had not been supplied with the answers to these questions. I hope the hon. members will excuse the Assembly staff for their inability to print the answers and place them on the table of the hon. members. But the Hon'ble Ministers have got the answers with them, which they will read out. I shall now ask Maulavi Abdur Rahman to put his questions.

*Speech not corrected by the hon. member or Minister concerned.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, before my hon. friend puts his questions I want to raise a point of order. In this particular case, we could reply to these questions because we had all the materials ready at hand. But the broad question of policy that emerges is whether starred questions, which were put by a certain hon. member and which could not be answered on the due date on account of the absence of the hon. member, could be and should be put as short notice questions. That is the very broad question on which we want a definite ruling.

The second thing is that we never want to stifle any hon. member in his attempt to obtain information from Government. Therefore, although my consent was sought at 4-30 P.M. yesterday I immediately agreed. But the files concerning these questions have gone back to the Secretariat, and I have been left with only the printed answers. If there be long supplementaries, I will not be able to refresh my memory from the file.

I want to know whether, in future, you will allow those questions which could not be replied by reason of the absence of the hon. member concerned to be put down as short notice question at a later date.

The Hon'ble the SPEAKER: I would first request the Hon'ble Ministers to answer to these questions. I will then say what I have got to say on the point of order raised. ✓

Compulsory Primary Education at Baniachong

Maulavi ABDUR RAHMAN asked :

9. (a) Are Government aware that the Habiganj Local Board adopted a resolution for introduction of compulsory Primary Education at Baniachong ?

(b) Is it a fact that Government have provided some money for opening several centres for introduction of compulsory Primary Education in the Province ?

(c) If so, will Government be pleased to state if Baniachong has been included as one of these centres ?

(d) Are Government aware that Baniachong is the largest village in India, if not in the world, with the population of about 40,000 people ?

(e) Are Government aware that the majority of the people of the said village are very backward in education ?

(f) Is it a fact that the people of Baniachong are very keen about introduction of compulsory Primary Education for about last ten years ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

9. (a)—Yes.

(b)—Yes.

(c)—No.

(d)—It is one of the largest villages in India.

(e)—Yes, they are backward, like other village people.

(f)—Government have no information.

Maulavi ABDUR RAHMAN: Is it not a fact that representations were submitted to Government from time to time on behalf of the villagers of Baniachong for introduction of compulsory primary education there ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: No such petition has come to my notice.

Maulavi ABDUR RAHMAN: With regard to (c), may I know why such a large village has been excluded from the list?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: We have not as yet started compulsory primary education in the rural areas. Now, that the matter has been brought pointedly to the notice of the Government by the hon. member it will be looked into.

Maulavi ABDUR RAHMAN: Is it not a fact that when Government proposed to start eight centres the question of Baniachong was repeatedly placed before the Government?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is not my information.

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister whether he will treat the case of Baniachong as a special one?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I shall give the matter all the importance that it deserves.

War Subscriptions

Maulavi ABDUR RAHMAN asked :

10. Will Government be pleased to state—

- (a) What amount of subscriptions towards War Fund has been collected by each of the Subdivisional Officers in the district of Sylhet till January 1941?
- (b) What were the methods of realisation of the said subscriptions in each subdivision of Sylhet?
- (c) Whether it is a fact that the said realisations were made through the Sarpanchas, Police Officers and other Executive Officers under orders of the Subdivisional Officers of each of the subdivisions?
- (d) Whether Government are aware that the general public in some of the subdivisions were harassed for war subscriptions?
- (e) Whether it is a fact that war subscriptions are to be made voluntarily?
- (f) Whether it is a fact that the Sarpanchas and Police Officers were asked by some of the Subdivisional Officers to raise war subscription equal in amount to the Chaukidari tax from the poor people?
- (g) Whether Government are aware that the Sarpanchas and thana Police Officers in Habiganj subdivision created panic among the poorer classes of the people for war subscription during the last few months?
- (h) Under whose orders the officers mentioned in question No.10(g) above did so?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

10. (a)—Figures are as follows—

			Rs.	a.	p.
Karimganj	...	...	20,131	1	6
South Sylhet	...	...	23,475	5	6
Habiganj	...	...	34,332	5	6
Sunamganj	...	...	14,992	14	0

These figures include sums received by officers other than Subdivisional Officers and credited to subdivisional accounts.

(b)—Voluntary monthly subscriptions by Government officers and non-officials' donations (voluntary) received from non-officials box collections in criminal courts and Sub-Registrars' offices and in some cases members of the war committees made house-to-house collections by appeal.

(c)—Collection was not made through Police Officers but in some cases Executive Officers accepted voluntary contributions. In Habiganj however the Sarpanchas were instructed to explain matters to the public in general and accept voluntary contributions from the people after granting proper receipts in printed forms.

(d)—No.

(e)—Yes.

(f)—No.

(g)—No.

(h)—Does not arise.

Maulavi ABDUR RAHMAN: Sir, may I ask a question with regard to (g)? Is not Government aware of the fact that there was a general order issued under the signature of the Subdivisional Officer, Habiganj, to all the Police Officers and Sarpanchas to make it a point to realise an equal amount of money as Chaukidari tax from each people.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is no ambiguity in my reply, Sir. I definitely said 'no' to both (f) and (g).

Maulavi ABDUR RAHMAN: Will the Hon'ble Premier be pleased to start an enquiry whether this is a fact or not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the Subdivisional Officer of Habiganj was here and he saw me and I discussed this matter with him. He denied that he issued any executive instruction to the Police Officers or Sarpanchas to realise war subscriptions equal in amount of chaukidari tax.

Public processions in Habiganj town

Maulavi ABDUR RAHMAN asked :

11. Will Government be pleased to state—

(a) If the neighbouring Muslims of Habiganj town used to take Muharram processions on the tenth day of Muharram festival in the main streets of the town every year?

(b) Whether it is a fact that the Muslims this year in the last Muharram festival were refused permission to take a procession?

- (c) Whether it is a fact that the Subdivisional Police Officer, Habiganj, was approached this year for formal permission to take the procession on the 10th day of the Muharram as usual ?
 - (d) The reasons why the Subdivisional Police Officer did not grant permission to take the said Muharram procession ?
 - (e) Whether it is a fact that at Habiganj there is no communal tension at present ?
12. Will Government be pleased to state—
- (a) Whether it is a fact that in the latter part of January 1941, the Hon'ble the Premier went to Habiganj in connection with the Assam Provincial Muslim League Conference ?
 - (b) Whether it is a fact that the Muslim public of Habiganj wanted to take the Hon'ble Premier with a procession through the town ?
 - (c) Whether it is a fact that the Subdivisional Officer refused permission for such procession ?
 - (d) Whether it is a fact that the League Secretary saw the Subdivisional Police Officer for necessary permission ?
 - (e) Whether it is a fact that for the purpose of the League Conference a general permission on this was obtained from the Deputy Commissioner, Sylhet ?
 - (f) The reasons why the Subdivisional Police Officer refused such permission ?
 - (g) Whether it is a fact that such permission is to be granted by the Deputy Commissioner ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

11. (a)—Muharram processions were usually held every year on the Muharram festival, but the procession did not always take place on the 10th day of Muharram.

(b)—No.

(c)—Yes.

(d)—The application was received on the evening of that day when it was too late to make any arrangements.

(e)—Government are not prepared to say so without further examination.

12. (a)—Yes.

(b)—Yes.

(c)—No.

(d)—No. But the organising Secretary asked for permission for processions of "Volunteers" which was refused by the Deputy Commissioner.

(e)—No. Permission was sought and granted for the following purposes only—

- (i) Escorting the Hon'ble Premier, and
- (ii) Processions of villagers attending the conference.

(f)—Does not arise.

(g)—The Deputy Commissioner issues necessary instructions to the Subdivisional Officer as to the policy of granting such permission. The orders of the Deputy Commissioner are required for any general authority to hold meetings, processions, etc., but he may of course impose conditions such as licenses for processions.

Maulavi ABDUR RAHMAN: Is it not a fact that the Muslim public including the volunteers wanted to take the Hon'ble Premier from the river ghat in procession and they were not permitted by the Police Officers to do so?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not a fact, Sir. On an earlier occasion I had said that what was objected to is that the volunteers should not march in military formation.

Maulavi MUHAMMAD AMJAD ALI: May I know from the hon. questioner why the Hon'ble Premier was being taken to the ghat?

The Hon'ble the SPEAKER: That question does not arise.

Dismissal of one Ijyatulla, holder of a professional driving licence

Maulavi ABDUR RAHMAN asked :

13. Will the Hon'ble Minister-in-charge be pleased to state—

(a) If on the 23rd November 1940 by memorandum No. 123, the Subdivisional Police Officer, Habiganj, asked one Maulavi Abdul Karim, owner of Bus No. A 1332 St. of village Barchar, P.O. Shaistaganj, to dismiss his then driver, one Ijyatulla, holder of a professional driving licence No. 1183?

(b) Whether the said motor driver Ijyatulla is still in the service of Abdul Karim, the owner of Bus No. A 1322 St. or he is since removed?

(c) Whether it is a fact that the Subdivisional Police Officer, Habiganj, without assigning any reason did not allow the said Ijyatulla to serve as a driver?

(d) Whether it is a fact that the said Subdivisional Police Officer did not draw up any proceedings nor did he make any complaint against the said driver?

(e) Whether it is a fact that the said Subdivisional Police Officer did not allow him to serve in any motor service?

(f) Whether it is a fact that the said driver Ijyatulla preferred an appeal to the Additional Superintendent of Police, Sylhet, in charge of Motor Vehicles Department?

(g) If so, will Government be pleased to place on the table a copy of the said appeal?

(h) Whether the driver was ever punished for any offence?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

13. (a)—The Subdivisional Police Officer informed the owner that he did not propose to renew the driver's licence, and advised that the owner should consider the termination of his employment.

(b)—No. He is engaged in driving a contractor's lorry.

(c)—No.

(d)—Yes.

(e)—No. He decided however that the driver was not a fit person to have charge of a public service vehicle and that therefore the licence ought not to be renewed.

(f)—He made a representation to the Additional Superintendent of Police.

(g)—Government have no copy of the representation, which does not appear to have been submitted under the procedure laid down by the Act and Rules.

(h)—Yes. He has seven convictions.

Saraswati Puja processions at Habiganj

Maulavi ABDUR RAHMAN asked :

14. (a) Are Government aware of the fact that the Hindus of the Habiganj town were permitted to take out processions during the last Saraswati Puja festival through the main streets of the town ?

(b) Is it a fact that the licenses for the said processions were obtained from the Subdivisional Police Officer, Habiganj ?

15. Will Government be pleased to state—

(a) If licenses were issued to take out Saraswati Puja processions in any other interior parts of the said Subdivision ?

(b) Whether it is a fact that the Defence of India Rules allow taking out religious processions ?

(c) Why the Muslim public of Habiganj were refused license for taking out procession during the last Muharram festival ?

(d) Whether it is a fact that the Subdivisional Police Officer refused granting of license for the said procession ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

14. (a)—Yes

(b)—Yes.

15. (a)—Government are not aware of any licenses being issued elsewhere.

(b)—The Defence of India Rules include provision for the control of all meetings, processions and assemblies, where necessary.

(c) and (d)—The hon. member is referred to the replies given to her questions asked by him on the same point.

STARRED QUESTIONS

(to which oral answers were given)

Applications for Veterinary Stipends

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY
asked :

*171. Will Government be pleased to state the names and addresses of candidates who applied for veterinary stipends and the names and addresses of those who actually got the stipends in 1940 ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

171.—The names and addresses of the candidates who applied for veterinary stipends and of those who got the stipends in 1940 are furnished in the statements placed on the Library table.

Maulavi MUHAMMAD AMJAD ALI: Who made these appointments ?

The Hon'ble Maulavi MUNAWWAR ALI: These appointments were made by the Director of Veterinary Department.

Maulavi MUHAMMAD AMJAD ALI: May I know the percentage of the success ?

The Hon'ble Maulavi MUNAWWAR ALI: Which year, please ?

Maulavi MUHAMMAD AMJAD ALI: During the last year.

The Hon'ble Maulavi MUNAWWAR ALI: In the last examination the success was cent. per cent.

Rural uplift centres

Mr. BAIDYANATH MOOKERJEE asked :

*172. Will Government be pleased to state—

- (a) The number of rural uplift centres in Assam ?
- (b) The names of each of these centres with the date on which each of these centres was started along with the name of the organiser, with his academic and/or technical qualifications, in charge of each of these centres ?
- (c) The nature of work which these organisers have to carry out ?
- (d) The exact work which has been carried out since the start of the work in each of the centres ?
- (e) The pay of each of the said organisers ?
- (f) How many of the organisers belong to Assam Valley and how many to Surma Valley ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

172. (a)—There are 34 rural uplift centres in Assam.

(b)—The informations are furnished in the statement placed on the Library table.

(c) & (d)—The duty of the organisers is to rouse a spirit of work among the villagers for the all round improvement of their lot and to guide and assist them in their effort in this direction. Some of the works that have been taken up in the rural uplift centres under the direct supervision of the Organisers are enumerated below :—

1. Repairing, widening and constructing roads and making bamboo bridges and clearing *khals* and jungles, etc., by the help of the villagers of the locality.
2. Medical help.
3. Distribution and introduction of improved seeds.
4. Veterinary aid, Silage pits.
5. Making manure pits and conserving village wastes.
6. Developing cottage industry.
7. Rural Sanitation and Hygiene.
8. Opening Night Schools.
9. Live-stock Improvement.
10. Propaganda on the lines suggested above.
11. Growing of fodders.

The most striking success which has been achieved is the awakening of a spirit of dignity of labour and better living in the minds of the villagers who are gradually realizing that by self-help and co-operation they can improve the lot of the village life. The best examples will be found in most of the centres where the people are ungrudgingly co-operating with the departmental staff in various activities such as clearing jungles by the road side, repairing roads, renovating tanks, repairing bamboo bridges, digging drains, bunding fields, constructing village roads, etc.

(e)—An Organiser gets a consolidated pay of Rs. 25 per mensem.

(f)—19 belong to Assam Valley and 15 to Surma Valley.

Mr. BAIDYANATH MOOKERJEE: May I know, Sir, who made these appointments ?

The Hon'ble Maulavi MUNAWWAR ALI: The Director of Agriculture.

Mr. BAIDYANATH MOOKERJEE: May I know, Sir, how many of these centres were visited by the Hon'ble Minister in charge of this Department ?

The Hon'ble Maulavi MUNAWWAR ALI: Excepting the two centres in the Cachar district and a few in the Assam Valley I myself have visited all the centres, Sir.

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister, Sir, whether he has got any personal knowledge as to the translation into practice any item of the scheme he has just referred ?

The Hon'ble Maulavi MUNAWWAR ALI: I have had personal knowledge of many of these items being put into practice, e.g., in one of the Model villages the people by their own labour have constructed as much as 14 miles of road over 10 miles of which I have personally motored through.

Mr. BAIDYANATH MOOKERJEE: May I know the name, Sir.

The Hon'ble Maulavi MUNAWWAR ALI: It is Bhutaigaonpathari in the district of Nowgong.

Maulavi ABDUR RAHMAN: Whether he has got any knowledge of Kulaura and Shaistaganj centres?

The Hon'ble Maulavi MUNAWWAR ALI: I have seen Kulaura and Shaistaganj centres both. I started the Shaistaganj centre and visited Kulaura centre.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister kindly tell me whether any of the works mentioned by him has been done in Shaistaganj centre?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, they have constructed as much as 3 miles of road themselves, so far as I recollect.

Maulavi ABDUR RAHMAM: Will he kindly tell me the names of the roads or the villages?

The Hon'ble Maulavi MUNAWWAR ALI: For that I shall have to refer to the files.

Maulavi ABDUR RAHMAN: In view of the multifarious duties and work done may I request him to draw up a scheme.....

The Hon'ble Maulavi MUNAWWAR ALI: There is already a scheme which is being worked out.

Maulavi ABDUR RAHMAN: Not scheme for work, Sir, but a scheme for the scale of the organizer who are drawing a very low salary in comparison of the work they are required to do.

The Hon'ble Maulavi MUNAWWAR ALI: I am glad to learn this from the hon. member. I have been impressed that there should be a scale of pay for them and certainly I am coming forward with a schedule in the next year's Budget.

Monopoly over Shillong-Sylhet Road

Maulavi ABDUR RAHMAN asked :

*173. (a) Is it a fact that monopoly to ply on motor vehicles has been granted over Shillong-Sylhet Road, to the United Motor Transport Company?

(b) If so, will Government be pleased to state the names of the Directors of the said United Motor Transport Company?

*174. Will Government be pleased to state—

(a) Who are the Managing Agents of the said Company?

*175. Will Government be pleased to state—

(a) Whether Government are aware that the arrangements of carrying passengers by the said Company are very unsatisfactory so far as rates of fares are concerned?

(b) Whether it is a fact that in their Sylhet Office, there is no waiting room for any class of passengers, males or females?

- (c) Whether Government are aware that by the second timing there is no arrangement for higher class passengers, i.e., for inter and 2nd class passengers ?
- (d) Whether the buses now plying for carrying passengers by the said Company, were examined by any Government officer technically qualified to do so before they were used in service ?
- (e) Whether Government are aware that the employees of the said Company in the Sylhet Office behave with passengers very rudely ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

173. (a)—Permits are given by the Provincial Transport Authority which has given permits for the various services, except 6 goods lorries, to one association.

(b)—1. Rai Bahadur S. C. Chaudhuri.

2. Mr. S. Bhattacharjee.

3. Mr. Wahed Ali.

4. Rai Bahadur B. K. Bose.

5. Mr. S. C. Mukherjee.

6. Rai Sahib S. C. Ghose.

7. Mr. P. S. Guha.

8. Rai Bahadur Jibonram Goenka.

9. Khan Bahadur Keramat Ali.

10. Mr. S. K. Mukherjee.

174. (a)—There are no Managing Agents.

