

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 Tuesday, the 3rd June, 1941.

PRESENT

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

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Detention of undertrial prisoners in jails

Babu KARUNA SINDHU RAY asked :

272. (a) Is it a fact that some undertrial prisoners are kept confined for a long period in the Jails ?

(b) Is it a fact that there are many such prisoners in Sylhet Jail and they have been anxiously waiting for the day of their trials ?

(c) Is it a fact that one or two prisoners have been kept confined in Sylhet Jail from June 1940 ?

(d) Is it a fact that one Abun of Pulpur an undertrial prisoner in the Sylhet Jail has been awaiting his trial from 23rd June 1940 ?

(e) Will Government be pleased to lay a statement on the table, showing the number and names of undertrial prisoners confined in the different jails of Assam for more than six months, with reasons for such long detention ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

272. (a)—Undertrial prisoners are sometimes detained for longer periods than Government like.

(b)—No. There appear in fact only two whose detention has in the opinion of the Superintendent been unduly long.

(c)—Yes : two.

(d)—No.

(e)—A statement is furnished below :—

Statement showing the names of undertrial prisoners who have been detained for more than six months at the end of December 1940

Nos.	Name of prisoners	Date of admission	Name of the Jail	Remarks
1	Abdul Waheb	23rd June 1940	Sylhet	It is a 110 Criminal Procedure Code case and owing to the transfer of the trying Magistrate, local investigation could not
2	Ali Baksh ...	Ditto	Ditto	

Nos.	Names of prisoners	Date of admission	Name of the Jail	Remarks
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be held. It has now been taken over by another Magistrate and has either been dealt with or will shortly be finished.

Appointment of Srijut Prabhat Chandra Barman as Assistant Manager, Mechpara Wards' Estate

Maulavi MUHAMMAD AMJAD ALI asked :

273. Will Government be pleased to state—

- (a) The duration for which and the terms and conditions on which Srijut Prabhat Chandra Barman, Clerk, Sidli Tahsil Office, has been deputed as Assistant Manager, Mechpara Wards' Estate ?
- (b) The special purpose for which such a deputation was necessary.
- (c) Whether the person so deputed has conformed to the terms of the advertisement, particularly with regard to experience in Estate management or Land Records ?
- (d) The extra amount which the Estate will have to pay in addition to his monthly salary, in the shape of pension and leave contribution on account of his being so deputed ?
- (e) Whether Government looked into the application of one Srijut Pramode Kishore Chakravartty, B.A., who stated that he has got Bengal Forest Training, passed the Survey examination and has sufficient knowledge of Estate management having served the same Estate in the Executive Services for the last 7 years ?
- (f) If so, why his case was not considered ?
- (g) What would have been the economy of the Estate finance in appointing a person other than such a Government servant ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

273. (a)—Srijut Prabhat Chandra Barman, B.A., has been appointed on probation for six months. If his work is satisfactory, he is expected to remain in the post as long as it is considered necessary in the interest of the estate. He has to furnish a security of Rs.2,000 and will draw pay in the scale of Rs.200—5/3—230.

(b)—In the interest of the Estate's management under the Court of Wards.

(c)—The Court of Wards considered the qualifications of all the candidates and decided to appoint Srijut Prabhat Chandra Barman, after taking into consideration all aspects of the case.

(d) Contribution for leave salary at Rs.7-4-0 per mensem for the transit period for 21st and 22nd January 1941.

Ditto ditto at Rs.25 per mensem from 23rd January 1941 to 22nd January 1944.

Ditto for pension at Rs.4-3-0 per mensem from 21st January 1941 to 14th November 1942.

(e)—Yes.

(f)—Does not arise.

(g)—About Rs 30 per mensem which is payable by the Estate as leave salary and pension contributions for the officer now deputed by Government to the Estate service.

***Maulavi MUHAMMAD AMJAD ALI:** The officer deputed has been given probation for six months. Does it aim at permanency?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** If his work is found satisfactory, he will be retained permanently to the post.

***Maulavi MUHAMMAD AMJAD ALI:** May I know whether he has got any lien on the service which he formerly held?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, Sir.

***Maulavi MUHAMMAD AMJAD ALI:** In case of his reversion to the former post, may I know whether he will get the increment in that post for the period for which he served here?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** That will be counted.

***Maulavi MUHAMMAD AMJAD ALI:** With regard to question No. 273(b), the answer is—'In the interest of the Estate's management under the Court of Wards'. I wanted to know what was the special purpose for which the deputation was necessary. Was there anything very special?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** I cannot say beyond that because he has been appointed in the interest of Estate management in view of his experience.

***Maulavi MUHAMMAD AMJAD ALI:** From the answer it will be clear that experience of estate management or proficiency in land records was necessary. He had neither of these qualifications. Had he?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Before that he had been working as the head clerk of a Tahsil office of Sidli for 8 years and he acquired experience of land records works there.

***Maulavi MUHAMMAD AMJAD ALI:** No experience in land records work is wanted, but experience in estate management is wanted.

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** The advertisement referred only to experience in land records work.

***Maulavi MUHAMMAD AMJAD ALI:** What was referred to in the advertisement was experience in estate management and training in land records work.

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Yes, Sir, both. He had both.

***Maulavi MUHAMMAD AMJAD ALI:** May I know whether he had experience in estate management?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** He was previously working as head clerk in a Tahsil office.

***Maulavi MUHAMMAD AMJAD ALI:** Is Tahsil an estate?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** That Estate is managed by Government.

Maulavi MUHAMMAD AMJAD ALI: The answer to question No. 273 (e) is 'yes' and from that the answer to question No. 273 (f) cannot be 'does not arise'. May I appeal to the Chair that it is not the proper way of framing an answer? Both the answers are correlated.

The Hon'ble the SPEAKER: If all the answers given be considered then it would mean that the qualifications of Srijut Pramode Kishore Chakravartty were enquired into, and therefore the answer is 'does not arise'.

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Moreover the answer has been given in question No. 273 (c). The Court of Wards considered the qualifications of all the candidates.

***Maulavi MUHAMMAD AMJAD ALI:** As regards question No. 273 (g), may I know what special qualifications prompted this Government to appoint Srijut Prabhat Chandra Barman?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** That has been answered that he has got sufficient experience in all matters.