175. (a)—No. The maximum fares and freights were carefully fixed by Government with a view to the comfort and convenience of the public, while maintaining as low rates as possible.

(b)—It is a fact that there is no regular waiting room.

(c)—Yes, in the case of the second up timing. The permit holders are understood to be willing to provide such accommodation by this timing also if the traffic justifies it.

(d)—Yes.

(e)—Government have had no complaints on this score.

Maulavi ABDUL BARI CHAUDHURI: May I enquire what has become of the Union Service which was amalgamated with this concern, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is entirely a new question, Sir, and so I want notice.

The Hon'ble the SPEAKER: When the hon. member says that the company has been united with the United Motor Company then he himself knows what has become of it.

Maulavi MUHAMMAD AMJAD ALI: With regard to 175(e) Sir, may I know from the hon. questioner in what way the Government can control the employees ?

The Hon'ble the SPEAKER: The answer to the question is very simple. Very well I allow this to be answered by the Hon'ble Minister.

Maulavi MUHAMMAD AMJAD ALI: Not by Hon'ble Minister but by the questioner, Sir.

The Hon'ble the SPEAKER: It comes to the same thing. The hon. member knows the answer.

Maulavi MUHAMMAD AMJAD ALI: No, Sir, I do not know.

The Hon'ble the SPEAKER: The simple process is to ask the Company.

Maulavi MUHAMMAD AMJAD ALI: We have been accustomed Sir, to travel both by the Shillong-Gauhati Road and the Shillong-Sylhet Road. No employees have ever been found to accord rude behaviour and I fail to understand why such a question has been asked by the hon. questioner.

Maulavi ABDUR RAHMAN: I will become frank Sir. I received a specific complaint from my friend Maulavi Amjad Ali, only December last which led me to put this question. His car went away from the road and the company's employees did not come forward to help him (laughter)...

(At this stage Maulavi Amjad Ali rose and protested to this.)

Maulavi ABDUR RAHMAN: Sir, I have got to put only one question with reference to the reply given to question No. 172(b).

The Hon'ble the SPEAKER: The hon. member ought to have put his question before. Very well I allow him.

Maulavi ABDUR RAHMAN: Whether all these directors named in the reply given by the Hon'ble Premier are the directors of the Commercial Carrying Company, Shillong?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is entirely a new question, Sir. I do not carry the names in my head.

Mr. BAIDYANATH MOOKERJEE: Sir, may I ask one question? It was about the personnel of the Board of Directors. May I know from the Hon'ble Premier whether there has been any change in the personnel?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know, Sir, what is meant by this question.

Mr. BAIDYANATH MOOKERJEE: My question is whether there has been any change in the directorate? My idea is that directors who have been mentioned in reply to this question are not all directors now. The information I sought was whether any change has been made in the original Board of Directors?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, on receipt of this question we enquired from the Company and they gave these names. I do not know Sir, whether there has been any change.

Mr. BAIDYANATH MOOKERJEE: When was this information received by Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As soon as we got the notice of this question, we enquired.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Grant for Special Primary Education

Maulana ABDUL HAMID KHAN asked :

288. Will Government be pleased to state—

- (a) The population of the following communities, the number of each community being shown separately in the Province of Assam—
 - (i) Tribal, (ii) Scheduled Castes and (iii) Immigrants ?
- (b) The amount of special grant allotted to each community on account of Special Primary Education in the year 1941-42 ?
- (c) Whether Government are aware that immigrants are educationally most backward ?
- (d) If so, why only Rs. 4,000 was allotted to them out of a grant of Rs. 15,000 ?
- (e) How Government propose to distribute the grant of Rs. 4,000 among the immigrants in view of the fact that no separate arrangement was made during the last census for the enumeration of immigrants as a separate class ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

288. (a)—Figures for (i) and (ii) are not yet available and it is understood that no separate figures for immigrants in Assam will be available as a result of the recent census.

(b)—Out of the total sum of Rs. 40,000 provided for the expansion of primary education, the following allotments have been made to the three communities named—

						Rs.
Tribal	...	...	...	...	...	8,000
Scheduled Castes	...	...	...	...	...	3,000
Immigrants	...	...	...	...	...	4,000

(c)—The immigrant population is educationally backward. Government are not aware that it can be called most backward in comparison with the other two classes.

(d)—Does not arise.

(e)—The grant will be distributed so as to expand primary education in areas inhabited by immigrants.

Treatment of Political prisoners in jails**Mr. ARUN KUMAR CHANDA** asked :

289. (a) Is it a fact that persons convicted of political offences are subjected to the same treatment in jails as meted out to ordinary convicts ?

(b) Is it a fact that they are kept under lock and key for twelve hours out of twenty-four and are required to have their evening meals before sunset?

(c) Do Government propose to relax the stringency of the rules of detention in the case of political prisoners?

290. (a) Is it a fact that political prisoners are allowed to receive and write one personal letter only in a fortnight in the case of "A" division, in a month in the case of "B" division and in three months in the case of "C" division prisoners?

(b) Since all letters are censored, do Government propose to allow the political prisoners to write and receive letters at their will if need be, at their own expense?

291. (a) Is it a fact that the political prisoners are allowed only one interview with outsiders once in a fortnight in the case of "A" division, in a month in the case of "B" division and in three months in the case of "C" division?

(b) Do Government propose to consider the desirability of allowing them weekly interviews?

292. (a) Is it a fact that Jail Officials are invariably present at the interviews granted to political prisoners with their friends and relations?

(b) Do Government propose to do away with this humiliating restriction imposed upon interviews?

293. (a) Will Government be pleased to give a list of periodicals which are supplied to political prisoners free of charge?

(b) Are such prisoners allowed to subscribe to other periodicals outside the said list where they are not banned or proscribed by the Local Government?

(c) If not, why not?

294. Will Government be pleased to state—

(a) What facilities, if any, have been provided for the physical exercise of political prisoners?

(b) Whether Government propose to provide outfit for such small area games as Badminton, volley ball, tennis courts, etc.?

295. Will Government be pleased to state—

(a) Whether any facilities have been provided for the recreation of political prisoners?

(b) If not, do Government propose to allow political prisoners the use of gramophones, musical instruments, radio sets, etc.?

296. Will Government be pleased to state—

(a) The names of the jails where political prisoners are being kept?

(b) Whether Government propose to consider the desirability of keeping them all together in a single place?

(c) Whether any restrictions have been imposed in the matter of free mixing among political prisoners belonging to different divisions?

(d) If so, why?

297. Will Government be pleased to state—

(a) The estimated daily expense for meals in the case of different divisions of political prisoners?

- (b) Whether Government propose to permit political prisoners to arrange for their own messing according to their tastes and requirements within the same estimated expenditure ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

289. (a)—The Jail Code does not provide for a discrimination of political and non-political offenders, nor is such a discrimination practicable.

(b)—This is the rule for all prisoners.

(c)—Government will consider any specific proposals for modification of the rules that the hon. member may put forward.

290. (a)—This is again the rule for all prisoners of these divisions.

(b)—No. The Superintendent has discretion to relax the rules.

291. (a)—This is the rule for all.

(b)—No. The Superintendent has discretion to allow more frequent interviews.

292. (a)—Yes, this is the universal rule.

(b)—No : the rule is an essential of jail control and there is no question of humiliation.

293. (a)—For "A" division prisoners—

1. "Statesman".

2. "Amrita Bazar Patrika".

For "B" division prisoners—

1. "Times of Assam".

2. "Statesman".

3. "Amrita Bazar Patrika".

For "C" division prisoners—

1. "Amrita Bazar Patrika" (English).

2. "Jugantar" (Bengali).

3. "Azad" (Bengali).

4. "Banga Shree" (Bengali).

5. "Tarun Assam" (Assamese).

(b)—Yes, subject to censorship by the Jail Superintendent.

(c)—Does not arise.

294. (a)—Pedestrian exercise as space permits, games such as Ha-du-du and Badminton.

(b)—The introduction of more games for prisoners in relaxation hours is under consideration of the Inspector-General of Prisons.

295. (a)—They are allowed to read newspapers, books, magazines, etc., and to play indoor games such as chess, Pachishi, etc., Magic lanterns are also supplied to certain larger jail for the recreation of prisoners.

(b)—The supply of radio sets for the benefit of all prisoners is under consideration for the time when funds may permit. One prisoner has been allowed the use of a set at his own expense subject to certain conditions.

296. (a)—Prisoners convicted for offences in connection with the *Satyagraha* movement are in Sylhet, Gauhati, Tezpur, Nowgong, Jorhat, Silchar and Sibsagar jails.

(b)—No.

(c) & (d)—Yes. The whole purpose of the classification is to segregate prisoners of different classes as far as possible.

297. (a)—In the case of A and B division prisoners, whatever the offence, it varies from annas 5 to annas 9 each according to localities and in the case of C division prisoners from annas 2 to annas 4 each.

(b)—No.

Number of "Ferries" in Public Works Department

Maulana ABDUL HAMID KHAN asked :

298. Will the Hon'ble Minister-in-charge be pleased to state—

(a) The total number of "Ferries" under the Public Works Department which are sold by them in auction ?

(b) How many of these ferries are leased out to Moslems and how many to Hindus ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

298. (a) & (b)—A statement is placed on the Library table which will give necessary information.

Treatment of political prisoners in jail

Babu KARUNA SINDHU ROY asked :

299. (a) Is it a fact that the "C" division political prisoners are handcuffed after their arrests and when they are escorted from one jail to another jail and from jails to courts ?

(b) If so, why ?

(c) Is it a fact that Babu Jagneswar Das and Babu Nikunja Behari Goswami were handcuffed when they were escorted to Sylhet Jail, from Karimganj and Maulvibazar respectively ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

299. (a)—C division convicts are ordinarily to be handcuffed under the rules when in transit. Under-trial prisoners are not ordinarily handcuffed.

(b)—Handcuffing is adopted in order to ensure control over the prisoners.

(c)—Government believe that Jagneswar Das was probably handcuffed, as provided in the rules, but the report is that the Police guard cannot be certain at this distance of time. Nikunja Behari Goswami was not handcuffed on the railway journey, the Police escort using their discretion, but as a large gathering of onlookers met the party at Sylhet railway station he was handcuffed for the journey to the jail.

Cases of tuberculosis in Shillong

Rev. J. J. M. NICHOLS-ROY asked :

300. Will Government be pleased to state—

- (a) Whether they have seen the speech delivered by the Civil Surgeon, Khasi and Jaintia Hills, in the Shillong Municipal Board's meeting held on the 15th February 1941, in which he made a statement that "there are at least 1,000 cases of tuberculosis in Shillong to-day and as many more among those living within five miles of Shillong" ?
- (b) If so, will Government be pleased to state whether they propose to ascertain from the said Civil Surgeon the grounds for making the said statement and state—
 - (i) Whether he has taken the census and the names of the persons who are affected by Tuberculosis ?
 - (ii) If so, the year in which the census of such patients was taken, and the communities to which those affected persons belong—i.e., Khasis, Gurkhas, Bengalees, Assamese, etc.?
 - (iii) Whether there has been a house-to-house enquiry made ?
- (c) Will Government be pleased to state the number of T. B. patients by communities separately, treated as out-door and in-door patients, in the Government Hospital, and if available, in other Hospitals in Shillong, separately ?
- (d) Will Government be pleased to state the grounds which made the said Civil Surgeon make the statement that the said 1,000 T. B. cases in Shillong and as many more living within the five miles of Shillong are using the Bara Bazar now ?
- (e) Will Government be pleased to state whether the said Civil Surgeon himself or his assistants detected these cases in Bara Bazar ?
- (f) If so, how many have been detected and to which community they belong ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

300. (a)—Yes.

(b)—It has been ascertained that these estimates of tuberculosis infection have been arrived at by approved methods of calculation based on the number of cases treated in hospital and otherwise.

(i)—The reply is in the negative.

(ii)—Does not arise.

(iii)—Does not arise.

(c) —The information is not available.

(d) —This statement is based on accepted calculations or estimates which have been found to be valid by experience. There

is no law to prevent tuberculosis patients or persons suffering from tuberculosis from moving about freely, and as this disease does not incapacitate sufferers for some time, there is every possibility of many persons suffering from tuberculosis being present in the bazar.

(e) —The reply is in the negative.

(f) —Does not arise.

Ruling by the Hon'ble Speaker whether Starred questions which cannot be answered owing to the absence of the questioner, can be tabled again as Short Notice questions

The Hon'ble the SPEAKER: With regard to the point of order* that has been raised by the Hon'ble the Premier as to whether questions, which are once tabled as Starred questions and cannot be answered on account of the absence of the members concerned on the dates on which they are put up for reply, can again be tabled as Short Notice questions, I am to tell the House that there is nothing in our rules which can prohibit such a practice.

Now with regard to Short Notice questions I want to draw the attention of the hon. members to Rules 23 and 24 of our Rules. Rule 23 provides "that notices of questions should be given at least 15 clear days before the meeting of the Assembly and then by a proviso it is prescribed that the Speaker may with the consent of the Hon'ble Minister-in-charge allow a question to be put at shorter notice than 15 days or may extend the time for answering the question at subsequent meeting". Then Rule 24 says — "a short notice question to which notice is given by a member under proviso 23 shall relate to a specific matter of urgent public importance which shall be made out in the notice of the member putting the question."

Hon. members of the House will, therefore, note that the Speaker cannot admit a question at a shorter notice without the consent of the Hon'ble Minister-in-charge and that under Rule 24 a short notice question must relate to a specific matter of urgent public importance which shall be made out in the notice by the member putting the question. When a member gives notice of a short notice question he states the ground on which he urges that his question relates to a specific matter of urgent public importance. Now, no doubt, the Speaker is to decide whether really the question relates to a matter of urgent public importance; but even if he decides in favour of admitting the question, he cannot do so without the consent of the Minister-in-charge. This being the position, I have been following the practice of obtaining the consent of the Minister-in-charge before admitting a short notice question. So on receipt of notice of a short notice question, I at once invite the opinion of the Hon'ble Minister-in-charge to see whether it really relates to a matter of urgent public importance. If the Minister-in-charge gives the consent to the question being admitted, without disputing the grounds given by the member giving notice of the question to make out that it relates to a matter of urgent public interest, I do not stand in the way of the question being answered. The hon. members know also that in regard to adjournment motions I allow Government to say their say as to whether each adjournment motion that is tabled relates to a matter of urgent public interest.

When the Hon'ble Ministers give their consent to short notice questions, then the question whether they have been tabled at shorter notice or not does not at all stand in my way to admitting the question. This, in short, is the procedure that I have been following up till now. But I am alive

to the inconveniences and difficulties which arise when some starred questions which cannot be answered on the days on which they are put up for answer are tabled again as short notice questions. I would therefore urge upon the hon. members to see that such a practice is never indulged in. This causes inconveniences to Government and also to this Department, as the Hon'ble the Premier has already pointed out. I hope the hon. members will co-operate with me in establishing the convention that the starred questions which are not answered on account of the fault of the members concerned should not be insisted to be answered again as short notice questions in the same session.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : With due deference to your ruling, Sir, I am to say that the Government has been taking this matter in another manner. The Government thinks that when the Hon'ble Speaker asks the Ministry to consent or not in putting short notice questions, the Hon'ble Speaker has already decided according to Rule 24 that these questions relate to specific matters of urgent public importance.

The Hon'ble the SPEAKER : No, this is not my practice. As soon as notice of a question is received, it is sent to the Hon'ble Ministers concerned without my orders. This is the practice I have been following. The Hon'ble Ministers perhaps notice in the files that there are no orders passed by me before they are endorsed to them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : In the present case, this question relates to the Saraswati Puja procession and the Muharram procession which passed long ago, and also the refusal of the Subdivisional Police Officer of Habiganj to renew the licence of a driver to drive a public stage carriage. All these occurred long ago and these cannot be urgent matters of public importance.

The Hon'ble the SPEAKER : With regard to the question whether these matters are of public importance or not the Hon'ble the Premier says that they relate to matters which have passed long ago, but in regard to these matters there was great agitation in the public mind and so the questions might be considered to be urgent. Of course, we accepted one question which relates to the case of a motor driver. But the other questions really were of great public importance.

Complaint for non-receipt of replies to certain questions

Mr. BAIDYANATH MOOKERJEE : Sir, I have not received replies to some of my questions which were sent as far back as January last. In other Sessions we were told that the time was not quite sufficient for obtaining informations from mufassil. But this time, I think, Sir, in the course of five months it should have been quite easy for the Government to oblige us with replies to our questions. Of course, so far as I am concerned, only a few questions are standing over but I do not know about others. In any case, I think, all the questions should have been answered in this Session.

The Hon'ble the SPEAKER : Of course, I tried my level best to have the replies from Government to all the questions, and sent the questions to the Hon'ble Ministers concerned and if the Government are not ready with the answers I cannot help.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Which question, Sir ?

Mr. BAIDYANATH MOOKERJEE: I remember one of my questions about the gambling house in Shillong. Sir, only yesterday when I went near the Barabazar I saw the lights of the Carnival and was reminded that I had not received replies to some of my questions.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry if any questions of hon. members have not been answered. But there has been an unfortunate occurrence in the Secretariat. A particular clerk took into his head to be lax. He shut in an almirah many files to avoid detection of his negligence so long and the Chief Secretary had to give notice to the police. The particular clerk admitted before the new Registrar that the files are locked up in a particular almirah. I think, there are about 4 dozen of files there. I do not know if among those files there are any question files of hon. members.

Statement by the Hon'ble Speaker regarding the number of questions and replies thereto received during the session

The Hon'ble the SPEAKER: In connection with questions admitted and replied to by Government during the Budget Session, 1941, I want to make a statement:

Notice of number of questions received	...	...	657
Number of questions admitted			574
Number of starred questions admitted	...	...	189
Number of starred questions replied	...	...	175
Number of unstarred questions replied	...	...	300
Number of Short notice questions admitted	...	...	18
Number of Short notice questions replied	...	...	15

From this statement hon. members would find that practically almost all the starred questions have been answered.

Mr. BAIDYANATH MOOKERJEE: But in the case of unstarred questions nearly 50 per cent. only have been answered.

The Assam Motor Vehicles Rules, 1940

Rule 12

The Hon'ble the SPEAKER: Order, order. I will now take up Motor Vehicles Rules.

I would request the Hon'ble Premier to move amendment No.150A in the last list.

Hon. members will notice that this amendment is an amendment to sub-rule (c) of rule 12 which was disposed of the other day. It was through inadvertence that this amendment could not be entered in the previous list. Hon. members know that the list was prepared very hurriedly and there was chance of such mistakes occurring. This mistake has since been detected and the amendment has been put down in to-day's list.

In this connection I would request the hon. members to see whether any other mistakes have occurred in regard to the preparing of the list of amendments. The Report submitted by the Joint Conference may be compared with the list of amendments and Hon'ble Premier would please examine the list and see whether there is any other omission. I would also particularly ask the members of the Joint Conference to see whether such mistakes occurred or not.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in sub-rule (C) of rule 12, for the words "rupees five" the words "rupees two" shall be substituted.

The Hon'ble SPEAKER: Amendment moved:

"That in sub-rule (c) of rule 12, for the words 'rupees five', the words 'rupees two' shall be substituted."

There is no other amendment. I am putting the question.

The question was put and adopted.

Original rule 91 (re-numbered rule 89)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in sub-rule (a) of rule 91, after the word "order" in the last line, the words "which shall be granted free", shall be added;

That in sub-rule (b), the word "may" shall be replaced by the word "shall". Clause (i) shall be deleted and clause (ii) re-numbered as clause (i). In the second line of this clause the words "in that case" shall be deleted and for the words "Rs.100" the words "Rs. 25" shall be substituted;

That the following shall be added as a note below this rule:—

Note.—The prescribed period of thirty days shall exclude the time required for obtaining a certified copy of the order against which the appeal is preferred and one copy of such order shall be granted free."

The Hon'ble the SPEAKER: Amendment moved is:

"That in sub-rule (a) of rule 91, after the word 'order' in the last line, the words 'which shall be granted free', shall be added;

That in sub-rule (b) the word 'may' shall be replaced by the word 'shall'. Clause (i) shall be deleted and clause (ii) re-numbered as clause (i). In the second line of this clause the words 'in that case' shall be deleted and for the words 'Rs.100' the words 'Rs. 25' shall be substituted;

That the following shall be added as a note below this rule:—

Note.—The prescribed period of thirty days shall exclude the time required for obtaining a certified copy of the order against which the appeal is preferred and one copy of such order shall be granted free'."

There is no other amendment. I am putting this as a question.

The question was put and adopted.

Original rule 92 (re-numbered rule 90)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that for rule 92 (re-numbered rule 90) the following shall be substituted:—

"90. The Appellate Authority will intimate to the appellant the time and place of hearing the appeal under rules 88 and 89, and within fourteen days of the receipt of such intimation the appellant shall forward to the Appellate Authority copies of such documents in duplicate upon which he wants to rely and appear either in person, or through an agent or a representative authorised by him in writing in this behalf."

There is an amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That for rule 92 (re-numbered rule 90) the following shall be substituted:—

"90. The Appellate Authority will intimate to the appellant the time and place of hearing the appeal under rules 88 and 89, and within fourteen days of the receipt of such intimation the appellant shall forward to

the Appellate Authority copies of such documents in duplicate upon which he wants to rely and appear either in person, or through an agent or a representative authorised by him in writing in this behalf."

Mr. E. H. S. LEWIS: I beg, Sir, to move that for the new rule 90, to be inserted after re-numbering on the recommendation of the Joint Conference, the following shall be substituted:—

"90. The Appellate Authority shall intimate to the appellant the time and place of hearing an appeal under rule 88 or 89. Within fourteen days of receipt of such intimation the appellant shall forward to the Appellate Authority copies of such documents in duplicate upon which he proposes to rely, and upon the appointed date may appear either in person or through an agent or representative authorised by him in writing in this behalf."

This amendment follows annexure (c) accepted by the Hon'ble Premier the other day.

The Hon'ble the SPEAKER: Amendment moved:

"That for the new rule 90, to be inserted after re-numbering on the recommendation of the Joint Conference, the following shall be substituted:—

"90. The Appellate Authority shall intimate to the appellant the time and place of hearing an appeal under rule 88 or 89. Within fourteen days of receipt of such intimation the appellant shall forward to the Appellate Authority copies of such documents in duplicate upon which he proposes to rely, and upon the appointed date may appear either in person or through an agent or representative authorised by him in writing in this behalf."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is only a formal drafting matter. I have no objection to accept it.

Mr. BAIDYANATH MOOKERJEE: 88 and 89 are new numbering. The proper numbering should be 90 and 91. The office may be left with the task of re-numbering afterwards wherever necessary, otherwise much difficulty may be felt in the matter of interpretation of the Rules.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then the motion should be for rule 92.

Mr. BAIDYANATH MOOKERJEE: The motion was read like that by the Hon'ble Speaker.

The Hon'ble the SPEAKER: Can we not do without making any reference to these rules by substituting other words?

A Voice :— That may be done.

Mr. A. WHITTAKER: Could we not leave these consequential amendments to be done by the officer-in-charge who will deal with them later on under the comprehensive motion which is proposed to be introduced before we break off? I think that will be the easiest way.

Mr. BAIDYANATH MOOKERJEE: That is what I suggested. We are referring to the old rules. So, the printed numbering, viz., 88 and 89, in the motion concerned should be 90 and 91. Subsequently we may pass a comprehensive motion by which these consequential changes may be made.

The Hon'ble the SPEAKER: Very well, then I am putting the question.

The question is :

"That for rule 92, the following shall be substituted :—

'The Appellate Authority shall intimate to the appellant the time and place of hearing an appeal under rules 90 and 91. Within fourteen days of receipt of such intimation the appellant shall forward to the Appellate Authority copies of such documents in duplicate upon which he proposes to rely, and upon the appointed date may appear either in person or through an agent or representative authorised by him in writing in this behalf' "

The question was adopted.

Original rule 98 (re-numbered rule 96)

Mr. C. GOLDSMITH: Mr. Speaker, Sir, I beg to move that in clause (ii) of rule 98, the "Semi-colon" after the word "duty" be omitted and the following words be inserted thereafter:—

"and shall not be under the influence of any intoxicating liquor;"

In moving this amendment, Sir, may I say that many of the amendments which we have dealt with so far relate to the constitutional and technical aspects of these rules? But the amendments that I have placed relate to the human side of these rules and they are made from the point of view of public safety and convenience. All the hon. members will admit that this rule is very important and about 90 of per cent. of the accidents that take place are due to violation of this rule. That this is important is proved by the fact that this rule occurs in the Act, itself. Therefore many hon. members may think that when this provision occurs in the Act, what is the necessity for such a rule? But may I say that when these rules will go before the people they will think that these are the only rules applicable to Assam? The book is entitled 'The Assam Motor Vehicles Rules' so the people will think that these are the rules which are applicable in our province and they will not care to look into the Act. Therefore the Assam Motor Vehicles Rules ought to be comprehensive, that is why I have proposed to incorporate this very important rule. In the book there is no reference that these rules are in addition to the rules provided by the Act.....

Mr. A. WHITTAKER: What does the hon. member mean by "rules provided by the Act"?

A Voice:— He means provisions of the Act.

Mr. C. GOLDSMITH: I shall say that Government will lose nothing by incorporating this rule. If it is contended that nothing provided in the Act appears here I may say that rule 178 also appears in the Act. With a little change the whole thing has been bodily taken from the Act. Therefore my contention is that such a rule ought not to have escaped the notice of the Joint Conference. I gave a notice to them, but I have to admit that I was pretty late; it went in the last minute, and it may be that they had no time to discuss this. May I now request the Hon'ble Premier to see whether this can somehow be incorporated now? When people will see rule 98, they will find that certain things have been included, *viz.* "shall not smoke while on duty", "shall behave in a civil and orderly manner to passengers and intending passengers", "shall be cleanly dressed", and so on. They will be surprised to see how

this very important thing has been omitted. They will think members have 'strained a gnat, but swallowed the camel'. May I therefore request that this rule may be incorporated so that people may not think that this important matter was lost sight of by the hon. members?

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

The Hon'ble the SPEAKER: Amendment moved is:

"That in clause (ii) of rule 98, the 'semi-colon' after the word 'duty' be omitted and the following words be inserted thereafter:—

'and shall not be under the influence of any intoxicating liquor';".

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I think as a member of the Joint Conference it is my duty to say a few words on this amendment. Sir, this matter was fully discussed by us. I raised this question and it was pointed out by the Hon'ble Premier that this provision already exists in the Act. The hon. mover also said this. So, it will be quite useless to incorporate this rule when it is already provided for by the Act itself. If we want to incorporate such things, many sections of the Act will have to go into the body of the rules. When it is specifically mentioned in the rules that one cannot smoke while on duty, drinking, which is always to be shunned, is automatically prohibited. So it will be ridiculous on our part to incorporate such a thing in the body of the rules, when the Act itself already provides for that. Therefore I oppose the amendment.

Dr. C. G. TERRELL: Mr. Speaker, Sir, I also, with your permission, rise to oppose this amendment and to associate myself with what has just been said in opposition. It appears to me that in view of the ample provisions made in the Act which cover all the points that have been raised, it is entirely superfluous to bring in any such suggestion in the rules. Furthermore, although the rules may apply only to Assam, convictions will be under the Act.

One other point which, I think, emerges from what has been said by the mover of this motion is that every one who is the owner or the driver of a motor vehicle is unlikely to spend the rest of his life in studying these rules. The members of this House will admit that it is an extremely onerous and burdensome thing to go through these rules and so it is very unlikely that the general public will take the trouble of going into the details of the Assam Motor Vehicles Rules. I certainly think that details of this sort which are amply provided for by the Act should be left out. With these words, I oppose the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. My hon. friend Mr. Goldsmith sent his criticisms of these rules for the consideration of the Joint Conference at a very late stage through his colleague and our friend Khan Bahadur Maulavi Keramat Ali on the second day of the Joint Conference. Although it came so late we had given consideration to all his recommendations. We found, Sir, that as this matter is provided in a better manner in the Act itself, the Joint Conference decided that these matters of general principles which have been incorporated in the Act, should not be repeated in the rules. So we avoided as far as possible to provide in the rules matters which have been definitely placed on the statute. Now my hon. friend Mr. Goldsmith wants that we should put in the words "and shall not be under the influence of any intoxicating liquor" after the words "shall not smoke while on duty". Section 171 of the Act says "whoever while driving or attempting to drive a motor

vehicle is under the influence of drink or a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for a first offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and for a subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both". There is also, Sir, another provision for preventing habitual drunkards from driving. Therefore, Sir, we thought in the Joint Conference that there was no necessity for incorporating the recommendations of my hon. friend Mr. Goldsmith.

Mr. A. WHITTAKER: Section 15(1), deals with the habitual drunkard.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes. It reads as follows:—

"If a Licensing authority is satisfied after giving him an opportunity of being heard that any person (a) is a habitual criminal or a habitual drunkard, it may, for reasons to be recorded in writing, make an order disqualifying that person for a specified period for holding or obtaining a licence." So in view of this provision in the Act, I think, it will be redundant to incorporate in the rules the recommendations of my friend Mr. Goldsmith.

The Hon'ble the SPEAKER: The question is:

"That in clause (ii) of rule 98, the 'semi-colon' after the word 'duty' be omitted and the following words be inserted thereafter:—

'and shall not be under the influence of any intoxicating liquor'."

The question was negatived.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in clause (viii) of rule 98, the words "prescribed number of passengers" shall be replaced by the words "seating capacity specified in the certificate of registration of the vehicle";

that the following shall be added as clause (xx):—"(xx) Shall keep a complaint book for the purpose of recording complaints by the travelling public"; and

the following shall be added as a Note below this rule:—

"Note.—Extracts of this rule with relevant sections of the Act shall be exhibited in English and the Vernacular in the vehicle".

The Hon'ble the SPEAKER: The amendment moved:

"That in clause (viii) of rule 98, the words 'prescribed number of passengers' shall be replaced by the words 'seating capacity specified in the certificate of registration of the vehicle';

that the following shall be added as clause (xx):—"(xx) Shall keep a complaint book for the purpose of recording complaints by the travelling public"; and

the following shall be added as a Note below this rule:—

"Note.—Extracts of this rule with relevant sections of the Act shall be exhibited in English and the Vernacular in the vehicle'."

There is no other amendment to this motion. So I am putting this as a question before the House.

The question was put and adopted.

Khan Bahadur Maulavi KERAMAT ALI: Sir, I beg to move that in rule 98, the following shall be added as clause (xxi):—

"(xxi) Shall not invite or allow outsiders into bus-stands with a view to cause inconvenience or annoyance to the public".

Sir, I move this amendment for the protection of female passengers who happen to come into bus-stand. Sir, it will be seen that in sub-rule 3 of rule 98, renumbered as 96, the drivers have been prohibited from behaving in an unseemly or disorderly manner with the passengers but the hon. members know that undesirable young men who are friends of drivers and conductors loiter about near bus-stands and when women passengers come to bus-stand, these drivers and conductors invite them to the bus-stands and allow them to behave in an unseemly or disorderly manner just to enjoy the fun. It is, for this reason, I move this amendment and I hope the hon. members will accept it.

The Hon'ble the SPEAKER : I would like to suggest a verbal alteration in this amendment. The hon. mover proposes the words "with a view to cause inconvenience or annoyance to the public"; if it remains, then it becomes a question of intention of the driver. I think, instead of these words, the words "as may cause" should be added.

Khan Bahadur Maulavi KERAMAT ALI : Many thanks. agree.

The Hon'ble the SPEAKER : Amendment moved :

"That in rule 98, the following shall be added as clause (xxi) :—

"(xxi) Shall not invite or allow outsiders into bus-stands as may cause inconvenience or annoyance to the public'."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am sorry to hear from the lips of our veteran Khan Bahadur Maulavi Keramat Ali that all these states of affairs are taking place in our bus-stands.

Mr. BAIDYANATH MOOKERJEE : He has mentioned about the young men only. Will the hon. member please reply to that.

Khan Bahadur Maulavi KERAMAT ALI : This report has come to me from the bus owners.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am sorry to hear of this state of affairs. If it is the desire of the House, then I have got no objection to accepting his amendment.

The Hon'ble the SPEAKER : The question is :

"That in rule 98, the following shall be added as clause (xxi) :—

"(xxi) Shall not invite or allow outsiders into bus-stands as may cause inconvenience or annoyance to the public'."

The question was adopted.

Mr. E. H. S. LEWIS : Mr. Speaker, Sir, I beg to move that in rule 98, the following shall be added as clause (xxii) :—

"(xxii) Shall exhibit inside the vehicle such time table and fare table as the Transport Authority has prescribed for the route served by the vehicle."

I will be very brief, Sir. It is clear that the provisions of rule 98 are intended entirely to add to passengers' comfort and convenience. If hon. members will refer to sub-clause (iv) of sub-rule (a) of rule 109, it will be seen that the Transport Authority may require a transport vehicle to keep a record of time of commencement and termination of a journey and of any halt, on a journeys in other words a time-table. It is true that the provisions of rule 109 are intended to see that drivers are not over-worked and such provision is very proper. But should not provision be made to ensure that the public can know when one can expect to find transport running? It is also clear from sub-clause (xii) of rule 98, that a time-table is contemplated and I consider, therefore, that it should be made compulsory for such time-table being exhibited when one exists.

As regards fare tables sub-clause (ix) of rule 98 says "..... sufficient reason, refuse to carry any person tendering the legal fare ;" but I cannot find any provision for enabling passengers to see what the legal fare is, and if this amendment is adopted a person would be able to know what legal fare he is required to pay. The Hon'ble the Premier, if I heard him correctly, while commenting on Mr. Gawthrop's suggestions said that he did not consider that rule 98 was the right place to insert this amendment. I submit, however, that since this rule is made for the comfort and convenience of passengers, this is the proper place to insert this amendment which is intended for the same reason.

Furthermore, having searched the rules I have been unable to find any other place where it could be inserted more suitably. With these words, Sir, I commend my motion to the House.

The Hon'ble the SPEAKER : Motion moved is :

"That in rule 98, the following shall be added as clause (xii) :—

"(xii) Shall exhibit inside the vehicle such time-table and fare table as the Transport Authority has prescribed for the route served by the vehicle'."

Mr. BAIDYANATH MOOKERJEE : Sir, I rise to support the motion and in this connection I beg to state that the Hon'ble Prime Minister may kindly accept it because so far as I remember this was our recommendation also. Most probably it was not incorporated in the Report. I think my hon. friend Mr. Whittaker will bear me out. We discussed this matter and it was found that the time-table and the fare table should be exhibited inside the bus. So we were not unmindful of it. But somehow or other it escaped the notice of the reporter and I hope the Hon'ble Premier will accept it.

Maulavi ABDUL BARI CHAUDHURY : Sir, I want to speak a few words. The amendment reads as follows :—

"Shall exhibit inside the vehicle such time-table and fare table as the Transport Authority has prescribed for the route served by the vehicle."

We have already decided that the authorities shall have nothing to do with the fixation of fare. Therefore I suggest the amendment may be worded as follows :

"shall exhibit inside the vehicle such time table and fare table as prescribed for the route served by the vehicle".

The Hon'ble the SPEAKER : I think the hon. member may accept it.

Mr. E. H. S. LEWIS : Very well, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : As I mentioned the other day, Sir, I have no objection if the House desire that these time-table and fare table should be exhibited in some conspicuous part of the bus either inside or outside or if any printed card is kept by the driver or conductor. But as the motion is worded, it may be only in inside and nowhere else. It may be, there may be no place inside. Will it matter if such exhibition is made outside the bus ? The second point raised by my friend Mr. Abdul Bari Chaudhury.....