***Maulavi MUHAMMAD AMJAD ALI:** In all matters?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** I have nothing further to add.

Functions of the Fishery Officer

Maulavi ABDUR RAHMAN asked:

274. Will Government be pleased to state—

(a) The function or functions which the Fishery Officer has got to discharge?

(b) What special works beneficial to the people have been done by the Fishery Officer since he has been appointed?

(c) The amount of money spent up till now for the Fishery Officer and his establishment?

(d) The number of days he toured in the interior and the amount of money he had drawn as travelling allowance?

(e) The places he visited and the works he did at each place?

(f) Whether Government have drawn up any scheme for the Fishery Officer?

(g) If the Fishery Officer has submitted any scheme of work to Government?

(h) If so, what steps Government have taken to materialise this scheme?

(i) Whether Government is aware that the fishery of the province is in a moribund condition?

(j) Whether it is a fact that Fishery yields a decent income to the provincial revenue?

(k) The annual income of Government from fishery? (To be shown district by district.)

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

The Hon'ble Miss MAVIS DUNN replied :

274. (a)—To study the existing conditions of fish culture in Assam and suggest ways and means for its development.

(b)—He has, in the course of the preliminary survey on which he is at present engaged, visited a large number of fisheries, public and private, recorded the conditions prevailing there in regard to the rearing and marketing of fish, and given suggestions to the local officers or private persons concerned for the improvement of these conditions.

(c)—Rupees 1,235 up to the end of February 1941.

(d)—One hundred and eleven days up to the 31st of January 1941 ; and Rs.351-14-0 including the travelling allowance of his peon up to the 31st December 1940.

(e)—The fishery officer's tour diaries, which contain the necessary information, are placed on the library table.

(f), (g) and (h)—The fishery officer has not yet completed the necessary preliminary survey. He will submit a scheme after he has completed it.

(i) to (k)—The hon. member's attention is invited to the replies given to unstarred question No. 48 during the current session of the Assembly.

Maulavi ABDUR RAHMAN : With regard to question No. 274(f), the question was : 'Whether Government have drawn up any scheme for the Fishery Officer ?' The reply is : 'the Fishery Officer has not yet completed the necessary preliminary survey. He will submit a scheme after he has completed it'. I want to know whether Government prepared any scheme and issued directions to the Fishery Officer.

The Hon'ble Miss MAVIS DUNN : A certain direction was given and that was that the Fishery Officer should visit all fisheries and give suggestions to holders of fisheries for the improvement of such fisheries. He was also directed to frame a scheme and submit this to Government for consideration.

Maulavi ABDUR RAHMAN : May I understand that the scheme was left to the Fishery Officer to be prepared by him ?

The Hon'ble Miss MAVIS DUNN : Yes, Sir.

Maulavi MUHAMMAD AMJAD ALI : Has the Hon'ble Minister gone through the tour diaries of the Fishery Officer ?

The Hon'ble Miss MAVIS DUNN : Yes, Sir.

Maulavi MUHAMMAD AMJAD ALI : Is she in a position to give an indication as to what advance has been made in this direction ?

The Hon'ble Miss MAVIS DUNN : The hon. member will judge for himself. The tour diary is laid on the Library table.

Maulavi MUHAMMAD AMJAD ALI : Should we make our own conclusion, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That is a vague question, Sir. We have made some advance. The Officer toured the Surma Valley about the middle of last year and finished the survey there. His headquarters have since been transferred to the Assam Valley. We have got his report as regards the Surma Valley. After we get his report as regards the Assam Valley, a scheme will be drawn up.

Maulavi MUHAMMAD AMJAD ALI : Is it a fact that the Fishery Officer submitted a report to the Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : He has made a survey so far as the Surma Valley is concerned and submitted his tour diaries containing his report. We have still to consider his report as regards the Assam Valley.

Trial of Srijut Debeswar Sarmah, M.L.A.

Srijut RAM NATH DAS asked :

275. Will Government be pleased to state—

- (a) Whether it is a fact that Srijut Debeswar Sarmah, B.L., a member of this Assembly from Jorhat, was arrested and tried on 14th December 1940 under the Defence of India Rules for shouting anti-war slogans and sentenced to nine months imprisonment on the same day by Mr. N. Phukan, the then Senior Magistrate of Jorhat with first Class powers ?
- (b) Whether it is a fact that the trying magistrate directed Srijut Sarmah to be placed in "A" division and for that in the committing Jail warrant he was shown as "A" Division prisoner ?
- (c) Whether it is a fact that the trying magistrate recommended Srijut Sarmah to the Government to be treated as "A" Division prisoner under rule 209 of the Assam Jail Manual ?
- (d) If so, will Government be pleased to lay on the table a copy of the letter from the trying magistrate to Government through the District Magistrate under rule 209 of the Assam Jail Manual ?
- (e) Whether it is a fact that Srijut Sarmah was treated from 14th December 1940 till 1st February 1941, i.e., for six weeks, as "A" Division prisoner ?
- (f) Whether it is a fact that Government intimated the prison authorities at Jorhat Jail on 1st February 1941 to place Srijut Sarmah as "B" division prisoner and to treat him as such ?
- (g) If so, will Government be pleased to lay on the table a copy of the order communicated in this connection to the Jail authorities ?
- (h) The reason which led Government to place Srijut Sarmah in "B" division and that after a period of six weeks ?
- (i) Whether there was any correspondence between Government and the District Magistrate about this subsequent placing of Srijut Sarmah in "B" division ?
- (j) If so, will Government be pleased to lay copy or copies of all such correspondence on the table ?
- (k) The reason for this inordinate delay of six weeks for fixing the division of this prisoner ?

276. Will Government be pleased to state—

- (a) Whether it is a fact that Government stated in reply to question of Mr. Kamalaproasad Agarwalla, M.L.C., in the last session of the Assam Legislative Council that Government would not interfere with the classification recommended by the trying magistrate ?
- (b) If so, why Government deviated from this principle after Srijut Sarmah was confined in "A" division for six weeks ?

- (c) The considerations which weigh with Government in deciding as to the division in which a particular prisoner is to be placed ?
- (d) Which of such considerations did not merit Srijut Sarmah to continue as "A" division prisoner ?
- (e) Whether it is a fact that Srijut Sarmah was the Chief Whip of the Congress Coalition Party in power as well as in Opposition in this Assembly ?
277. Will Government be pleased to state—
- (a) Whether Mr. Omaruddin, a first Class Magistrate of Dibrugarh, convicted Mr. Lakhesvar Barua, M.L.A., and sentenced him to one year's rigorous imprisonment and placed him in "A" division ?
- (b) Whether the acting District Magistrate of Lakhimpur at the date of the sentence did not disagree with the first class Magistrate who convicted Mr. Barua in this classification and Mr. Barua was placed in the Jorhat Jail as "A" division prisoner and was treated as such there ?
- (c) If so, will Government be pleased to state how and why Mr. Barua is now placed in "B" division and at whose recommendation the Local Government made the change ?
- (d) Whether it is a fact that Government is a party to the change of divisions made in case of Mr. Barua and have agreed to the recommendation made subsequently by one, other than the trying Magistrate ?
- (e) If the reply to Question No. 276(a) above is in the affirmative, will Government be pleased to state why in this case of Mr. L. Barua also the assurance given by Government has been departed from ?
- (f) Whether they are aware that Mr. L. Barua has been suffering from high blood pressure causing danger to his life ?
- (g) Whether they have received representations from the public of Jorhat about the high blood pressure of Mr. Barua, causing danger to his life and asking for his immediate release ?
- (h) If so, will Government be pleased to state whether any action has been taken on the said representation ?
278. Will Government be pleased to state whether they are aware that the present accommodation in Jorhat Jail of "A" division prisoners is insufficient and the barracks occupied by the said prisoners were originally meant for detenués and are very damp ?
279. Will Government be pleased to state whether it is a fact that the lavatories in these barracks are cleaned by sweepers by passing through the passage between the bedsteads of the prisoners where eatables are kept by them ?
280. Will Government be pleased to state what arrangement has been made outside the Jorhat Jail compound for interview with political prisoners specially by the female relations of the prisoners ?
281. Will Government be pleased to state—
- (a) Whether it is a fact that only the *Statesman* or the *Amritabazar Patrika* is supplied to "A" division prisoners and no other newspapers are supplied to them ?
- (b) If so, will Government be pleased to state why other newspapers like the *Hindusthan Standard*, the *Assamiya* and the *Assam Sevak* are not supplied though asked for at Jorhat by "A" division prisoners ?

282. Will Government be pleased to state—

(a) whether any newspapers are supplied to "B" and "C" division prisoners?

(b) If not, what are the reasons for not supplying them?

283. Will Government be pleased to state whether any arrangement for physical exercises for "A", "B" and "C" divisions prisoners has been made and the necessary materials supplied to them free by the Government?

284. Will Government be pleased to state the reason for not allowing the political prisoners of different divisions in the same jail to mix with one another?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

275. (a)—Yes.

(b)—Yes.

(c)—Yes. It should however be noted that magistrates subordinate to District Magistrate report through him, and his is the classification which Government have to consider.

(d)—Government regret that they cannot undertake to lay copies of correspondence with their officers on the table.

(e)—Yes, this appears to be the fact.

(f)—Without interfering with the order passed by the District Magistrate placing Srijut D. Sarmah in "B" division, Government directed that no privilege enjoyed by him as "A" division prisoner should be withdrawn pending further consideration and ultimately ordered his classification as "A" division prisoner.

(g)—Copies of correspondence between Government and their officers cannot be laid on the table.

(h)—The exact position has been fully stated in reply to (f).

(i)—No.

(j)—Does not arise.

(k)—Government were not aware that the provisional classification of the District Magistrate had not been carried out.

276. (a) & (b)—The intention of the reply was that Government would in the ordinary course accept the recommendation of the classifying authority which in effect is that of the District Magistrate in the case of persons not tried by the High Court or Sessions Court.

(c)—The considerations are laid down in the Jail Manual. As between A and B on the one hand and C on the other they concern the status of the convict in civil life, and as between A and B are somewhat more complicated, including also the nature of the offence.

(d)—As already explained, Government at first contemplated a distinction in status, but have subsequently abandoned this.

(e)—Yes.

277. (a)—Yes.

(b)—Government have no information in regard to an acting District Magistrate at this time.

(c)—The District Magistrate recommended classification as "B" division prisoner. Government placed him in "A" division and has since released him.

(d)—Yes, if Government understand the question correctly.

(e)—As already explained, Government did not deviate from the intention of the rules and of the assurance.

(f)—Yes.

(g)—Yes.

(h)—The sentence has been suspended till further orders and he has been released.

278.—Government do not consider the accommodation is insufficient. The buildings were originally meant for detenues. One of the buildings was not in use for several years and had become damp, but moonj mats have been spread on the floor for the time being and cementing the floor is under consideration.

279.—Until the barrack can be remodelled, as it is now proposed to do, it is necessary for the sweepers to pass through with covered receptacles to reach the lavatory. They go between the rows of beds, but not between the beds lengthwise.

280.—Interviews with A and B division prisoners are held in Jailor's office outside the main gate, while those with C division prisoners are held at the main gate. Interviews by the female relations with the Satyagrahi prisoners are held in the Jailor's room and privacy is observed.

281. (a)—Yes, hitherto, but the matter has been under consideration of Government, and revised orders have been issued.

(b)—Government have directed that any paper approved by them may be supplied within the budget provision, or at the cost of the A or B division prisoner.

282. (a)—Yes.

(b)—Does not arise.

283.—A and B division prisoners play "Badminton" at their own cost and take other physical exercises in barracks and in yards as they like. The C division prisoners play "Hadu-du" and running, etc. They also play other games, such as "Chess", "Pachishi", and "Draughts", etc.. materials for which are supplied by Government.

284.—It is a principal rule of the Jail Department that prisoners of different classes and divisions should be separated as far as possible. The prisoners in A division, in which all offenders convicted for shouting slogans, have been placed are allowed association.

Adjournment motion on account of the failure of Government in giving adequate relief to the people of the flood affected areas in the subdivisions of the district of Sylhet

Khan Bahadur Maulavi MAHMUD ALI: Mr. Speaker, Sir, I beg leave of the House to move the adjournment motion standing in my name, *viz.*, that this Assembly do now stand adjourned to discuss a definite matter of urgent public importance, namely, failure of Government in not giving adequate relief to the people of the flood-affected areas in the subdivisions of the district of Sylhet.