Mr. BAIDYANATH MOOKERJEE : It will be difficult to keep it outside the bus because it will be necessary to provide some shade and things like that.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Anyway, Sir, I will leave the matter to the House. If the House desire, I will have no objection in having it inside or outside or anywhere else.

As my friend Mr. Abdul Bari Chaudhury has pointed out, Sir, that the House did not accept his amendment as regards rule 89, therefore a fare table cannot be exhibited. Probably a fare table in his bus, will put some restriction on the driver and conductor and will give some protection to the unwary and illiterate public because otherwise the driver or conductor may charge some extra sum.

The Hon'ble the SPEAKER: A passenger must know the fare before he becomes a passenger and when he becomes a passenger he sees the inside of the vehicle.

Khan Bahadur Maulavi KERAMAT ALI: Then the word should be substituted by the word 'on', Sir.

Mr. BAIDYANATH MOOKERJEE: If there is a station, then the question of this time-table and fare table will not arise.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: What is the harm if Khan Bahadur Maulavi Keramat Ali's suggestion is accepted?

Maulavi ABDUL BARI CHAUDHURY: In Calcutta side this is also in inside.

Mr. BAIDYANATH MOOKERJEE: Just behind the driver's seat.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: But I think 'on' instead of 'inside' will be better.

The Hon'ble the SPEAKER: I also think that 'on' will be better. Does the hon. member agree?

Mr. E. H. S. LEWIS: Yes, Sir, I agree.

The Hon'ble the SPEAKER: Then the amendment stands thus:

"That in rule 98, the following shall be added as clause (xxii) :—

'(xxii) Shall exhibit on the vehicle such time-table and fare table as prescribed for the route served by the vehicle'."

I now put this as a question.

The question was put and adopted.

Original rule 100 (re-numbered rule 98)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I beg to move that in clause (v) of rule 100, the words "when smoking is prohibited, or" shall be deleted.

The Joint Conference considered this matter, Sir, and came to the conclusion that it will be better to remove this phrase otherwise it will lead to complication. The original draft rule states—that if, at any time, a passenger in a public service vehicle smokes when smoking is prohibited, or when the vehicle is being refuelled, then there are certain things to follow. Now who will decide when smoking is prohibited, because if the bus be on a outside road it may either be the driver or the conductor. So there may be altercations between these bus people and the passengers and there may be unlawful scenes. Therefore the Joint Conference thought that we should delete these words.

The Hon'ble the SPEAKER: Amendment moved is:

"That in clause (v) of rule 100, the words 'when smoking is prohibited, or' shall be deleted."

There is no other amendment. So I am putting this as a question.

The question was put and adopted.

Mr. C. GOLDSMITH: I beg to move, Sir, that in clause (v) of rule 100, after the words, "re-fuelled, or" the following be added :—

"does not stop smoking when any passenger male or female, complains of the inconvenience caused by such smoking, or".

In moving this amendment, Sir, I should say that I am not moving here that smoking should be prohibited altogether. I am only saying that when any passenger feels inconvenience and complains then smoking should be stopped. It must be admitted that many people do not smoke and because they think that smoking is a bad habit and unnecessary they should not be put into inconveniences by the smokers. No smoker has a right to make a person who is a non-smoker to inhale the fumes which is obnoxious to him. I have travelled a lot in buses and I have noticed that not only men but our women folk are also travelling now-a-days in the buses—Hindus, Muslims and also Christians. I know that our women in this country have not taken to smoking.

Mr. BAIDYANATH MOOKERJEE: Those days are gone by.

Mr. C. GOLDSMITH: If that be so, then must be among fashionable people. I am only asking by this amendment that whenever anybody complains of smoking it should be stopped otherwise in the absence of any rule they will go on smoking. My point is that, Sir, smoking should be stopped for etiquette's sake if not for anything else.

The Hon'ble the SPEAKER: Amendment moved:

"That in clause (v) of rule 100, after the words, 're-fuelled, or' the following be added:—

'does not stop smoking when any passenger male or female, complains of the inconvenience caused by such smoking, or.'"

Mr. BAIDYANATH MOOKERJEE: Sir, I rise to oppose this motion. From our experiences we find that the number of smokers is larger than that of non-smokers in the trains and buses. Sir, my friend is thinking of himself. I suppose he is a non-smoker. It may be that sometimes he feels inconvenienced by others smoking. Sir, in trains what happens? In our country there is no non-smokers' compartment or carriage. So, everybody, smoker or non-smoker, male or female, have to travel in the same compartment. This has been going on for a long time. So I do not find any reason why an exception should be made in the case of buses. In some cases we may rely on the good senses of the passengers. If really any lady feels that there should not be any smoking, in that case if it is requested I think the man who smokes will naturally stop smoking but if there be any such hard and fast rule, then it will be very difficult for the conductors and bus drivers to control passengers as I have already said that the number of smokers would be larger than the number of non-smokers, any day. This question was discussed threadbare in the Joint Conference and I hope the Hon'ble Premier in his reply will go a step further and say that from his experience he finds now-a-days that the number of female smokers is not very much less than the number of male smokers (*laughter*).

I oppose this motion, Sir,

Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURY: I support Mr. Goldsmith, Sir. Smoking in the buses is really a nuisance. I belong to the class of non-smokers, Sir, and I really feel nauseating when a man smokes by my side. I think Mr. Goldsmith has brought this amendment at the proper time and it should be accepted without any division.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, it is for the public good and not a question of smoker or non-smoker. I oppose this amendment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, as I have mentioned while moving my amendment that the Joint Conference considered this matter very thoroughly and seeing the nature of the punishment that is to be dealt with by the driver and the conductor, we thought that the provision as regards smoking should be entirely omitted.

If my hon. friend will read that particular rule he will find that when anybody smokes, the driver or the conductor, if any, may require such person to alight from the vehicle forthwith and may stop the vehicle and keep it standing until the passenger has alighted. Such passenger shall not be entitled to refund of any fare which he may have paid and any passenger failing to comply forthwith with such a requirement may be forcibly removed by the conductor or the driver. As my hon. friend has said that the number of smokers both male and female has increased to such an extent that if we now make a provision for stopping smoking on the lines of the draft rule we will follow the Bengal adage "ঠগ বাচতে দেশ উজাড়", i. e., the whole country will be depopulated in the process of eliminating swindlers."

In buses the number of smokers will be greater and there will be endless altercation between the smokers and a few non-smokers, the driver and conductor. Supposing the driver asks the man smoking to alight, but the man does not, and so the driver stops the car indefinitely as it is provided. This will be rather inconvenient to the passengers-smokers or non-smokers. Therefore any contingency which my friend Mr. Goldsmith wants to be provided for, we should leave it to the common sense and gentleness of the passenger, rather than have a hard and fast rule.

The Hon'ble the SPEAKER: I am putting the question. The question is:

"That in clause (v) of rule 100, after the words 'refuelled, or' the following be added:—

'does not stop smoking when any passenger, male or female, complains of the inconvenience caused by such smoking, or.'"

The Assembly divided.

AYES—9

1. Mr. Naba Kumar Dutta.
2. Maulavi Abdul Bari Chaudhury.
3. Maulavi Muhammad Amjad Ali.
4. Maulavi Muhammad Maqbul Hussain Chaudhury.

5. Maulavi Naziruddin Ahmed.
6. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
7. Mr. F. W. Blennerhassett.
8. Dr. C. G. Terrell.
9. Mr. C. Goldsmith.

NOES—13

1. Mr. Baidyanath Mookerjee.
2. Babu Bipin Behari Das.
3. Babu Kamini Kumar Sen.
4. Babu Lalit Mohon Kar.
5. Maulavi Abdul Aziz.
6. Maulavi Badaruddin Ahmed.
7. Khan Bahadur Maulavi Keramat Ali.

8. Khan Bahadur Maulavi Mufizur Rahman.
9. Maulavi Muzarrof Ali Laskar.
10. Maulavi Namwar Ali Barbhuiya.
11. Mr. Jobang D. Marak.
12. Srijut Karka Dalay Miri.
13. Srijut Khorsing Terang.

The question was negatived.

Khan Bahadur Maulavi KERAMAT ALI: I beg, Sir, to move that in sub-clause (vi) of rule 100, after the words 'spits or' the following shall be added:—

'disfigures or spoils the body of the bus or carriage'.

Now, Sir, passengers generally disfigure the body of stage carriages or buses with lime taken out of their *pan* and they also use their knives in spoiling such bodies. Therefore I think that this rule should be there and I commend this to the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That in sub-rule (vi) of rule 100, after the words 'spits or' the following shall be added :—

'Disfigures or spoils the body of the bus or carriage'."

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :

Sir, I oppose the amendment. I think if any passenger uses a knife inside the bus to disfigure the body it is for the bus-owner to sue him in law court. We have got nothing to do with this. I think, the Khan Bahadur, the mover of this amendment, has got inspiration from his company and hence the amendment *(laughter)*.

Mr. BAIDYANATH MOOKERJEE : Mr. Speaker, Sir, I rise to support the motion. From my experience, I have found that in many cases the painting of the buses and the window-side of the buses are damaged. As has been said by the hon. mover of the amendment, some passengers who use knives for cutting betel-nuts use the window-side of a bus, first for sharpening the blades of the knives and then they playfully if not mischievously test their sharpness by cutting the sides of the windows. On two or three occasions I myself noticed drivers of buses quarrelling with the passengers for scratching the body of the buses. So, in the fitness of things such a provision should be incorporated in the rules. I therefore support the motion

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

Sir, I will leave it to the hon. members to decide whether this provision should be incorporated in our rules. As regards disfigurement, a deputation from the Bus Association of Jorhat came and waited upon me. They complained that most of their buses were being spoiled by the insanitary habit of pan-chewers in rubbing on the body of the bus the extra lime which they carry at the end of their fore-fingers. But I doubt whether any rules will be able to remove this state of affairs when there is such a large number of pan-chewers travelling in the province. I agree however with my hon. friend Mr. Mookerjee ; I have seen myself that people possessing a knife using it on the wooden bus-frame. So this rule will be for the benefit of the bus-owners as well as for the safety of the public. But I very much doubt whether painting by pan-chewers can be avoided.

The Hon'ble the SPEAKER : The question is.

"That in sub-rule (vi) of rule 100, after the words 'spits, or' the following shall be added :—

'Disfigures or spoils the body of the bus or carriage'."

The question was adopted.

Original rule 102 (re-numbered rule 100)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

I beg, Sir, to move that in sub-rule (i) of rule 102, the words "Rs.2" shall be substituted by the words "Re.1".

The Hon'ble the SPEAKER : Amendment moved :

"That in sub-rule (i) of rule 102, the words 'Rs.2' shall be substituted by the words 'Re.1'."

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

Original rule 107 (re-numbered rule 105)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

I beg, Sir, to move that in sub-rule (d) of rule 107, the proviso shall be deleted.

The Hon'ble the SPEAKER: Amendment moved:
 "That in sub-rule (d) of rule 107, the proviso shall be deleted."
 I am putting this as a question before the House.

The question was put and adopted.

Original rule 109 (re-numbered rule 107)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
 I beg, Sir, to move that under clause (vi) in sub-rule (a) of rule 109, a "full stop" shall be placed after the word "solely" and the remaining words, i.e., "and when goods were carried in addition to passengers and, in that case, the number of seats available for passengers" shall be omitted.

The Hon'ble the SPEAKER: Amendment moved:
 "That under clause (vi) in sub-rule (a) of rule 109, a 'full stop' shall be placed after the word 'solely' and the remaining words, i.e., 'and when goods were carried in addition to passengers and, in that case, the number of seats available for passengers' shall be omitted."

There is no other amendment. So I am putting this as a question.

The question was put and adopted.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg to move that clause (vii) of sub-rule (a) of rule 109, shall be deleted.

Sir, in this case also I find that this was one of the recommendations of the Joint Conference, but somehow or other it escaped the notice of the reporter. Sir, the clause runs thus: "the earnings from coaching and goods". Our point was that the Transport Authority should not be given access to the earnings of the companies. As regards the other clauses it was found that they were necessary for the benefit of the public. It will be found that in no other case except perhaps for income-tax, the earnings of the companies are kept open for inspection or checking of any kind. So, Sir, it was disliked and rejected by the Conference and this clause was omitted. I hope the Hon'ble Premier will accept my amendment.

The Hon'ble the SPEAKER: Amendment moved:
 "That clause (vii) of sub-rule (a) of rule 109, shall be deleted."

Mr. A. WHITTAKER: The only thing I want to point out is that this point was not lost sight of by Rai Sahib Apurba Kumar Ghosh, who has mentioned this in Annexure B, which has already been accepted by the Hon'ble Premier.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
 I have already said that this was an omission in the reporting, which has been set right by Rai Sahib Apurba Kumar Ghosh's amendment which I am prepared to accept.

The Hon'ble the SPEAKER: Then I am putting the question.
 The question is:

"That clause (vii) of sub-rule (a) of rule 109, shall be deleted."

The question was adopted.

Original rule 115 (re-numbered rule 113)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
 I beg, Sir, to move that for rule 115 (re-numbered rule 113), the following shall be substituted:—

"113. All fees payable for registration and inspection of motor vehicles, permits, driving licenses and such other fees as are prescribed shall be paid either in cash, cheque or postal money orders or shall be deposited in th

treasury by chalan. When payment is made by chalan, the duplicate copy shall be forwarded to the Authority concerned, who shall maintain an account of all fees received in Form R. F. Register for XII.—Fees and other receipts under the Motor Vehicles Act, 1939.”

The Hon'ble the SPEAKER: Amendment moved :

“That for rule 115 (re-numbered rule 113), the following shall be substituted :—

‘113. All fees payable for registration and inspection of motor vehicles, permits, driving licenses and such other fees as are prescribed shall be paid either in cash, cheque or postal money order or shall be deposited in the treasury by chalan. When payment is made by chalan, the duplicate copy shall be forwarded to the Authority concerned, who shall maintain an account of all fees received in Form R. F. Register for XII.—Fees and other receipts under the Motor Vehicles Act, 1939’.”

As there is no other amendment, I am putting this as a question before the House.

The question was put and adopted

Adjournment

The Assembly then adjourned for lunch till 2 P.M.

After lunch

Original rule 123 (re-numbered rule 121)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in sub-rule (b) of rule 123, the word “and” in the last line shall be substituted by the word “or”.

The Hon'ble the SPEAKER: The amendment moved :

“That in sub-rule (b) of rule 123, the word ‘and’ in the last line shall be substituted by the word ‘or’ ”.

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

Original rule 127 (re-numbered rule 125)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in sub-rule (a) of rule 127, the word “automatic” in the first line shall be omitted.

The Hon'ble the SPEAKER: Amendment moved :

“That in sub-rule (a) of rule 127, the word ‘automatic’ in the first line shall be omitted”.

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

Original rule 130 (re-numbered rule 128)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that the following shall be added as sub-rule (c) of rule 130 :—

“(c) This rule shall not apply to a motor car registered before the 1st day of April, 1940”.

The Hon'ble the SPEAKER : Amendment moved :

"That the following shall be added as sub-rule (c) of rule 130 :—

'(c) This rule shall not apply to a motor car registered before the 1st day of April 1940' "

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

Original rule 134 (re-numbered rule 132)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that the following shall be substituted for sub-rule (a) of rule 134 :—

"(a) The over-all length of every motor vehicle other than a trailer shall not exceed $27\frac{1}{2}$ feet except on the hill roads referred to in the rules in Appendix I, where the limit shall be $22\frac{1}{2}$ feet "

The Hon'ble the SPEAKER : Amendment moved :

"That the following shall be substituted for sub-rule (a) of rule 134 :—

'(a) The over-all length of every motor vehicle other than a trailer shall not exceed $27\frac{1}{2}$ feet except on the hill roads referred to in the rules in Appendix I where the limit shall be $22\frac{1}{2}$ feet' "

There is no other amendment. I am putting this as a question.

The question was put and adopted.

Original rule 137 (re-numbered rule 135)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that for rule 137 (re-numbered rule 135), the following shall be substituted :—

"135. Every motor vehicle shall be so constructed as to be capable of turning in either direction in a circle not exceeding in diameter sixty feet in the case of a vehicle, the over-all length of which does not exceed twenty-six feet, and sixty-six feet in the case of a vehicle, the over-all length of which exceeds twenty-six feet. For the purpose of this rule such diameter shall be determined by reference to the extreme outer edge of the wheel track at ground level.

Provided that the Regional Transport Authority may, in its discretion, permit the use of any vehicle which has a turning circle diameter in excess of sixty-six feet in any specified route or region".

The Hon'ble the SPEAKER : Amendment moved :

"That for rule 137 (re-numbered rule 135), the following shall be substituted :—

'135. Every motor vehicle shall be so constructed as to be capable of turning in either direction in a circle not exceeding in diameter sixty feet in the case of a vehicle the over-all length of which does not exceed twenty-six feet, and sixty-six feet in the case of a vehicle the over-all length of which exceeds twenty-six feet. For the purpose of this rule such diameter shall be determined by reference to the extreme outer edge of the wheel track at ground level.

Provided that the Regional Transport Authority may, in its discretion, permit the use of any vehicle which has a turning circle diameter in excess of sixty-six feet in any specified route or region' ”.

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

Original rule 139 (re-numbered rule 137)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
I beg, Sir, to move that the following shall be added as sub-rule (c) of rule 139 :—

“(c) This rule shall not apply to special purpose vehicles exempted by general or special order of the Registering Authority”.

The Hon'ble the SPEAKER : Amendment moved :

“That the following shall be added as sub-rule (c) of rule 139 :—

“(c) This rule shall not apply to special purpose vehicles exempted by general or special order of the Registering Authority”.

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

Original rule 145 (re-numbered rule 143)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
Sir, I beg to move that the following shall be added as sub-rule (c) of rule 145 :—

“(c) This rule shall not apply to any motor vehicle registered before the first day of April 1940”.

The Hon'ble the SPEAKER : Amendment moved :

“That the following shall be added as sub-rule (c) of rule 145 :—

“(c) This rule shall not apply to any motor vehicle registered before the 1st day of April 1940”.