Sir, yesterday, a similar adjournment motion about Cachar was moved and discussed, but we were not allowed to discuss about the condition of the district of Sylhet.

Sir, the condition of the the district of Sylhet is really worse than that of Cachar. Though in the Cachar district, the flood has subsided, the water has accumulated in the district of Sylhet, particularly in North

Sylhet, Habiganj, Sunamganj and some parts of the Karimganj subdivisions. Sir, up to this day, we have not heard that Government have taken any steps for affording relief to these flood-affected areas. I have described the condition of Karimganj yesterday in the House. We, Sir, find no paddy near the roadside of the Cachar Trunk Road, which is at a higher level than the other places. If even in higher places paddy could not be sown it will be easily imagined that no paddy could grow up to this day in the plains where full-grown paddy is expected now-a-days. The difficulty of the people is immense; specially, from Fenchuganj to Sylhet and Badarpur to Sylhet, flood has been so severe that there is not a single straw of paddy, and I have heard that there is no expectation of the re-sowing of paddy there; similar is the condition of Karimganj and Patharkandi also. The people require adequate relief of various kinds but I did not see any move on the part of Government up to this day.

The Hon'ble the SPEAKER: Very well, I think this will do. The motion is clearly not in order. I need not give the reasons. They are quite apparent to the hon. members. But having regard to the importance of the matter, I would like that Government should make a statement about the floods in the district of Sylhet and about the steps taken by Government to alleviate the sufferings of the flood-affected people of the district.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I am afraid this motion is not in order.

The Hon'ble the SPEAKER: I have already said that and I have requested the Hon'ble Minister to state to the House all facts about this question of floods in Sylhet.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I am quite prepared to make a statement about measures taken by Government in connection with the floods in the district of Sylhet. I hope I shall be able to make a statement on the next day.

Maulavi ABDUR RAHMAN: In this connection, may I be permitted to bring to the notice of Government a few facts which I have personally seen.

The Hon'ble the SPEAKER: Government have undertaken to make a statement about floods in the district of Sylhet.

Maulavi ABDUR RAHMAN: But I doubt whether Government are in possession of all facts. Government are primarily concerned with preliminary relief, but I am afraid the district will be seriously affected after two or three months.

The Hon'ble the SPEAKER: Very well, the hon. member may briefly state what he has got to say.

Maulavi ABDUR RAHMAN: All right, Sir. Just after the serious floods in the districts of Cachar and Sylhet a few weeks back I had been to some of the subdivisions, viz., Karimganj, Maulvibazar and North Sylhet and as I come from Habiganj I am more acquainted with facts there than anybody else.

Sir, I went to Karimganj eight days after the actual day of inundation and I found the town itself was under water. In the southern part of the railway line the whole area was submerged. Similar was the case with Maulavibazar subdivision, particularly the Langla pargana of the Kulaura thana. There the whole Aus crop has been damaged, the seeds which

were to be sown in the month of Jaistha could not be sown. Then again in the lower part of the subdivision, where *Amon* crops are generally grown, the crops have been absolutely devastated. *Amon* crops are generally sown in Baishak, but due to accumulation of water they could not be sown. The result will be that people in those areas will starve after two or three months because they generally expect to get crops in the months of Ashar, Sravan and Bhadra. So, I would suggest to Government that they should make a thorough survey of both the districts and find out some ways and means to provide adequate relief to the people in near future. In the Sylhet district relief is not so much needed during this month. If anything is needed it will be the supply of free seeds to those who can sow in their lands again. But in the months of Ashar, Sravan and Bhadra there will be famine of a devastating nature and real help of the Government should come at that time.

Dr. C. G. Terrell: Mr. Speaker, Sir. I should like to say a few words in confirmation of what we have heard about the floods in Sylhet. Yesterday I attempted to give you some idea of the problem facing the subdivision where conditions were serious. This flood can be compared with the big flood of 1929 but it did not quite reach the same high level and did not last so long, but at the same time a considerable amount of damage was done. As I told the House yesterday, I went to call on Mr. Jarman, the Subdivisional Officer of Karimganj, and he kindly gave me access to his file and I was very much impressed with the efforts that were being made by himself and the numerous subordinate officers who have been deputed to investigate the whole problem. I think, there was a certain amount of confusion yesterday when the Cachar problem was discussed; in that everybody seemed to be convinced that this two thousand rupees which has been allotted for relief was the beginning and the end of everything. I think, it will be realised that it is very difficult to consider the question of flood relief when the flood actually exists. After it subsides, then the question of flood relief should be considered. That is the question which is being considered by the Subdivisional Officer and the other officers connected with the inquiry concerning the flood area that I am attempting to describe. The *Boro* crop has, in many places, been completely destroyed and the delay in sowing the *Aus* crop, consequent on the flood, and where seedlings were washed away, may have serious consequences. The local authorities were considering what relief can be given to the people and the Government was taking every step in its power to meet the situation. It is obviously impossible to cope with a problem of this sort without full investigation, and I can assure the House that so far as those areas are concerned it was being investigated very carefully. A large number of places have been affected and I understand a total figure of Rs. 16,000 for relief is being recommended to Government. I say so without prejudice and on my own authority. I had access to this file and although I may be wrong regarding this figure, I think, that a sum of Rs. 16,000 will probably be required for the relief in these areas.

There was one other little point which struck me forcibly and which I would like to mention as it may be of interest and possibly useful. The question of distribution of seeds or cash advances for its purchase was carefully considered and it was decided that seed distribution would involve delay. It was therefore recommended, for expediency in particular, and to make sure that it reaches the correct destination at the earliest possible opportunity, that assistance should be in the shape of cash advances and I think this is the correct decision and give this information which may be of interest to the House. I can assure the House

that so far as those areas of the Karimganj Subdivision are concerned, the whole matter has been gone into very carefully by the Government and they are making every effort to help where it is necessary.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Speaker, Sir. May I draw the kind attention of Government to the serious condition of the flood stricken people of Sunamganj subdivision? My hon friend Maulavi Abdur Rahman has elaborately discussed the condition of Habiganj Subdivision and I can assure the House that the condition of Sunamganj is quite similar to that of Habiganj. So we urge upon the Government to consider the question of Sunamganj most sympathetically and I hope the Hon'ble Minister-in-charge will not forget the poor distressed people of Sunamganj when he considers the question of Sylhet.

Hon'ble Speaker's ruling on Mr. Baidyanath Mookerjee's adjournment Motion regarding the grave situation created by six months' notice on Government for the termination of contract by the Commercial Carrying Company, Limited.

The Hon'ble the SPEAKER: Order, order. I will now take up the hon. Mr. Baidyanath Mookerjee's adjournment motion in regard to the notice served by the Commercial Carrying Company, Limited, on Government.

Mr. Mookerjee wants to discuss, in terms of the motion which he has tabled, "the grave situation created by six months' notice served on Government by the Commercial Carrying Company (Assam), Limited, on the 16th November last in respect of termination of their contract for carrying traffic on the Gauhati-Shillong Road and failure of Government to satisfactorily, efficiently and expeditiously deal with the same." Mr. Mookerjee has relied upon the publication in the *Janasakthi* of the 21st of May last the notice in question and also two letters one from the Under-Secretary to the Government of Assam to the Provincial Transport Authority, Assam, bearing the date of 2nd May, 1941 and other of the 9th May, 1941, from the Secretary, Provincial Transport Authority to each of its members. The two letters no doubt show that Government did not proceed to deal with the question as expeditiously as the hon. mover expected or as the Government ought to have done. The notice served on Government by the Commercial Carrying Company, Limited indicates their determination to terminate the contract with the Government for carrying on the Gauhati-Shillong Road goods traffic and the coaching traffic, of which they were given the monopoly, from the 1st of June, 1941. In the said notice the authorities of the Company have referred to their grievance against Government and in referring to these grievances have indulged in some disparaging expressions about persons who from time to time since after the inauguration of the present constitution constituted and now constitute the Government of Assam. But it is not perceived what really is the grave situation that Mr. Mookerjee wants to discuss. The letter from the Under-Secretary to the Government of Assam, to the Secretary of the Transport Authority says that Government have decided on the basis of the Company's replies to communications made that it is now necessary to prepare to act upon the notice and that they have asked the Provincial Transport authority to consider the policy as regards future administration of the Gauhati-Shillong Road at a very early date. The fact that the Commercial Carrying Company (Assam), Limited have been running the traffic from the 1st of June, 1941 the date from which they wanted to terminate their contract shows that there has not been any inconvenience to the public or to the Government, in so far as their military

arrangements are concerned, and from this point of view there is no grave or urgent situation that should be discussed by means of an adjournment motion. It seems, therefore, that although Government may be considered to be proceeding in diletary manner in disposing of the matter they, have nevertheless taken care to make the necessary arrangements about carrying coaching traffic on the Gauhati-Shillong Road from the 1st of June last, presumably to continue till they have finally decided their course of action in the matter. There may be various speculations in the public mind as the comments of *Janasakthi*, although critically insinuating, unmistakably shows, as to the way in which Government may finally decide their course of action; but the fact that there are such speculations does not really constitute a grave situation which can be discussed in an adjournment motion. The notice of the Commercial Carrying Company, Limited, does not ask for redress of their grievances, but insists definitely on termination of their contract and the Government have decided to act upon that notice and if really the House is willing to indicate to Government any policy Government should follow with regard to the future administration of the Gauhati-Shillong Road, there is a different course open to the House to follow. I, therefore, hold that the motion is not in order.

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Presentation of Notification under section 330(1) of the Assam Municipal Act, 1923

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to present the following Notification* under section 330(1) of the Assam Municipal Act, 1923:—Notification No. 1259-L. S.-G., dated the 8th May 1941.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the Hon'ble Minister-in-charge is ill, he could not come and therefore the Hon'ble Minister-in-charge of Public Works Department has moved the motion.

The Assam Motor Vehicles Rules, 1940

The Hon'ble the SPEAKER: The next item of business is the discussion of the motion that the Assam Motor Vehicles Rules, 1940 as reported by the Joint Conference of both the Houses be taken into consideration.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I venture to speak a few words on the Motor Vehicles Rules that have been presented before the House. The report of the Joint Conference was laid on the table only yesterday and it is really very difficult for us to go into the details of the recommendations within this short period of time. I may mention here that the procedure adopted in the case of Select Committee reports has not been followed here and this has added to our difficulty.

Sir, I do appreciate the sincere endeavour the Joint Conference made to improve the Rules, but unfortunately for us, a great portion of this endeavour has been confined to minor details. A cursory glance of this end will convince the hon. members, that a good deal of time was spent in cutting the 'T's and dotting the 'I's. Without deliberating in the merits of 'may' and 'shall', we expected that the Conference would give us a bold lead to remove the objectionable features of the Rules. The Conference was not a Select Committee and it was competent to suggest any change in the main principles of the Rules.

* See Appendix "I".

It is really unfortunate that the Rules have come up for discussion before this House at this late hour. In ordinary circumstances, these ought to have received the assent of this House before the 1st April 1940. But perhaps there were factors over which the provincial Government had little control.

Motor business now-a-days appears to be a vital industry and a good deal of the country's capital has been invested in it. So it is no wonder that these Rules would evoke so much interest and agitation in the public mind. The hon. members will be failing in their duty if they do not give their serious consideration to these Rules.

Coming to details, I would like to begin with Chapter IV dealing with the control of transport vehicles. I have heard what the Hon'ble Prime Minister has said regarding the interpretation of section 44 of the Indian Motor Vehicles Act (IV of 1939). With due respect to the opinion of the learned Legal Remembrancer I humbly submit, that section 44, should be interpreted in the light of section 68. Sub-section (2) (a) of this section reads as follows :—

“Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters namely :—

(a) the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities and the reports to be furnished by them ;”

Mr. BAIDYANATH MOOKERJEE : Sir, I rise on a point of order. From the speech of my hon. friend Maulavi Abdul Bari Chaudhury, it strikes me also that the Report as presented before us has not been put formally, by formally, I mean not in the proper form. We have found all along that the reports are placed in such a way that we can distinguish the amendments that have been made ; when anything is omitted it is printed in italics and at the very beginning there is some note from which we can understand which portion has been added and which portion has been omitted and when this is finally placed before the House we find side by side the original text and the amendments that are sought to be made. Sir, I went through only a few pages of the Report which I received only yesterday in this House and myself being a member of the Conference found it very difficult to come to a definite conclusion about the amendments that have been made.