There is no amendment and so I am putting the question.

The question was adopted.

Original rule 148 (re-numbered rule 146)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
I beg, Sir, to move that the following words shall be added to the end of the proviso to rule 148 :—

“and provided that this rule shall not apply to public service vehicles registered before the first day of April 1940”.

The Hon'ble the SPEAKER : Amendment moved :

"That the following words shall be added to the end of the proviso to rule 148 :—

'and provided that this rule shall not apply to public service vehicles registered before the first day of April 1940' "

There is no amendment and so I am putting the question.

The question was put and adopted

Original rule 149 (re-numbered rule 147)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, I beg, to move that in sub-rule (d) of rule 149 the second sentence, "Only one person shall sit on the left of the driver in the remaining portion of the front driving seat", and proviso to this rule shall be deleted.

The Hon'ble the SPEAKER : Amendment moved :

"That in sub-rule (d) of rule 149 the second sentence 'Only one person shall sit on the left of the driver in the remaining portion of the front driving seat', and the proviso to this rule shall be deleted".

There is no amendment and so I am putting the question.

The question was put and adopted.

Original rule 151 (re-numbered rule 149)

Mr. NABA KUMAR DUTTA : Sir, I beg to move that sub-rule (b) of rule 151, shall be deleted.

Sir, this is a very simple amendment. By this amendment I want that grab rail should be fixed in all vehicles including those registered before the 1st April 1940, for the safety of passengers.

The Hon'ble the SPEAKER : Amendment moved :

"That sub-rule (b) of rule 151 shall be deleted".

Mr. A. WHITTAKER : Sir, I support this amendment. I think it is very necessary in the interest of the travelling public. It is reasonable that it should be for all motor vehicles.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : If this is the opinion of the hon. members, I have got nothing to object from the Government point of view. What we thought, Sir, for assisting the travelling public a grab rail is necessary in the public service vehicle, but if such a vehicle is on the road without any inconvenience to the public from before these rules came into operation, we thought, Sir, that as no body has complained, we should allow these vehicles that have been registered before 1st April 1940 and still are in good condition to ply on the road without this convenience. But if the hon. members want that this should apply to all the motor vehicles of public service, we have no objection.

The Hon'ble the SPEAKER : The question is :

"That sub-rule (b) of rule 151, shall be deleted".

The question was adopted.

Original rule 157 (re-numbered rule 155)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that in rule 157, the words "and there shall always be two exits for each compartment" shall be deleted.

The Hon'ble the SPEAKER: Amendment moved :

"That in rule 157, the words 'and there shall always be two exits for each compartment' shall be deleted".

There is no amendment and so I am putting the question.

The question was put and adopted.

Original rule 159 (re-numbered rule 157)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that the following shall be added as sub-rule (c) of rule 159 :—

"(c) This rule shall not apply to any public service vehicle registered before the first day of April 1941".

The Hon'ble the SPEAKER: Amendment moved :

"That the following shall be added as sub-rule (c) of rule 159 :—

"(c) This rule shall not apply to any public service vehicle registered before the first day of April 1941".

There is no amendment. I shall now put the question.

The question was put and adopted.

Original rule 170 (re-numbered rule 168)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that the following shall be substituted for the first paragraph of sub-rule (a) of rule 170 :—

"The over-all length of a trailer (excluding any draw bar) shall not exceed 22 feet except on the hill roads specified in Appendix I, where the limit shall be 14 feet".

The Hon'ble the SPEAKER: Amendment moved :

"That the following shall be substituted for the first paragraph of sub-rule (a) of rule 170 :—

"The over-all length of a trailer (excluding any draw bar) shall not exceed 22 feet except on the hill roads specified in Appendix I, where the limit shall be 14 feet".

There is an amendment to Appendix I, does that affect this ?

Mr. A. WHITTAKER: No, Sir, it does not.

The Hon'ble the SPEAKER: I am then putting the question.

The question was put and adopted.

Original rule 171 (re-numbered rule 169)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I beg to move that the figures "1940" in the first line of the first proviso under clause (ii), shall be replaced by the figures "1941". Sub-paragraph (3) of sub-rule (b), shall be substituted by the following :—

"(3) In the case of trailers registered after the first day of April 1941, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the towing vehicle".

The Hon'ble the SPEAKER : Amendment moved :

"That the figures '1940' in the first line of the first proviso under clause (ii), shall be replaced by the figures '1941'. Sub-paragraph (3) of sub-rule (b), shall be substituted by the following :—

'(3) In the case of trailers registered after the first day of April 1941, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the towing vehicle' "

There is an amendment in the name of Dr. Terrell.

Dr. C. G. TERRELL : Sir, I beg to move that in sub-paragraph (3) of sub-rule (b) of rule 117, the word "towing" shall be substituted by the word "drawing".

It is purely a technical amendment and is in confirmation with the model rules.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I accept this, Sir.

The Hon'ble the SPEAKER : Then I am putting this as a motion. That in the proposed sub-paragraph (3) of sub-rule (b) of rule 171, in the motion of the Hon'ble Premier the word 'towing' shall be substituted by the word 'drawing'.

The amendment was put and adopted.

The Hon'ble the SPEAKER : I am now putting the main motion.

The question is :

"That the figures '1940' in the first line of the first proviso under clause (ii), shall be replaced by the figures '1941'. Sub-paragraph (3) of sub-rule (b), shall be substituted by the following :—

'(3) In the case of trailers registered after the first day of April 1941, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle' "

The question was adopted.

Rule 172

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

Sir, I beg to move that rule 172, shall be deleted.

This rule refers to the use of speed governors but as on account of the international war situation, no speed governor will be available in India for some time, the Joint Conference recommended that this provision should be omitted.

The Hon'ble the SPEAKER : Amendment moved :

"That rule 172, shall be deleted".

The amendment then was put and adopted.

Original rule 175 (re-numbered rule 172)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

I beg, Sir, to move that rule 175 (renumbered rule 172), shall be substituted by the following :—

"172. *Carriage of luggage.*—No goods or luggage shall be carried on the roof of any motor cab".

The Hon'ble the SPEAKER : Amendment moved :

"That rule 175 (renumbered rule 172) shall be substituted by the following :—

"172. *Carriage of luggage.*—No goods or luggage shall be carried on the roof of any motor cab".

There is no other amendment; so I put this as a question.

The question was put and adopted.

Original rule 181 (re-numbered rule 178)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg to move that for sub-rule (d) of rule 181, the following shall be substituted:—

“(d) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicle the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of any axle or by all the wheels of the vehicle as the case may be”; and

that in sub-rule (g) the words “District Magistrate” at both the beginning and end of the 3rd line shall be deleted.

The Hon'ble the SPEAKER: Amendment moved:

“That for sub-rule (d) of rule 181, the following shall be substituted:—

“(d) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicle the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of any axle or by all the wheels of the vehicle as the case may be” and

that in sub-rule (g) the words ‘District Magistrate’ at both the beginning and end of the 3rd line shall be deleted”.

There is no other amendment to it and I shall put this as a question before the House.

The question was put and adopted.

Original rule 186 (re-numbered rule 183)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg to move that in sub-rule (d) of rule 186, the words “The Officer-in-charge of Motor Vehicles Department” shall be substituted by the words “Licensing Authority.”

The Hon'ble the SPEAKER: Amendment moved:

“That in sub-rule (d) of rule 186 the words ‘The Officer-in-charge of Motor Vehicles Department’ shall be substituted by the words ‘Licensing Authority’ ”

There is no other amendment to it and I put this as a question before the House.

The question was put and adopted.

Original rule 191 (re-numbered rule 188)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in sub-rule (a) of rule 191, the words “Officer-in-charge of Motor Vehicles Department” shall be substituted by the words “Licensing Authority.”

The Hon'ble the SPEAKER: Amendment moved:

“That in sub-rule (a) of rule 191, the words ‘Officer-in-charge of Motor Vehicles Department’ shall be substituted by the words ‘Licensing Authority’ ”.

There is no other amendment to it and I put this as a question before the House.

The question was put and adopted.

Original rule 192 (re-numbered rule 189)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg Sir, to move that in sub-rule (b) of rule 192, the words "The Officer-in-charge of Motor Vehicles Department" wherever they occur shall be substituted by the words "The Licensing Authority".

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-rule (b) of rule 192, the words 'The Officer-in-charge of Motor Vehicles Department' wherever they occur shall be substituted by the words 'The Licensing Authority'".

There is no other amendment to it and I put this as a question before the House.

The question was put and adopted.

Original rule 195 (re-numbered rule 192)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I beg to move that in rule 195 the words "and ferries" shall be added after the word "bridges" in the title, and that two sub-rules be added as follows as sub-rules (b), (c) and the existing rule be numbered as sub-rule (a):—

The two new sub-rules will read as follows—

"(b) The driver, conductor or other person in-charge of a public service vehicle shall cause all passengers to alight before embarking the said public service vehicle on any ferry boat, and shall not allow them to take their places again in the vehicle until it has been disembarked.

(c) Every passenger in a public service vehicle shall, on the request of the driver, conductor or other person in-charge alight from the vehicle with a view to its being embarked on a ferry boat."

The Hon'ble the SPEAKER: Amendment moved:

"That in rule 195 the words 'and ferries' shall be added after the word 'bridges' in the title, and that two sub-rules be added as follows as sub-rules (b), (c) and the existing rule be numbered as sub-rule (a):—

The two new sub-rules will read as follows—

"(b) The driver, conductor or other person in-charge of a public service vehicle shall cause all passengers to alight before embarking the said public service vehicle on any ferry boat, and shall not allow them to take their places again in the vehicle until it has been disembarked.

(c) Every passenger in a public service vehicle shall, on the request of the driver, conductor or other person in-charge alight from the vehicle with a view to its being embarked on a ferry boat."

As there is no other amendment, I put this as a question before the House.

The question was put and adopted.

Original rule 197 (re-numbered rule 194)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I beg to move that the Note under rule 197 shall be deleted,

This rule refers to the Dimapur-Manipur Road which lies in the Excluded Area.

The Hon'ble the SPEAKER: Amendment moved :

"That the Note under rule 197 shall be deleted."

There is no amendment and so I put this as a question before the House.

The question was put and adopted.

Original rule 199 (re numbered rule 196)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg Sir, to move that clause (iv) of sub-rule (d) of rule 199 shall be deleted and clauses (v) and (vi) shall be re-numbered as clauses (iv) and (v) and the Note below the rule shall be deleted.

This also refers to the Dimapur-Manipur Road, Sir, which is in the Excluded Area.

The Hon'ble the SPEAKER: Amendment moved :

"That clause (iv) of sub-rule (d) of rule 199 shall be deleted and clauses (v) and (vi) shall be re-numbered as clauses (iv) and (v) and the Note below the rule shall be deleted."

There is no other amendment and I put this as a question before the House.

The question was put and adopted.

Original rule 203 (re-numbered rule 200)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I beg to move that rule 203 (re-numbered rule 200) shall be substituted by the following:—

"200. *Restriction to the use of vehicles of over 3½ tons laden weight.*—No motor vehicle or trailer the laden or unladen weight of which exceeds 3½ tons shall be used on any road maintained by Government or any Public Authority except those specified in the Fifth Schedule to these rules and subject to the weight restriction specified in that Schedule against each of the roads."

The Hon'ble the SPEAKER: Amendment moved :

"The rule 203 (re-numbered rule 200) shall be substituted by the following:—

"200. *Restriction to the use of vehicles of over 3½ tons laden weight.*—No motor vehicle or trailer the laden or unladen weight of which exceeds 3½ tons shall be used on any road maintained by Government or any Public Authority except those specified in the Fifth Schedule to these rules and subject to the weight restriction specified in that Schedule against each of the roads."

There is an amendment to the Fifth Schedule. Will this amendment affect this ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, it will not affect. The laden weight is higher than 3½ tons.

The Hon'ble the SPEAKER: There is an amendment* tabled by Maulavi Abdul Bari Chaudhury and two other hon. members. Are they going to move it ?

Maulavi ABDUL BARI CHAUDHURY: Sir, we do not want to move it.

Abdul Bari Chaudhury
*Maulavi Maqbul Hussain Chaudhury to move:—
Abdur Rahman

That in the new rule 200, inserted on the recommendation of the Joint Conference (for the old rule 203), the figure "3½" shall be substituted by the figure "4½."

Mr. NABA KUMAR DUTTA : I beg, Sir, to move that in the new rule 200, inserted on the recommendation of the Joint Conference (for the old rule 203) the figure "3½" occurring after the word "exceeds" shall be substituted by the figure "4½".

Sir, if the laden weight is not increased from 3½ tons to 4½ tons, I am afraid no bus owner will be able to make any profit whatsoever and there would be overloading always in order to make up the loss. Sir, the weight of a chassis alone is not less than 1½ ton and the weight of the body will be about 1 ton. After deducting these weight there remains only 1 ton for the passengers. From this we have got to take out again 200 pounds being the weights of the driver and the handyman, and some 500 pounds which will be the weight of the personal belongings of the passengers. Allowing 150 pounds for each passenger the bus thus will be able to carry only 10 passengers. I am afraid they will not thereby be able to make any profit and consequently there will be overloading. I quite agree, Sir, that it will not be safe for a bus having a laden weight of more than 3½ tons to ply on certain Local Board roads. But there are some roads such as the Grand Trunk Road and the Moriani-Jorhat Road which are first class roads and where more than 3½ tons can be easily used. With these words I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That in the new rule 200, inserted on the recommendation of the Joint Conference (for the old rule 203) the figure "3½" occurring after the word "exceeds" shall be substituted by the figure "4½".

Mr. JOBANG D. MARAK : Mr. Speaker, Sir, I think I can neither support this amendment nor object to it.

There is a provision in Schedule I that any other roads than those specified by the Provincial and Regional Authority after consultation with the Authority charged with administering the road are to be specified. I do not see why we should fix a tonnage for any ordinary road over and above those mentioned. Sir, I say this simply because in the Garo Hills there are some *kutchas* roads and the maximum tonnage is only one ton. That is due only to want of bridges. Of course the roads can carry any amount of tonnage unless there were no bridges. I do not see any reason why this fixation of weight should take place in places where there are no bridges. For this very reason a provision was made in this report of the Joint Conference. I do not see any reason for such fixation—either 3½ tons or more than that. It is for local authorities concerned to see whether any tonnage should be fixed. So I cannot oppose this amendment nor can I support it.

Mr. A. WHITTAKER : Mr. Speaker, Sir, as a member of the Joint Conference perhaps I might lighten Sir Muhammad Saddulla's task by explaining what happened. I think most of the members of the Joint Conference realised that 3½ tons limit is entirely impracticable, and, in fact contrary to the practice which existed before these rules came into force. Buses plying on the Grand Trunk Road are run with a 4½ ton limit. I hope there will be reasonable liberality about entering new rules in the Fifth Schedule. I think also that the Hon'ble Premier will show reasonableness in these cases, because in the first instance he invited the Chief Engineer to attend the meeting of the Joint Conference and asked him whether he could agree to increasing the limit in the new rule 200. The Chief Engineer replied that he would prefer not to increase the limit, but he would be prepared to add a number of roads to the Fifth Schedule. I think that is much better way of meeting the point Mr. Datta has in mind. He asks that there should be a limit of 4½ tons in some of these roads.

My position, agreeing with Mr. Marak, will be neither opposing nor supporting the amendment. With a limit of 4½ tons some bus owners will be able to carry 10 passengers for a 28 passenger lorry. The limit is meaningless. Therefore I should like to retain no weight limit on roads specified in the Fifth Schedule. If the Hon'ble Prime Minister would give an assurance to the House that there will be reasonable liberality about including new roads in the Fifth Schedule, I think the objection will be met fairly.

Dr. C. G. TERRELL: Mr. Speaker, Sir, may I be permitted to make a few remarks on the subject under discussion, namely the limit of weight of motor vehicles?

Much has been said on this subject and I submit that the matter is one of great importance.

The present position is very unsatisfactory; in that Transport Authorities have no accurate knowledge of the matter and until such time as Government are in a position to supply proper weighing machines in all districts so as to ascertain the correct gross weight of vehicles it will be impossible for a fair and correct assessment to be arrived at.

To illustrate my point, the House, I am sure, will be interested to learn that the Regional Transport Authority of the area from which I come is suffering under the amazing delusion that the weight of all motor buses is three quarters of a ton only.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am obliged to both Mr. Whittaker and Dr. Terrell for lightening my burden. As a matter of fact, Sir, we considered this matter in the Joint Conference very carefully. We had at the time before us a complaint from Dr. Terrell, who said that in a certain road over which he had to pass regularly in his professional work, he found that the Regional Transport Authority had allowed big buses to run over the road, which is entirely *kutchra* and which cannot bear the weight of a heavily laden car. The result is that immediately before the rains the road gets so much pressure that during the rains even the lightest motor vehicles cannot pass. We had a representation from the Burma Oil Co., saying that their roads were so constructed that they could bear any amount of weight. We had to consider in the Joint Conference these different view points, and ultimately we came to this conclusion after hearing what the Chief Engineer had to say. We also considered the case of those unfortunate owners who have bought chassis of a very high weightage; those people are now finding difficulty. But there are buses which have got amazingly low weightage mentioned by Dr. Terrell. The best solution will be, as suggested by Mr. Whittaker, to leave this rule as a general rule and to provide for exceptions in the Fifth Schedule, subject to what our road experts—I mean the Public Works Department—has got to say in limiting the weightage. We are prepared to be as liberal as possible in accommodating the bus-owners, so that they may get a remunerative traffic capacity, whether in goods or in coaching.

Only one point that should not be forgotten is that although the Trunk Road is capable of bearing buses with a laden weight of more than 5 tons, we are told by the Chief Engineer that in certain parts of the road there are even now wooden bridges, which may not carry this weight. So, I hope my hon. friend the mover will agree with Mr. Whittaker that he should withdraw his motion, leaving it to Government to include such roads, as are advised by the Public Works Department to be capable of carrying a bigger weight, in the Fifth Schedule.