The Hon'ble the SPEAKER : The hon. member is a signatory to the Report.

Mr. BAIDYANATH MOOKERJEE : But, Sir, I explained the difficulty yesterday that it was placed before us late and thought that if I did not send it, it would be really very regrettable on my part and that out of all persons I should be lagging behind in sending the Report in time. So I enquired of you, Sir, whether I should be allowed to move any amendment or not to which you very kindly consented.

I shall point out only two defects Sir. That so far as rule 5 is concerned in page 2 you will find—“5 Professional and Private Licenses—No person shall drive a motor vehicle on hire or on receipt of remuneration unless he holds a professional licence. Private licences shall only be issued to those who do not drive on such conditions”. That was the original rule. Now here I find rule 5 at page 2 of the Report—at the top it has been written

that the Conference recasts the whole rule which now reads in the present form—Professional and Private Licences—No person shall drive a motor vehicle as a paid employee unless he holds a professional licence. Private licences shall only be issued to those who do not drive on such conditions”. In some cases I find that the amendments which were made are underlined but here I find that nothing of the sort has been done. So it is very difficult unless we get something side by side to distinguish the things and to make up our minds as to whether any amendments should be moved; and the time that has been given will be really very short to come to any definite decision. I shall, before you give your ruling.....

The Hon'ble the SPEAKER: I have understood the hon. member but it is useless to raise this point now. The hon. member was a member of the Conference and he ought to have instructed the Secretary in a manner in which the Report was to be drawn up. I admit that the drafting of the Report has not been businesslike; but I think it can be accepted as a Report on the ground that the alterations which the Conference have suggested have been shown in the Report and the only grievance the hon. member is making, cannot be considered to present any very great difficulty in understanding the Report. Of course, a mere perusal of the Report does not all at once give any idea of what the recommendations of the Report does are—but the recommendations can be discerned if a little time is devoted.

Mr. A. WHITTAKER: Mr. Speaker, Sir, as a member of that Conference, I also protested in writing against the manner in which it was drawn up. As a matter of fact it took me three days to go through these Rules. If the procedure of Select Committee had been adopted and the reports were shown in the same manner, it would have been very convenient. I wrote a letter to that effect but that request was not acknowledged or accepted. I join with Mr. Mookerjee's protest.

The Hon'ble the SPEAKER: The hon. members ought to have drawn the attention of the Secretary beforehand. What is the use of making the grievances before the House now? They ought to have suggested the manner in which they wanted the matters to be put in the Report. Mr. Whittaker says that the Report is not very easily intelligible. But if he devotes a little time to it, he will certainly by understand its recommendations.

Mr. BAIDYANATH MOOKERJEE: If I may be allowed Sir,.....

Khan Bahadur Maulavi KERAMAT ALI: On a point of order, Sir. If the objection of Mr. Mookerjee is accepted, will this session be adjourned again?

The Hon'ble the SPEAKER: If the hon. members can impress on the House that the Report has not been made in the proper manner, the House can reject the Report. I don't see any useful purpose will be served by drawing my attention to the unhappy nature of the Report now when the hon. members could have made their suggestions before the Secretary of the Conference and when the hon. member can urge upon the Secretary rejection of the Report for the defects that are being talked of.

Mr. BAIDYANATH MOOKERJEE: May I say something more, Sir?

The Hon'ble the SPEAKER: No, the hon. member will get sufficient time to impress on the House not to accept the Report.

Maulavi ABDUL BARI CHAUDHURY: Sir, the words "terms of appointment" are elastic enough to include the constitution and duties of the Provincial and Regional Transport Authorities. As such, I maintain that the constitution of the Authorities both Provincial as well as Regional comes within the purview of these Rules and the Provincial Legislature has every right to give their verdict upon the same.

Section 44 itself admits of such an interpretation. The section says that the Provincial Government shall, by notification in the official Gazette, constitute for the province a Provincial Transport Authority. But such has been the case with the Rules also. These were framed by the Government by notification in the official Gazette. So, like the Rules, the constitution of the Provincial Authority also requires legislative sanction.

In Bengal as well as in the Punjab, the constitution of the Provincial and Regional Transport Authorities forms an integral part of the Rules. I do not know why a departure should be made in the case of Assam. Moreover, this has already found a place in the Rules and it would hardly be fair to stifle a discussion over this important matter. It is really curious that the hon. members of the Joint Conference have agreed to amend this portion of the Rules according to the Government interpretation of the section.

Mr. BAIDYANATH MOOKERJEE: Sir, that was not the position. It was not done according to the interpretation given by the Government.

The Hon'ble the SPEAKER: The House will have their own interpretation and proceed to change the Rule.

Maulavi ABDUL BARI CHAUDHURY: Sir, in the note that I submitted for consideration of the Joint Conference (unfortunately, we find that none of the notes has been incorporated in the Report) I objected to the number of Regions established in Assam. In the province of Bengal, for better control and administration of motor traffic, the districts have been divided into 25 Regional Areas. I fail to understand how three Regions can efficiently work in the widely scattered districts of Assam. In this connection, I may assure the hon. members that in some of our districts, the motor traffic is much heavier than many of the Bengal districts.

With this object in view, I suggest that the Fourth Schedule to the Rules should be amended. The whole province of Assam may be divided into five Transport Regions. The Surma Valley Region may be split up into two Regions, viz., (i) The Sylhet Region comprising the district of Sylhet minus Karimganj and (ii) The Cachar Region comprising the district of Cachar and Karimganj. Without distributing the Upper Assam Region, the Lower Assam Region may be divided into two regions as the Central Assam Region and the Lower Assam Region. Such increase in the number of Regions will certainly improve the present state of affairs.

The Hon'ble the SPEAKER: Did the hon. member make the suggestion?

Maulavi ABDUL BARI CHAUDHURY: Yes, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We considered that suggestion.

Maulavi ABDUL BARI CHAUDHURY: In the same note, I raised the question of representation of Local Bodies in the Transport Authorities. The mileage of motorable roads maintained by Local Boards far exceeds that under the Public Works Department. Even in the Public Works Department roads running within their jurisdiction, the Boards are vitally interested. In the Transport Authorities, both Provincial and Regional, the Local Boards should get adequate representation. In Bengal and other provinces, the interest of the Local Boards has been properly safeguarded.

Sir, I objected to the inclusion of the Hon'ble Prime Minister-in-charge of Home Department in the Provincial Transport Authority. I stated that this was anomalous in view of rule 90. The Joint Conference has tried to get over the difficulty by amending rule 90. But I still maintain that the Hon'ble Prime Minister should not be there. Any responsible officer, such as the Chief Secretary, the Secretary-in-charge of Communications Department or even the Inspector-General of Police may be allowed to preside over the deliberation of the Provincial Transport Authority. The inclusion of the Premier of the province in a Committee like this is neither conducive nor helpful for a free deliberation. The constitution of the Regional Transport Authority is not only loose but hardly workable. Already various difficulties have arisen and complaints are pouring in from all quarters. The Commissioner of Divisions whom we are maintaining more as a show should not be disturbed. It will indeed be difficult to get his services for all the Regions. There is hardly any justification for the inclusion of two Superintendents of Police in the Regional Authority. In my note submitted to the Joint Conference, my suggestion for formation of the Provincial and Regional Transport Authority was as follows:—

That the Provincial Transport Authority should be reconstituted on the following lines:—

- (i) The Chief Secretary to the Government of Assam—Chairman.
- (ii) Inspector-General of Police.
- (iii) Chief Engineer, Public Works Department.
- (iv) Two Chairmen of Local Boards to be nominated by the Government of Assam.
- (v) One Chairman of Municipal Board to be nominated by the Government of Assam.
- (vi) Four non-official members to be nominated by the Provincial Government.
- (vii) As in (v) in Rule 59(a).

To meet all view points, a regional authority may be constituted as follows:—

- (i) A Deputy Commissioner of a district to be nominated by the Provincial Government—Chairman.
- (ii) The Executive Engineer or any other local officer of the Public Works Department to be nominated by the Provincial Government.
- (iii) Superintendent of Police to be nominated by the Provincial Government.
- (iv) The Chairmen of all Local Boards within the functional area.
- (v) The Chairman of a Municipality to be nominated by the Provincial Government.
- (vi) Not more than two other members to be nominated by the Provincial Government.
- (vii) As in (v) in Rule 60 (b).

Sir, the Motor Vehicles Rules, that we are considering to-day, will place the whole administration and control of the Motor Vehicular Traffic in the hands of the Police Department. To all intents and purposes, it will be another solely police managed affair. Certainly this was not contemplated by the Indian Motor Vehicles Act. The intention of the Act was to install popular control of motor traffic of the country. This has not been the case anywhere except Assam. This attitude on the part of the Government of Assam is really very difficult to explain.

In the present rules, the Superintendent of Police has been made the Licensing as well as the Registering Authority. Of course, the word "Superintendent of Police" will include as usual the Deputy Superintendent of Police and the Inspector of Police. In Bengal, for all areas, excepting Calcutta, the District Magistrate has been charged with all the duties regarding license and registration.

Sir, we all know that corruption is particularly rampant in our vehicles offices. Hardly anything can be done but for unlawful consideration and I am afraid the present rules will not improve the existing state of affairs.

I am surprised to find that the Joint Conference had no suggestion to make regarding regulation of the rates of fares and goods. On the other hand they have recommended the deletion of rule 89. This is certainly a move in the opposite direction. I submit that the maximum and minimum rates for the carriage of passengers and goods in all important roads should be prescribed by rules. Otherwise, the bus owners may suffer from unhealthy competition and the passengers from arbitrary rates of fares. The Provincial Government is competent to prescribe such a rule under section 43 of the Act.

Sir, I do not understand why the Board of three Ministers to serve as an appellate authority as envisaged in rule 90 should be replaced by the Revenue Tribunal. Certainly, such a Board will be in a better position to give ready relief to aggrieved person. They also will be within easy reach of the public and conversant with local condition.

The hon. members of the Select Committee have earned the gratitude of all in recommending reduction of various fees prescribed under the rules.

We are sincerely grateful to the hon. members of the Joint Conference for deleting the whole note below Rule 203 and for recasting it. This will remove a long-left grievance of the people plying goods lorries from Sylhet to Dawki. Their recommendation for reducing the toll in the Sylhet-Shillong and Gauhati-Shillong Roads are also to be highly commended.

The recommendation to realise the permit fee in cases of defaults as an arrear of land revenue is rather extraordinary and should not be encouraged.

The rules regarding the transfer of permits is too complicated and will lead to litigation and hardship. Rule 63, now renumbered as Rule 64, seems to be repugnant to the section of the main Act and I doubt whether it would have a legal value.

Lastly, I humbly submit that the roads mentioned in the 5th Schedule may be exempted from the operation of Chapter IV of the rules and placed direct under the control of the Provincial Government. This would mean better control, efficient management and development of the roads.

With these few words, I beg to resume my seat.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :

Mr. Speaker, Sir, I rise to make a few observations on the Assam Motor Vehicles Rules, 1940, as drafted by Government as well as the report of the Joint Conference of both the Houses of Legislature on them. The report of the Joint Conference was placed before the House only yesterday and, therefore, it is not possible for me to scrutinize the suggestions made in the report comparing with the rules framed by other Provinces, specially by Bengal. Hence my observations will be of general nature.

I most painfully find, Sir, that the entire labour of the Joint Conference was under police control. The police, it seems, possessed the minds of the veteran members of the conference in such a manner that they could not think of the civil control of the Motor Vehicles Department. Whenever an occasion was found to define an authority, the conference without any

justification put the word police. I refer to pages 1 and 2 of the report and you will find, Sir, that according to the mature judgment of the conference (1) the Licensing Authority means a Superintendent of Police, (2) the Registering Authority means a Superintendent of Police, (3) Officer in-charge of Motor Vehicles Department means a Superintendent of Police, (4) Inspector of Motor Vehicles means an officer appointed by the Inspector-General of Police, (5) the officer who is to hear appeals against the decision of a Licensing Authority refusing to issue or renew or to revoke any license or disqualify from holding a license shall be the Inspector-General of Police. It is police and police alone who is to control the Motor Vehicles Department, while in Bengal, except the city of Calcutta, everywhere the District Magistrate is the authority for granting a license.

Every one knows, Sir, that after the control of motor vehicles passed into the hands of Police, various troubles arose and harassment and corruption found free licence.