Mr. NABA KUMAR DUTTA: On the assurance given by the Hon'ble Prime Minister that he will include certain roads in the Fifth Schedule I beg leave of the House to withdraw my amendment.

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

The Hon'ble the SPEAKER: The question is:

"That rule 203(re-numbered rule 200), shall be substituted by the following:—

'200. *Restriction to the use of vehicles of over 3½ tons laden weight.*—No motor vehicle or trailer the laden or unladen weight of which exceeds 3½ tons shall be used on any road maintained by Government or any Public Authority except those specified in the Fifth Schedule to these rules and subject to the weight restriction specified in that Schedule against each of the roads.' "

The question was adopted.

New rule to be inserted after original rule 209 (re-numbered rule 206).

Mr. C. GOLDSMITH: Mr. Speaker, Sir, before I move this amendment I want to make a submission. I am very sorry that I was unfortunately absent when amendments to rules 177 and 178 were taken up with the result that I could not move amendments Nos. 138 and 139. I do not so much mind about amendment No. 139, but I would like to move amendment No. 138, if you kindly allow me.

The Hon'ble the SPEAKER: I am ready to give the hon. member a chance afterwards. Let him now move amendment No. 150.

Mr. C. GOLDSMITH: Sir, I beg to move that the following shall be added as a new rule after original rule 209 (re-numbered rule 206.)

"207. The rules governing loading of passengers or goods will be the same for taxis as well as private owned cars using public roads."

I do not know where to put in this rule in the body of the Motor Vehicles Rules. Sir, it will be very partial if no restriction is put on private-owned cars. We see that even private cars if overloaded are a danger to the public as well as the owners.

Mr. BAIDYANATH MOOKERJEE: Is the hon. member inconvenienced in any way by seeing that the private cars are overloaded?

Mr. C. GOLDSMITH: I say it is the duty of the Government to see that accidents do not take place by overloading the private cars. It is the duty of Government to see that the occupants of the car are not endangered; there may be women and children in the car. Government should also see that accidents are not committed in the public roads, causing danger to the life and property of the public. So, it is the duty of the public and the legislators to see that this rule is incorporated, so that there may not be any partiality against the taxis only.

The Hon'ble the SPEAKER: Amendment moved:

"That the following shall be added as a new rule after original rule 209 (re-numbered rule 206).

'207. The rules governing loading of passengers or goods will be the same for taxis as well as private-owned cars using public roads.' "

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise to oppose this amendment. Sir, I really cannot understand what the hon. mover means by moving this amendment. He has said that when he notices some private car overloaded his heart melts with pity for the passengers. It reminds me of a Bengali saying "মায়ের চেয়ে মাসীর দরদ বেশী"

It is strange that when the owner of the car does not feel for his wife and children my hon. friend feels for them. Sir, I believe this is the result of some personal experience of my hon. friend. If I remember alright, and I hope I remember it correctly, that in those hectic days in the past I often noticed my hon. friend in the car of some Hon'ble Minister with a large number of guards, sometimes six or seven in number. I think he has tabled this amendment from that sad personal experience of his; otherwise there can be no reason why he should bring in this amendment on the floor of the House.

Sir, if he says that he feels for mother earth that is a different question altogether. But he cannot say that, because a private car, even if it be loaded to its fullest capacity, cannot weigh more than a lorry or a bus. So, in any case I find that there is no ground for supporting this amendment, and I hope all the hon. members will appreciate this and oppose this amendment.

Mr. JOBANG D. MARAK : On a point of information, Sir. Is it an amendment or a new rule ?

The Hon'ble the SPEAKER : A new rule is also a modification of the old rules.

Mr. C. GOLDSMITH : On a point of personal explanation, Sir. The hon. member says that I was escorted by six or seven body-guards in a car. I must say for his information that there might have been certain members who needed guards but I can inform the hon. member that I had no need of such guards during my whole career in the Assembly. I should say that the private-owned cars are sometimes over-loaded and as such there is always danger.

The Hon'ble the SPEAKER : This is not a personal explanation.

Mr. C. GOLDSMITH : May I say, Sir, that if over-loading is a danger to the taxis it is also a danger to private-owned cars.

Mr. BAIDYANATH MOOKERJEE : Sir, it is for the convenience of the passengers that the taxis are not over-loaded. But in the case of private cars that question cannot arise. He is misunderstanding the whole point.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, the amendment proposed by my hon. friend Mr. Goldsmith is objectionable from two points of view — first as regards the content and secondly as regards phraseology. Nowhere in the Act or the rules it has been used what my hon. friend Mr. Goldsmith wants to convey by using the word "taxi." The same idea is contained, in motor cabs and according to the definition of the term motor cabs it means any motor vehicle constructed, adopted or used to carry not more than six passengers excluding the driver. If seven passengers are carried in a private-owned car there may not be any objection and I doubt, Sir, whether any car normally carries more than seven passengers at a time. There may have been unusual occasions when including the smaller children, they might be more than seven passengers. So there is no substance in the first point as raised by my hon. friend.

Next Sir, as I have said, the word "taxi" is not happily worded. I however, hope, Sir, my hon. friend Mr. Mookerjee who is a high caste Brahmin would have been rather charitably disposed to a Christian Mr. Goldsmith because out of Christian love for all human beings, Mr. Goldsmith brought this motion. It seems to me that my hon. friend has denied that he was ever guarded; but I am afraid, Sir, there was occasion when such guarding was necessary. I remember, Sir, on one occasion when one hon.

member was walking, he was actually dragged into the car when Mr. Goldsmith rushed to the spot and dragged out that kidnapped member from the motor car.

The Hon'ble the SPEAKER: I am putting the question. The question is:

"That the following shall be added as a new rule after original rule 209 (re-numbered rule 206):—

' 207. The rules governing loading of passengers or goods will be the same for taxis as well as private-owned cars using public roads.' "

The question was negatived.

First Schedule

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that in the First Schedule, the words "4. Dimapur-Manipur" be deleted. As I have already mentioned, this road falls within the Excluded Area and therefore we in the Joint Conference thought that it should be excluded.

The Hon'ble the SPEAKER: Amendment moved:

"That in the First Schedule the words "4. Dimapur-Manipur" be deleted."

There is no other amendment; so I am putting this as a question before the House.

The question was put and adopted.

Second and Third Schedules

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I need not move the amendments* with regard to the Second and the Third Schedules. They are consequential and re-numbering.

Fourth Schedule.

The Hon'ble the SPEAKER: Then comes the Fourth Schedule.

Maulavi ABDUL BARI CHAUDHURY: Sir, in this connection I like to say that amendment No.69 was left over.

The Hon'ble the SPEAKER: Yes I remember this. But I wish to dispose of the Fourth Schedule first and then I shall take that.

Mr. A. WHITTAKER: Sir, would it be possible to finish this amendment? It contains the proposal to double the Regional Authority in the Surma Valley and to add a third Regional Authority in the Assam Valley. I think, there is a good deal of sympathy to duplicate the Regional Authority in the Surma Valley, but the proposal to add yet another region to the Assam Valley, as far as I am aware, has not been raised by anybody. I think, it is rather a pity to mix these two proposals.

The Hon'ble the SPEAKER: What is exactly the proposal of Mr. Whittaker?

Second Schedule

*152. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move:—
That in the Second Schedule "[See rule 40 (a)]" shall be substituted by "[See rule 41 (a)]" and "40 (a)" by "41 (a)."

Third Schedule

*153. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move:—
That in the Third Schedule "See rule 46" shall be substituted by "See rule 47."

Mr. A. WHITTAKER: Sir, it is proposed to add another Regional Authority, namely, Central Assam Region to Assam Valley and it is also proposed in the same manner to double the regional authority in the Surma Valley. There has been a great deal of discussion about the proposal to add or double the Regional Authorities in the Surma Valley but there has not been any discussion whatsoever, as far as I am aware, and no one has made any grievance that there are only two Regional Authorities in the Assam Valley. It seems, therefore, difficult to reconcile two different propositions in one amendment.

The Hon'ble the SPEAKER: But the fact that there has been no previous discussion, does not stand in the way of moving any amendment.

Mr. A. WHITTAKER: Would you accept the amendment, Sir?

The Hon'ble the SPEAKER: Yes. I will allow the amendment to be moved and if the amendment is opposed that would end the matter. Simply because there has not been any previous discussion, I cannot prevent any member from moving the amendment.

Mr. BAIDYANATH MOOKERJEE: Mr Whittaker has raised another point. He has said that so far as Surma Valley is concerned, he could support the proposal that there should be two Regional Transport Authorities, and as regards Assam Valley, as there has been no protest so far he would not agree to this.

The Hon'ble the SPEAKER: That is as to how I should put the motion to vote.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

Maulavi ABDUL BARI CHAUDHURY: I beg, Sir, to move that the Fourth Schedule shall be substituted by the following:—

Name of Region		Territorial extent
Upper Assam Region	...	Lakhimpur and Sibsagar.
Lower Assam Region	...	Kamrup, Goalpara and Garo Hills.
Central Assam Region	...	Nowgong and Darrang.
Sylhet Region	...	The district of Sylhet.
Cachar region	...	The district of Cachar.

The Hon'ble the SPEAKER: The hon. member may move it as follows: Upper Assam Region, Lower Assam Region and Central Assam region—these three together and then Sylhet and Cachar together.

Maulavi ABDUL BARI CHAUDHURY: Very well, Sir. I beg to move that the Fourth Schedule shall be substituted by the following:—

Name of Region		Territorial extent
Upper Assam Region	} So far as Assam Valley is concerned.	Lakhimpur and Sibsagar, Kamrup, Goalpara and Garo Hills, Nowgong and Darrang.
Lower Assam Region		
Central Assam Region		
Sylhet Region	} So far as Surma Valley is concerned.	The district of Sylhet.
Cachar Region		The district of Cachar.

Sir, my idea in moving this amendment is that I want to increase the number of regions in Assam. I am of opinion that this increase will mean better administration and control. With these words, Sir, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That the fourth schedule shall be substituted by the following :—

Name of Region	Territorial extent	
Upper Assam Region	} So far as Assam Valley is concerned.	Lakhimpur and Sibsagar, Kamrup, Goalpara and Garo Hills. Nowgong and Darrang.
Lower Assam Region		
Central Assam Region		
Sylhet Region	} So far as Surma Valley is concerned.	The district of Sylhet.
Cachar Region		The district of Cachar."

Then the Hon'ble Premier's amendment is independent.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir, it relates to Excluded Areas.

Maulavi ABDUL BARI CHAUDHURY : If amendment No. 54 is carried it will not come here.

The Hon'ble the SPEAKER : What about amendment Nos. 156 and 157?

Mr. A. WHITTAKER : They are dependent, I think, Sir.

Mr. JOBANG D. MARAK : May I know, Sir, why Khasi Hills is not included in the regional areas.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Note to amendment No. 155 provides that.

Mr. A. WHITTAKER : Sir, I would like to raise a point which I tried to raise on the previous days. Although I consider there is force in the case for duplicating the authorities in the Surma Valley, I cannot personally understand how any of these amendments come within the jurisdiction of this Assembly. It is ruled out under section 44 which I understand has been accepted in connection with entirely a different subject about personnel of the Transport Authority. I think also we cannot discuss the areas included in the Regional Transport Authorities.

Mr. BAIDYANATH MOOKERJEE : When the rule is before us are we not in a position to amend or accept or reject the rule? Somehow or other the schedule is before us. So we can make all sorts of amendment to it.

The Hon'ble the SPEAKER : Yes, I have given my ruling on it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to oppose this amendment on two grounds as I mentioned when we were discussing the amendment No. 68 the other day. I raised these two points, Sir. First this is a matter which cannot be decided by vote, in view of the interpretation of section 44 where Local Government is primarily concerned with the formation of regions and second is as regards distribution. The other day while moving his amendment No. 69 my hon. friend Maulavi Abdul Bari Chaudhury said, Sir, that in an equitable distribution of two districts of Sylhet and Cachar for the constitution of two different regions, the subdivision of Karimganj should be merged in the district of Cachar, in other words, Sir, he relates a hopelessness of the division of the two districts in two regions. I need only place the population of the two districts—Sylhet district contains 30 lacs as against Cachar 8 lacs, i.e., 1/4th of Sylhet. So you will have one region with 4 times people and other region with 1/4th people.....

Mr. A. WHITTAKER : May I interrupt, Sir, on what seems to be an important point. If the Hon'ble Prime Minister will refer to proviso to section 44(1) which runs as follows :—

“..... the area specified as the region of a Regional Transport Authority shall in no case be less than an entire district, or the whole area of a Presidency town.”

It seems to me that for the splitting of subdivisions between two different districts the whole proposal falls to the ground under this proviso.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : I brought it to the notice Sir.

The Hon'ble the SPEAKER : Now with regard to this amendment another point strikes me. The amendment as it now stands is that there should be three regions—Upper Assam Region, Lower Assam Region and Central Assam Region so far as the Assam Valley is concerned, and there should be two regions—Sylhet Region and Cachar Region so far as the Surma Valley is concerned. Now even if I put the first portion to the vote first, that is, three regions to be constituted for the Assam Valley and if that motion be lost there may arise some difficulty. There should be another amendment to carry out the object of Mr. Whittaker. Now if this is lost then there is no further scope for introducing another region for the Assam Valley. I think I am clear to the House.

Has the Hon'ble Premier understood my point ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir, but it is upto my hon. friend to move this. It is not for me to help them out.

Maulavi ABDUL BARI CHAUDHURY : Sir, with your permission I am amending this amendment. Sir, I beg to move that the Surma Valley Region as mentioned in the Fourth Schedule be substituted by the following :—

‘Sylhet Region ... The district of Sylhet.

Cachar Region ... The district of Cachar’.

The Hon'ble the SPEAKER : Amendment moved :

“That in the Fourth Schedule the Surma Valley Region be substituted by the following :—

‘Sylhet Region ... The district of Sylhet.

Cachar Region ... The district of Cachar.”

Then I am putting this as a question before the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have not finished, Sir.

I shall try to place before the House the inequity of having two regions in the Surma Valley, specially in Sylhet and Cachar. I was not unmindful of the proviso to section 44(1) which has been mentioned by my hon. friend Mr. Whittaker. There it is laid down in the Act that a region cannot be constituted for an area less than a district and as I was pointing out to the House that Sylhet with 5 subdivisions and 30 lakhs of population will have one region and that Cachar, which has got population of about 8 lakhs according to the new census and with two subdivisions—I should rather call it one and half subdivisions—has another region. Then, again we have to say, Sir, that as regards the distribution for the Assam Valley, the whole of Assam Valley which consists of 6 districts is to be divided into only two regions, that for 3 districts in the Assam Valley we will have only one region, and a small district like Cachar will have one region. I think, Sir, the whole thing should be left to the Government in the first place ; it should be left entirely in the hands of Government according to the interpretation of

section 44 as I held out to my friends the other day that Government wants to carry on with these three regions for the present and if we find afterwards that the administration is not going on satisfactorily, we will consider whether we can accept my friend's amendment and divide the province into five regions.

I oppose this amendment, Sir.

The Hon'ble the SPEAKER : The question is :

"That in the Fourth Schedule the Surma Valley Region shall be substituted by the following :—

'Sylhet Region	The district of Sylhet.
Cachar Region	The district of Cachar'".

The Assembly divided.

AYES—16

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|---|---|
| 1. Mr. Baidyanath Mookerjee | 9. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 2. Babu Bipin Behari Das | 10. Khan Bahadur Maulavi Mahmud Ali. |
| 3. Babu Kamini Kumar Sen. | 11. Khan Bahadur Maulavi Mufizur Rahman. |
| 4. Babu Lalit Mohon Kar. | 12. Maulavi Muzarrof Ali Laskar. |
| 5. Srijut Ram Nath Das. | 13. Maulavi Naziruddin Ahmed. |
| 6. Maulavi Abdul Bari Choudhury. | 14. Mr. C. W. Morley. |
| 7. Maulavi Dewan Muhammad Ahbab Chaudhury. | 15. Dr. C. G. Terrell. |
| 8. Khan Bahadur Dewan Eklimur Roza Chaudhury. | 16. Mr. P. Trinkle. |

NOES—24

- | | |
|--|---------------------------------------|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Sadulla. | 9. The Hon'ble Srijut Rupnath Brahma. |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 10. Babu Kalachand Roy. |
| 3. The Hon'ble Maulavi Munawar Ali. | 11. Mr. F. W. Blennerhassett. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 12. Mr. N. Dawson. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabir Hussain Chaudhury. | 13. Mr. E. H. S. Lewis. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 14. Mr. D. B. H. Moore. |
| 7. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 15. Mr. A. Whittaker. |
| 8. The Honble Miss Mavis Dunn. | 16. Mr. Benjamin Ch. Momin. |
| | 17. Srijut Bhairab Chandra Das. |
| | 18. Srijut Bideshi Pan Tanti. |
| | 19. Srijut Dhirsingh Deuri. |
| | 20. Rev. L. Gatphoh. |
| | 21. Mr. C. Goldsmith. |
| | 22. Mr. Jobang D. Marak. |
| | 23. Srijut Karka Dalay Miri. |
| | 24. Srijut Khorsing Terang. |

The question was negatived.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that in the Fourth Schedule "[See rule 60(a)]" shall be substituted by "[See rule 61]";

In the first column the words "name of" shall be omitted. The words "1. Sadiya Frontier Tract" and "6. Balipara Frontier Tract" shall be

omitted. Items 2 and 3 in the first region shall be re-numbered as 1 and 2. The whole of the third column including the heading shall be deleted ; and

that the following shall be added as a note:—

Note.—The Provincial Transport Authority shall function as the Regional Transport Authority for the Khasi and Jaintia Hills District."

The Hon'ble the SPEAKER: Amendment moved:

"That in the Fourth Schedule '[See rule 60 (a)]' shall be substituted by '[See rule 61]' ;

In the first column the words ' name of' shall be omitted. The words '1. Sadiya Frontier Tract' and '6. Balipara Frontier Tract' shall be omitted. Items 2 and 3 in the first region shall be re-numbered as 1 and 2. The whole of the third column including the heading shall be deleted ; and

that the following shall be added as a note:—

Note.—The Provincial Transport Authority shall function as the Regional Transport Authority for the Khasi and Jaintia Hills District".

There are two amendments. The amendment of Maulavi Abdul Bari Chaudhury, Maqbul Hussain Chaudhury and Maulavi Abdur Rahman relates to the third column and they want to change the "Office of the Superintendent of Police, Cachar' by "Office of the Superintendent of Police, Sylhet" Maulavi Abdul Bari Chaudhury may move his motion.

Maulavi ABDUL BARI CHAUDHURY: I beg, Sir, to move that in the Fourth Schedule, the words 'Office of the Superintendent of Police, Cachar, Silchar' shall be replaced by the words "Office of the Superintendent of Police, Sylhet".

The Hon'ble the Premier has just now said that the population of Sylhet is 30 lakhs, while the population of Cachar is much less—nearly 8 lakhs. I hope he will have no difficulty in accepting this amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in the Fourth Schedule, the words 'Office of the Superintendent of Police, Cachar, Silchar' shall be replaced by the words 'Office of the Superintendent of Police, Sylhet'".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the idea behind my proposal which is based on the recommendation of the Joint Conference is that the third column specifies the address is that if possible we will be able to transfer the office of the Regional Transport Authority from Cachar to Sylhet. If we put it in the rules as it is, we cannot change it till the rule is changed. If my hon. friend would withdraw his motion, this may be considered by Government, because this is a matter which should be left entirely to Government.

Maulavi ABDUL BARI CHAUDHURY: Does the Hon'ble Prime Minister accept this amendment? It appears from what he has said is that, not the office of the Regional Transport Authority should be transferred to Sylhet, but that he would consider the advisability of the transfer.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I cannot definitely commit myself in favour of this. This point will engage our serious consideration. I myself realise that the population of Sylhet is greater. It is only on grounds of expenditure that we have the office at Silchar. As I mentioned the other day, the Superintendent of Police at Silchar has sufficient time. Now the whole position has been changed by an amendment that has been carried, viz., making the District Magistrate the

Licensing and Registering Authority. We shall consider the effect of it. Probably the District Magistrate's office will have to keep the accounts and realise fees, etc., under the Motor Vehicles Act and not the Superintendent of Police. Therefore we must get time to consider, and probably what my hon. friend wants will come to pass soon.

Maulavi ABDUL BARI CHAUDHURY : Very well, Sir. In view of what the Hon'ble Prime Minister has said and relying on his assurance, I beg leave of the House to withdraw my amendment.

The Hon'ble the SPEAKER : I hope the hon. member has got leave of the House to withdraw his amendment.

Khan Bahadur Maulavi MAHMUD ALI : No, Sir. I object to the withdrawal. Government is considering the expenditure ; they do not consider the condition of the people. They say that Government will have to spend much if the office be there at Sylhet. But consider the condition of people who have to go from Habiganj to Silchar.

The Hon'ble the SPEAKER : May I take it that the hon. member seriously objects to the withdrawal of the amendment. However I am first putting the amendment moved by the Hon'ble Premier.

The question is :

"That in the Fourth Schedule '[See rule 60(a)]' shall be substituted by '[See rule 61]' ;

In the first column the words 'name of ' shall be omitted. The words '1. Sadiya Frontier Tract' and '6. Balipara Frontier Tract' shall be omitted. Items 2 and 3 in the first region shall be re-numbered as 1 and 2. The whole of the third column including the heading shall be deleted ; and that the following shall be added as a note.

'Note.—The Provincial Transport Authority shall function as the Regional Transport Authority for the Khasi and Jaintia Hills District'."

The question was adopted.

The Hon'ble the SPEAKER : So the amendment moved by Maulavi Abdul Bari Chaudhury cannot stand.

Mr. N. DAWSON : Mr. Speaker, Sir, I beg to move that in the Fourth Schedule against "Upper Assam Region", after item 2, the words "excluding the North Lakhimpur Subdivision" shall be added and against "Lower Assam Region" the following shall be added as item 7 :—

"7. North Lakhimpur Subdivision".

Sir, in view of the fact that I voted against amendment No. 154 I may appear to the House to be inconsistent. I quite realise that this amendment deals with an executive matter, but I trust Government will give it some consideration. To those with a knowledge of North Lakhimpur the reason for this amendment will be too obvious. But to those who do not know that area I would point out that North Lakhimpur lies on the north side of Brahmaputra, while the administrative headquarters are in Dibrugarh, much further up the river on the south side. Even at the best of times communications are bad ; in the rainy season regular communication is virtually impossible. The hon. members will therefore realise the postal delays which occur between North Lakhimpur and Dibrugarh, and can imagine the inconvenience caused to motor-owners by having to address the Licensing Authority situated in Dibrugarh. On the other hand North Lakhimpur adjoins Darrang, and there we have Tezpur which is only a few hours distant from North Lakhimpur by road, Tezpur being under the Lower Assam Regional Authority. It will therefore be much simpler and more business-like to bring North Lakhimpur under the Licensing Authority at Tezpur, i.e., under the Lower Assam Region.

Another point is that now-a-days there is tremendous bus traffic and lorry traffic between North Lakhimpur and Darrang. If North Lakhimpur remains in the Upper Assam Region it will mean that bus-owners will be put to considerable inconvenience because, as their vehicles will be operating in two different regional areas, signing and countersigning of permits will be necessary. Only the other day the Hon'ble Premier remarked that he wished to make the Motor Vehicles Rules as workable, as efficient and as popular as possible. I think this will be partly achieved by accepting the amendment which I have put forward.

With these few words, I put my amendment before the House for acceptance.

The Hon'ble the SPEAKER: I think the hon. member should substitute "6" for "7".

Mr. A WHITTAKER: Yes, Sir, the Balipara Frontier Tract has now gone.

The Hon'ble the SPEAKER: Amendment moved:

"That in the Fourth Schedule against 'Upper Assam Region' after item 2, the words 'excluding the North Lakhimpur Subdivision' shall be added and against 'Lower Assam Region' the following shall be added as item 6. '6. North Lakhimpur Subdivision'."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am sorry I have got to oppose this amendment on the same ground, *i. e.*, this Legislature has not got the power to constitute regions and the areas which those regions should cover. I believe, two days back I mentioned in the House that one member of the Lower Assam Regional Authority drew my attention to the fact that North Lakhimpur deserves to be in the Lower Assam Region, as North Lakhimpur is connected by road with Darrang which is in the Lower Assam Region.

Sir, after the session is over, if I get any formal representation from the North Lakhimpur people or any influential association there, I will take up the matter and consider the desirability of bringing North Lakhimpur under the Lower Assam Region. The only difficulty that I foresee now, is that the headquarters of the Lower Assam Region are at Gauhati which is about 250 miles from North Lakhimpur. Barring this I see no other difficulty. This is a matter which lies entirely at the hands of the Government. As I said, on receipt of any representation either from the Lower Assam Region or from the people of North Lakhimpur, I shall take up the matter and arrive at a decision.

Mr. N. DAWSON: Mr. Speaker, Sir, in view of the assurance given by the Hon'ble Premier I beg leave of the House to withdraw my motion. The amendment was, by leave of the House, withdrawn.

Original rule 60 (re-numbered rule 61)

The Hon'ble the SPEAKER: Then, I propose to take up amendment No. 68 standing in the name of the Hon'ble Premier. This amendment was moved day before yesterday by the Hon'ble Premier. I am now putting it to the vote.

The question is that for rule 60, the following shall be substituted:—

"60. The regions for the purposes of section 44 of the Act, shall be three in number and shall comprise the areas as set forth in the Fourth Schedule to these rules".

The question was adopted.

The Hon'ble the SPEAKER : Amendment No. 69 *does not stand.

Fifth Schedule

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that for the Fifth Schedule, the following shall be substituted :—

Areas in which rule 200 is not applicable.

	Laden or unladen weight not to exceed
1. Gauhati-Shillong Road	9 tons.
2. Shillong-Sylhet Road (first 3½ miles from Shillong only)	8 tons.
For the remaining portion	7½ tons.
3. Any other road specified by the Provincial or Regional Transport Authorities, after consultation with the Authority charged with maintaining the roads.	To be specified.

The Hon'ble the SPEAKER : Amendment moved :—

“That for the Fifth Schedule, the following shall be substituted :—

Areas in which rule 200 is not applicable.

	Laden or unladen weight not to exceed
1. Gauhati-Shillong Road	9 tons.
2. Shillong-Sylhet Road (first 3½ miles from Shillong only)	8 tons.
For the remaining portion	7½ tons.
3. Any other road specified by the Provincial or Regional Transport Authorities, after consultation with the Authority charged with maintaining the roads.”	To be specified.

There are two amendments standing in the name of Dr. Terrell.

Dr. C. G. TERELL : Mr. Speaker, Sir, I do not like to move my amendments‡

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The hon. member may move amendment No.159. I will accept that.

Dr. C. G. TERELL : Mr. Speaker Sir, I beg to move that in the Fifth Schedule the word “Areas” shall be substituted by the word “Roads.”

This is only a technical alteration, and will be readily appreciated by every one.

The Hon'ble the SPEAKER : Amendment moved :

“That in the Fifth Schedule the word ‘Areas’ shall be substituted by the word ‘Roads’.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I accept this amendment, Sir.

*69

Abdul Bari Chaudhury

Maulavi Maqbul Hussain Chaudhury

to move :

Abdur Rahman

That for rule 60 (re-numbered rule 61), the following shall be substituted :—

“61. The regions for the purposes of section 44 of the Act shall be five in number and shall comprise the areas as set forth in the Fourth Schedule of the rules.”

‡159 Dr. C. G. Terrell to move :—

That in the Fifth Schedule the word “Areas” shall be substituted by the word “Roads”.

‡160 Dr. C. G. Terrell to move :—

That in the Fifth Schedule item 3 shall be deleted.

The Hon'ble the SPEAKER: I am putting this amendment as a question before the House.

The question was put and adopted.

Then I am putting the motion moved by the Hon'ble Premier as a question before the House.

The question is:

‘That for the Fifth Schedule, the following shall be substituted:—

‘Roads in which rule 200 is not applicable.

	Laden	or	unladen
	weight not to exceed		
1. Gauhati-Shillong Road	...	...	9 tons.
2. Shillong-Sylhet Road (first 3½ miles from Shillong only)	...	...	8 tons.
For the remaining portion	...	...	7½ tons.
3. Any other road specified by the Provincial or Regional Transport Authorities, after consultation with the Authority charged with maintaining the roads.	To be specified.		

The question was adopted.

Sixth and Seventh Schedules

The Hon'ble the SPEAKER: The amendments* to the Sixth and Seventh Schedules are consequential and for re-numbering. These amendments need not be moved.

Eighth Schedule

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that Eighth Schedule shall be deleted.

The Hon'ble the SPEAKER: Amendment moved:

“That Eighth Schedule shall be deleted.”

There is no other amendment. So I am putting this as a question before the House.

The question was put and adopted.

Ninth and Tenth Schedules

The Hon'ble the SPEAKER: Amendments Nos. 164 † and 165 ‡ are consequential and for re-numbering. They need not be moved.

Forms

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that consequent on the changes made in the numbers of the rules, the rule numbers where quoted in the body of the rules and in all the forms shall be altered.

Sixth Schedule

*161 The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move:—

That in the Sixth Schedule for the figure “95” the figure “93” shall be substituted.

Seventh Schedule

*162 The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move:—

That in the Seventh Schedule for the figure “103” the figure “101” and for the figure “104” the figure “102” shall be substituted.

Ninth Schedule

†164. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move:—

That the Ninth Schedule shall be re-numbered as the “Eighth Schedule” and for the figure “182” the figure “179” shall be substituted.

Tenth Schedule

‡165 The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move:—

That Tenth Schedule shall be re-numbered as the “Ninth Schedule” and for the figure “207” the figure “204” shall be substituted.

The Hon'ble the SPEAKER : Amendment moved :

"That consequent on the changes made in the numbers of the rules the rule numbers where quoted in the body of the rules and in all the forms shall be altered".

There is no other amendment. I am putting this as a question before the House.

The question was put and adopted.

APPENDIX

APPENDIX I

ADDITIONAL RULES FOR CERTAIN ROADS

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
I beg, Sir, to move that Rules 1, 2 and 3 and the heading shall be deleted.

The words "and environs" shall be added to the ending of the heading above rule 4, now rule 1.

Rule 4 (re-numbered 1).—The words "Joint Secretary to the Government in the Home Department" shall be replaced by the words "Secretary, Provincial Transport Authority".

Rule 5 (re-numbered 2).—The word "to" shall be inserted after the word "relating" in the 4th line, and in the 5th line the word "prescribed" shall be replaced by the word "notified".

Rule 6 (re-numbered 3).—In sub-rules (a) and (b), the words "Deputy Commissioner in charge" shall be replaced by the word "Superintendent." Under the heading "Explanation" the word "the" occurring before the word "rules" shall be replaced by the word "these" and the words "in this part these" shall be replaced by the word "following."

The words "Dimapur-Manipur" and the particulars given against these words shall be omitted.

Rule 7 shall be omitted.

In Rule 8 (re-numbered 4)—Sub-rule (a) shall be substituted by the following :—

"*Rule 4—Motor cabs not allowed to ply on the Gauhati-Shillong Road.*—
(a) Motor cabs are not allowed to use the Gauhati-Shillong Road, except by special permission for the purpose of carrying a sick dependent of the owner of a motor cab, i.e., his wife, children, or himself in case he is not the driver, provided that he produces a medical certificate signed by a registered medical practitioner for the sick dependent concerned. In granting such permission the Secretary of the Provincial Transport Authority shall make it clear to the motor cab owner that in the journey without the invalid, he cannot carry passengers and that a violation of this will mean cancellation of his permit."

In sub-rule (b), the word "taxi" shall be replaced by the words "motor cab".

Rule 9 (re-numbered 5)—In the first line for the word "motor" the word "service" and for the words "Deputy Commissioner in-charge of Police" the words "Superintendent of Police" shall be substituted. The words "Political Agent in Manipur, Deputy Commissioner in-charge of Police, Naga Hills, for the Dimapur-Manipur road" shall be omitted. In the Note to this rule the words "Deputy Commissioner in-charge" shall be substituted by the word "Superintendent".

In Rule 10 (re-numbered 6), the words "and Gauhati-Shillong" shall be inserted after the words "Shillong-Sylhet" in the title. In the 2nd line the word "motor" shall be deleted. In the same line the words "Shillong-Sylhet road" shall be substituted by the words "above roads". In the 3rd line the words "on the said road" shall be deleted and the following shall be added after the proviso:—

"Nothing shall be carried on the roof of a public service vehicle using these roads"

The Hon'ble the SPEAKER: There is an amendment* in the name of Mr. Blennerhassett.

Mr. F. W. BLENNERHASSETT: It does not stand.

Mr. A. WHITTAKER: There is one point, Sir, in connection with the fact that two days ago the House agreed to substitute the Deputy Commissioner for the Superintendent of Police as the Registering and Licensing Authority. Is it the wish of the House to maintain consistency by restoring Deputy Commissioner here in place of Superintendent of Police? The Joint Conference proceeded on the assumption that the administration will be in the hands of the Superintendent of Police and therefore the consequential alteration was made in the main body of the rule that the Superintendent of Police should be the only Licensing and Registering Authority. Do we need to be consistent in this case also?

The Hon'ble the SPEAKER: In conformity with the amendment which has been passed the other day, is it necessary to change some words in this amendment also? I do not think so. It is purely for the Pandu-Gauhati-Shillong Road. Will it be consistent? I do not think. What will be done in case of other districts of the province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have considered this matter whether any change should be made as regards the Licensing Authority and Registering Authority. But this refers to Hill roads. Here we have got Superintendent of Police as the Licensing and Registering Authority. He is also Secretary of the Provincial Transport Authority. I think, this should remain.

* Mr. F. W. Blennerhassett to move:

That for rule 10 (re-numbered rule 6) the following new rule shall be added:—

"Nothing shall be carried on the roof of a public service vehicle using these roads."

The Hon'ble the SPEAKER : I am putting this as a question before the House. The question is :

"That Rules 1, 2 and 3 and the heading shall be deleted.

The words ' and environs ' shall be added to the ending of the heading above rule 4, now rule 1.

Rule 4 (re-numbered 1).—The words ' Joint Secretary to the Government in the Home Department ' shall be replaced by the words ' Secretary, Provincial Transport Authority.'

Rule 5 (re-numbered 2).—The word ' to ' shall be inserted after the word ' relating ' in the 4th line, and in the 5th line the word ' prescribed ' shall be replaced by the word ' notified.'

Rule 6 (re-numbered 3).—In sub-rules (a) and (b), the words ' Deputy Commissioner in charge ' shall be replaced by the word ' Superintendent.' Under the heading ' Explanation ' the word ' the ' occurring before the word ' rules ' shall be replaced by the word ' these ' and the words ' in this part these ' shall be replaced by the word ' following.'

The words 'Dimapur-Manipur' and the particulars given against these words shall be omitted.

Rule 7 shall be omitted.

In Rule 8 (re-numbered 4).—Sub-rule (a) shall be substituted by the following :—

' *Rule 4 —Motor cabs not allowed to ply on the Gauhati-Shillong Road.*—
(a) Motor cabs are not allowed to use the Gauhati-Shillong Road, except by special permission for the purpose of carrying a sick dependent of the owner of a motor cab, i.e., his wife, children, or himself in case he is not the driver, provided that he produces a medical certificate signed by a registered medical practitioner for the sick dependent concerned. In granting such permission the Secretary of the Provincial Transport Authority shall make it clear to the motor cab owner that in the journey without the invalid, he cannot carry passengers and that a violation of this will mean cancellation of his permit.'

In sub-rule (b), the word ' taxi ' shall be replaced by the words ' motor cab '.

Rule 9, (re-numbered 5).—In the first line for the word ' motor ' the word ' service ' and for the words ' Deputy Commissioner in-charge of Police ' the words ' Superintendent of Police ' shall be substituted. The words ' Political Agent in Manipur, Deputy Commissioner in-charge of Police, Naga Hills, for the Dimapur-Manipur road ' shall be omitted. In the Note to this rule the words ' Deputy Commissioner in-charge ' shall be substituted by the word ' Superintendent'.

In Rule 10 (re-numbered 6), the words ' and Gauhati-Shillong ' shall be inserted after the words ' Shillong-Sylhet ' in the title. In the 2nd line the word ' motor ' shall be deleted. In the same line the words ' Shillong-Sylhet road ' shall be substituted by the words ' above roads '. In the 3rd line the words ' on the said road ' shall be deleted and the following shall be added after the proviso :—

' Nothing shall be carried on the roof of a public service vehicle using these roads '.

The question was adopted.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
I beg, Sir, to move that rules 11, 12 and 13 shall be deleted.

Under Bridge Tolls II—the following shall be substituted for Part II of the Table :—

Description of vehicles	Rate of tolls on Shillong-Sylhet road, Umtyngar gate		Shillong-Cherra, Umtyngar gate	Rate of tolls on Shillong-Sylhet road, Dawki gate	
	Up to Pynursla	Beyond Pynursla		Up to Pynursla	Beyond Pynursla
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
1. Private motor car	1 0 0	2 0 0	0 8 0	1 0 0	2 0 0
2. Motor cab ..	2 0 0	4 0 0	1 0 0	2 0 0	4 0 0
3. Passenger or goods vehicles not exceeding 3½ tons laden weight.	....	....	1 0 0	....	....
4. Motor cycle and side car or single axle trailer.	0 12 0		0 4 0	0 12 0	
5. Motor cycle solo	0 8 0		0 4 0	0 8 0	
6. Cart .. ..	....		0 3 0	....

That items (a) and (c) of Note 1 below the Table shall be omitted re-numbering (b) as "I" and in Note 2, the words "except taxi or motor cabs as provided in (a) and (c) above" shall be deleted.

In the definition of Privileged Vehicles, under (f) the words "Deputy Commissioner in-charge" shall be substituted by the word "Superintendent".

The Hon'ble the SPEAKER: As there is no other amendment, I shall put it as a question before the House.

The question is :

"That rules 11, 12 and 13 shall be deleted.

Under Bridge Tolls II—the following shall be substituted for Part II of the Table :—

Description of vehicles	Rate of tolls on Shillong-Sylhet road, Umtyngar gate		Shillong-Cherra, Umtyngar gate	Rate of tolls on Shillong-Sylhet road, Dawki gate	
	Up to Pynursla	Beyond Pynursla		Up to Pynursla	Beyond Pynursla
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
1. Private motor car	1 0 0	2 0 0	0 8 0	1 0 0	2 0 0
2. Motor cab ..	2 0 0	4 0 0	1 0 0	2 0 0	4 0 0
3. Passenger or goods vehicles not exceeding 3½ tons laden weight.	....	....	1 0 0	....	....
4. Motor cycle and side car or single axle trailer.	0 12 0		0 4 0	0 12 0	
5. Motor cycle solo	0 8 0		0 4 0	0 8 0	
6. Cart .. ..	....		0 3 0	....

That items (a) and (c) of Note 1 below the Table shall be omitted re-numbering (b) as "I" and in Note 2, the words "except taxi or motor cabs as provided in (a) and (c) above" shall be deleted.

In the definition of Privileged Vehicles, under (f) the words 'Deputy Commissioner in-charge' shall be substituted by the word 'Superintendent'."

The question was adopted.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir. I beg to move that the Orders at page iv, Appendix I shall be omitted.

My object in moving this amendment is merely to remove such rules from these Rules as such rules should be more appropriately made by the authorities concerned for I do not think this House is competent to frame rules on behalf of the Municipal and Cantonment areas of Shillong. It will, I think, be accepted by the Hon'ble Premier.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, I will accept it.

The Hon'ble the SPEAKER: Amendment moved:

"That the orders at page iv, Appendix I shall be omitted".

When it has been accepted, there is no necessity of moving the other amendment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will simply mention one word, Sir. When the Joint Conference considered this matter, they thought Shillong Municipal and Cantonment areas could better be omitted from this rule. We have included in the rule that has already been passed. "Shillong and environs" will cover this point. Therefore I accept Mr. Blennerhassett's amendment.

The Hon'ble the SPEAKER: The question is:

"That the orders at page iv, Appendix I shall be omitted."

The question was adopted

Original rule 177 (re numbered rule 174)

Mr. C. GOLDSMITH: Mr. Speaker, Sir, I beg to move that in the first line of rule 177, for the figure and word "20 miles" the figure and word "10 miles" shall be substituted.

Sir, this is also a very important rule for our municipal towns. Towns are now full of school-going children now-a-days; tiny little lots are beginning to go to kindergarden schools. I have seen very little well-dressed Muslim boys and girls going to *mukhtabs* in the morning. For the sake of these school-going children not to speak of old and lame, motor speed should be limited to the minimum. Since I tabled this amendment, it has been brought to my notice that in England the speed limit is 30 miles. Well, England and Assam are very different places. In schools in England it is actually taught how to go about in the streets and deal with motor traffic at the crossings, but in India these are scarcely taught. There at the crossing the police help a lot and children know how to run to the policeman for protection and help. There the policeman is an emblem of protection and help. But here the policeman always strikes terror to children. So it is very difficult for our people here when towns are increasing in number and cars also are increasing. So the speed should be less than 20 miles. In the small railway of Jorhat, viz., Jorhat Provincial Railway the speed is very little. It is about 10 to 15 miles; even then it is heard some cows, some men and women are run over by this railway. Now if

in towns, cars and buses are allowed to run at more than 10 miles, I think surely it should be injurious and dangerous to the public and I think those who own private cars they will be considerate enough and think of others and will accept my amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in the first line of rule 177, for the figure and word '20 miles' the figure and word '10 miles' shall be substituted."

Mr. BAIDYANATH MOOKERJEE: I rise, Sir, to oppose this motion. Sir if the hon. member preferred bullock carts to motor cars this motion would have been quite suitable. Sir, I think he does not understand the real position. If through the municipal area a driver is to drive a motor car at the rate of 10 miles per hour then the motor car will have to be sent to the workshop very often. Sir, the speed of 20 miles is quite moderate and safe. The hon. mover is thinking of danger to the pedestrians, but he has not cited even one example here in Shillong within his knowledge of the place for the last four years, relating any accident due to the speed of a motor car. Sir, this point was raised in our Joint Conference also. Most probably the hon. mover sent a note and his view point was discussed and it was decided that it will be simply absurd if we restrict the speed limit to 10 miles. So, Sir, I oppose the motion.

Mr. E. H. S. LEWIS: Mr. Speaker, Sir, I also rise to oppose this motion. The hon. mover referred to conditions in England and pointed out that there is a speed limit of 30 miles an hour there. I do not think he has fully appreciated all that can be learnt from that. The 30 miles an hour speed limit in England is comparatively recent. Prior to its introduction all over England, various municipalities had their own speed limits, some of them as low as 5 miles an hour, and it was from years of experience and working of these different speed limits all over the country that the Government in England decided on a 30 miles an hour speed limit in towns. There are two reasons, one is that any speed limit below 30 miles per hour is not practicable for modern cars, and the other point is that the police in England are anxious to get the traffic through the towns as quickly as possible and I have no doubt that the police in Assam are equally anxious to get the traffic through the towns as quickly as possible. Members might think that in view of what I have said it would be expected of me that I would have tabled an amendment amending 20 miles an hour to 30 miles an hour, but I have not done so, Sir, as I have no doubt that when a sufficient number of members of this House have been prosecuted for failing to observe the 20 miles speed limit, such an amendment will be tabled and carried.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I see practical difficulty in accepting Mr. Goldsmith's amendment. By this rule 177, we propose to limit the speed within municipal limits and in other specified areas, not beyond 20 miles. But before the introduction of these rules there was no such limit and the drivers if they found an open road drove at 30 or 40 miles an hour. As we have not had any report of accidents, fortunately, on account of this high speed, I think, Sir, my hon. friend need not fear that the speed limit maximum of 20 will cause any damage or accident.

The Hon'ble the SPEAKER: The question is:

"That in the first line of rule 177 for the figure and word '20 miles' the figure and word '10 miles' shall be substituted."

The question was negatived.

Original rule 178 (re-numbered rule 175)

Mr. C. GOLDSMITH: I will not move* amendment No. 139.

The Hon'ble the SPEAKER: We have exhausted the list of amendments.

Now Rev. J. J. M. Nichols-Roy has tabled an amendment to certain rules published under Notification No. 2192-H, dated the 18th March 1941, made under section 74 of the Motor Vehicles Act, 1939. This notification relates to the regulation of timing of traffic on the Gauhati-Shillong Road. Now in the first place I wish to point out that apart from the question whether it is really a rule under the Motor Vehicles Act or not there is the initial difficulty that this notification was not placed before this Assembly as a rule framed under the Motor Vehicles Act, under section 133 of the Act. So without saying anything whether such an amendment is in order or not simply because it relates to a matter which is within the powers of the Government under section 74 there is this initial difficulty that this House cannot consider this amendment on the simple ground that this notification was not placed before this House. So it is out of order.

Now, there should be a motion as I said the other day and before we move the next motion I wish to ask the hon. members to tell me whether they have noticed any omission or any mistake in the preparation of the list of amendments. There was a great rush and the list was prepared at a great hurry.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not noticed any, Sir.

Mr. C. W. MORLEY: Mr. Speaker, Sir, I wish to point out that there exists a slight mistake in amendment No. 158 at page 2 of the last list. In line 2 the words "Roads in which Rule 200 is not applicable" should be read as "Roads to which Rule 200 is not applicable".

The Hon'ble the SPEAKER: The hon. member may put it as a motion.

The motion runs as follows :—

In amendment No. 158 for the word "in" the word "to" should be substituted.

The amendment was then put and carried.

The Hon'ble the SPEAKER: The last motion should I think be in these words :

This Assembly is of opinion that the Government do take steps to incorporate amendments passed by the House into the body of the rules presented before it in the light of the discussions held on them and with such re-numbering and re-lettering wherever necessary both in regard to the rules amended and also in the rules not amended by the House.

I think that would be sufficiently wide to cover everything. Will the Hon'ble the Premier move this ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move :—

That this Assembly is of opinion that the Government do take steps to incorporate amendments passed by the House into the body of the rules

Original rule 178 (re-numbered rule 175)

*139. Mr. C. Goldsmith to move :

That after the word "negligently" occurring in the second line the following be added :—

"as caused to splash water and mud on the clothes or body of any passer-by."

presented before it in the light of the discussions held on them and with such re-numbering and re-lettering wherever necessary both in regard to the rules amended and also in the rules not amended by the House.

In this connection I have to make one observation. The change of the definition of the Licensing Authority and Registering Authority has been of a revolutionary character. So long the Police Department has been dealing with the subjects of testing drivers, registering cars and realisation of fees, etc. But with the change in the definition which has been adopted by the House the administration of these subjects shall have to be transferred to the District Magistrates. I solicit an indication from this House for a time limit by which this transfer should take effect. For, as soon as the other House passes the rules, probably it will come into effect at once. We require some time to make this change-over. If the House desires, the rules may come into effect from the next financial year, or if that is not acceptable from the next calendar year.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I have objection to the passing of this motion. There are some amendments that have been carried in this House which have put the position of the Provincial Transport Authority in an embarrassing position. I mean, Sir, the power of appeal against the orders of the Provincial Transport Authority which according to the amended rules now rests with the Revenue Tribunal. This does not improve the position of the Hon'ble Premier who is the President of the Provincial Transport Authority, rather it has made the position worse. I tabled an amendment in this connection and unfortunately that amendment was lost. Many of the hon. members tabled amendments for the best interest of the public but those amendments did not receive any sympathetic treatment from the Hon'ble Premier and his colleagues. Under the circumstances, it is my firm conviction, Sir, that if the rules as amended by this House be accepted the position of the Hon'ble Premier who is the Leader of the House will be sufficiently lowered.

The Hon'ble the SPEAKER: The House has already accepted those amendments.

Maulavi ABDUL BARI CHAUDHURY: As regards the date on which these rules will be given effect to, may I suggest that the 1st of October may be fixed?

Mr. BAIDYANATH MOOKERJEE: In this connection may I bring one thing to your notice, Sir? Section 133, sub-section (2) of the Motor Vehicles Act says that all rules made under this Act shall be published in the Official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

The Hon'ble the SPEAKER: What strikes me is: has the Government any right to fix any date from which these rules are to come into operation? As soon as the rules are accepted by both the Houses, they come into force.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So long the Licensing Authority and the Registering Authority were the Superintendent of Police. The amendment that has been carried has transferred that power to the District Magistrate. In removing the power from one authority to another, there ought to be an interregnum by which all official records may be transferred from one department to the other. In

this way there may be necessity for some time for efficient working of the Motor Vehicles Rules which the House has passed. Therefore I wanted a direction from the House for the date from which this change over from the Superintendent of Police to the District Magistrate will take effect.

The Hon'ble the SPEAKER: With regard to that I may point out one thing to the House. If in the motion that has just now been moved we add a few words I think the objection can be met.

The House has passed certain rules. It is necessary that these should be incorporated. The rules should be renumbered and relettered in the light of the amendment passed by this House. Unless this is done, the rules will not be in the proper form. So if we fix a time limit within which Government should take steps to incorporate these rules, then I think up to that time Government will get time to arrange things to effect the change-over. We may therefore fix a date in that motion.

Mr. A. WHITTAKER: May I suggest the 1st of April 1942, because most of the licences, permits and registration certificates run from the financial year and they will fall due for renewal next April? Will not that be a convenient date for the complete change-over? Government can make the best arrangement for that within that period. I should like to suggest 1st of April 1942.

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

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

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

Let me then dispose of this motion.

The question is:

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

The question was adopted.

Mr. A. WHITTAKER: Would you please consider this amendment?

I beg, Sir, to move that such rules as will be administered by the Deputy Commissioner as Licensing Authority and Registering Authority shall take effect from the 1st April 1942.

Maulavi ABDUL BARI CHAUDHURY: I suggest that the date be fixed at 1st October 1941.

Mr. A. WHITTAKER: Would you consider an amendment to the effect that rules 2(f) and (g) shall take effect from the 1st of April 1942? That is I think the simplest way out of the difficulty.

The Hon'ble the SPEAKER: Does the hon. member means amended rules ?

Mr. A. WHITTAKER: Yes, Sir.

A voice :— We shall also have to take into consideration the rules consequential to these rules.

Mr. A. WHITTAKER: I beg, Sir, to move that amended rules 2(f) and (g) together with any consequential rules shall take effect from the 1st of April 1942.

The Hon'ble the SPEAKER: Motion moved is that the amended rules 2(f) and (g) together with any consequential rules shall take effect from the 1st of April 1942.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that the words " 1st of April 1942 " be substituted by the words " 1st of October 1941 ".

The Hon'ble the SPEAKER: Amendment moved is that the amended rules 2(f) and (g) together with any consequential rules shall take effect from the 1st of October 1941.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I mentioned that for the change-over the next financial year would be suitable. If the House is not agreeable, I suggest that the rules may take effect from the 1st of January 1942. Here, Sir, the wording should be changed a little, that is like this: " the amended rules 2(f) and (g) and any other rules *related to them* (instead of 'consequential rules') shall take effect (if the House wants) from the 1st of January 1942."

The Hon'ble the SPEAKER: Is Mr. Whittaker agreeable to this ?

Mr. A. WHITTAKER: I have no objection, but I would suggest the words " dependent on them ".

Mr. BAIDYANATH MOOKERJEE: I would add " relating to administration ", *i.e.*, " dependent on them relating to administration."

The Hon'ble the SPEAKER: But will it serve the purpose of the hon. member ? Is it not better to put " relating to matters of registration and licensing " ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That won't be appropriate, Sir. In that case some people will say that registration and licensing will take place from 1942. But in the meantime the existing rules will apply to all registration. I know this, Sir, because I myself have my motor car taxed quarterly.

Mr. A. WHITTAKER: Therefore why not make it " relating to the agency of registration and licensing " ?

The Hon'ble the SPEAKER: I think that will do. But with regard to the date has the hon. mover of the amendment got anything to say ?

Maulavi ABDUL BARI CHAUDHURY: I am agreeable to accept the date suggested by the Hon'ble Premier, Sir.

The Hon'ble the SPEAKER: Does Mr. Whittaker accept this date ?

Mr. A. WHITTAKER: Yes, Sir.

The Hon'ble the SPEAKER: Motion moved is:

" That amended rules 2(f) and 2(g) together with any other rules dependent on them, relating to the agency of registration and licensing, shall take effect from the 1st of January 1942."

Then I am putting this as a question before the House.
The question was put and adopted.

The Hon'ble the SPEAKER: Then the amendment of Mr. Whittaker falls through. So this finishes the business of the session. I really thank the hon. members for the co-operation they gave me these days in discharging my duties in regard to this very difficult matter of dealing with the Motor Vehicles Rules. I am really grateful that the hon. members were all very helpful to me.

Prorogation

The Hon'ble the SPEAKER: Now I have got the order of His Excellency the Governor in my command proroguing this session of the Assembly and it is to this effect :—

“ In exercise of the power conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, Robert Niel Reid, hereby prorogue the Assam Legislative Assembly, at the conclusion of its meeting of the 7th June, 1941. ”

Shillong,

The 5th June, 1941.

R. N. REID,

Governor of Assam. ”

The Assembly was then prorogued.

Shillong,

The 25th July, 1941.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

ASSAM LEGISLATIVE ASSEMBLY

GOVERNMENT OF ASSAM

GOVERNOR OF ASSAM

His Excellency Sir ROBERT NIEL REID, K.C.S.I., K.C.I.E., I.C.S.

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