The House learnt from hon. Maulavi Abdur Rahman how for nothing a poor driver was harassed by an Indian Police officer of Habiganj. The poor man got no relief against such undeserved high-handedness. We are often told by drivers that unless they carry police officers, even constables free of charge, there is every apprehension of losing their right of driving. One day I was travelling by a service car in the district of Sylhet and a Police Sub-Inspector stopped the car on its way, overloaded it and came to Sylhet with his constables against all provisions of law. The driver told me that if he did not accede to the request of the 'Daroga', there was every possibility of harassment and loss of money. These are everyday occurrences. The report of the Joint Conference shows that this side of affairs was entirely neglected. My suggestion is that the civil authorities must have effective and full control over the motor vehicles.

I do not know on what principle the Provincial Transport Authority is constituted. Draft rule 59 in Chapter IV, says that the Hon'ble Minister-in-charge of Home Department will be the Chairman of the Provincial Transport Authority. Again rule 90 provides that a Board of three Ministers will hear appeals against the orders of the Provincial Transport Authority. In Assam it is anomalous. Here the Hon'ble Premier is the Minister-in-charge of Home Department and a Board of three Ministers shall have to pass judgment over what is done by him in the capacity of the Chairman of the Provincial Transport Authority. The Joint Conference did not improve the matter, rather it has worsened the position. On page 7 of the Report it is stated that the Conference decided that the Revenue Tribunal should be the authority to hear appeals from the Provincial Transport Authority. I am afraid, Sir, this will lower the position of the Hon'ble Premier because the one member of the Revenue Tribunal shall have power to interfere with what will be done by the Premier. My suggestion should be the person who will work as Chairman of the Provincial Transport Authority as the case in Bengal and a Board of three Ministers including the Premier who will be the Chairman of the Board, constituted with the approval of the Governor, should be the authority to hear appeals against orders of the Provincial Transport Authority.

So far as Regional Transport Authorities are concerned, I do not know on what principle the authorities are to be constituted. Chairmen of Local Boards have found no place in these Boards. You know, Sir, that the different Local Boards spent large sums on roads, but the Regional Transport Authority could not place cars on those roads. The Vice-Chairman of the Sunamganj Local Board sent some five telegrams to the Surma Valley

Transport Authority in connection with this matter, but no reply even was received. This is the way in which they discharge their responsibility. I think, Sir, that the Local Boards must get their say in the Regional Transport Authority.

The headquarters of the Surma Valley Transport Authority is at Silchar. This has created much difficulties to the bus owners and drivers of Sylhet where the motor traffic is much heavier. To get over this difficulty I venture to come forward with a suggestion, i.e., there should be two Regional Transport Authorities in the Surma Valley, one for each district.

These are my few observations. I shall table amendments in proper time on all the points I dispute.

With these few words, I beg to resume my seat.

Mr. A. WHITTAKER : Mr. Speaker, Sir, as a member of the Joint Conference, I, on behalf of my colleagues, thank Maulavi Abdul Bari Chaudhury for his words of commendation. I know, Sir, that anybody who recommends reduction of fees is always assured of high commendation. Therefore, while thanking my friend Maulavi Abdul Bari Chaudhury, I am sorry to say that I do not attach very much importance to his words of commendation. But my hon. friends have referred to the constitution of the Provincial Transport Authority and also the constitution of the Regional Transport Authority and Maulavi Abdul Bari Chaudhury has referred, with commendation, to the procedure in Bengal and in the Punjab in which the constitution of these two different authorities appears in the rules. But I think if Mr. Abdul Bari Chaudhury had referred to the draft rules published by both these Governments, he would have found that those Legislatures had not altered the constitution of these two authorities. The constitution as outlined in the draft publication of rules and as given in the final publication of the rules has remained the same. I think it is significant that in the Bombay Rules and in the United Provinces Rules, the personnel of the Transport authorities finds no mention whatever. That seems to me ample corroboration of the view taken by the lawyer member of the Joint Conference reinforced by the legal acumen of the Chairman, and reinforced by the ruling of the Legal Remembrancer. This Joint Conference had no justification whatever to enter into a discussion of the personnel of these two Transport Authorities. I should also add that from this group also, we made criticisms and suggestions for the reconstitution of the two Transport Authorities, but they were put aside as being out of order.

Mr. Maqbul Hussain Chaudhury has referred to the fact that the Joint Conference has practically set up a police *raj* in the administration of the Motor Vehicles Rules. I think something may be said on this. Motor users—whether they be taxi drivers or private owners or bus owners—derive a good deal of advantage in having the whole of the administration of motor rules concentrated in the hands of one department. If we have to get a registration certificate or a driving license, it will mean harassment if we are to go from the Deputy Commissioner to the Superintendent of Police and from the Superintendent of Police to the Inspector-General of Police. Imagine the harassment thus caused to the users of motors. There are therefore advantages in having the whole of the power concentrated in the hands of one department.

As regards the payment of fees, Mr. Abdul Bari Chaudhury said that the system would give rise to a great deal of corruption. This is going to be cured by the appointment of cashiers who will take the fees in cash, and there will be no need for all the trouble of applying for judicial stamps and filling in *challans*.

Finally, I would like it to be placed on record that we the members of the Joint Conference did not think it part of our duty to prescribe how the Report should be drawn up. I have already joined with Mr. Mookerjee's objection as to the manner in which it has been drawn up, and I am speaking for every single member of this House when I say that we are entitled to ask that it should be drawn up in a lucid manner.

The Hon'ble the SPEAKER: The hon. member ought to have refused to sign the report. There was only a note of dissent.

Mr. A. WHITTAKER: My letter to the Secretary of the Committee was a refusal to sign the Report. Mr. Gawthrop also refused to sign the Report. I myself have not yet signed the Report. May I ask that between now and the date the Upper House is to meet, it will be better to reprint this Report in an intelligible form? I think they would appreciate such a courtesy from this House.

Mr. BAIDYANATH MOOKERJEE: I am pleased to find that my hon. friends Mr. Abdul Bari Chaudhury and Mr. Maqbul Hussain Chaudhury have realised the position now. During the November session I raised this point, but I did not get any support from them. But now I find that the two points that were raised by me have become the subject-matter of a censure. It is indeed an irony of fate that they, of all persons have criticised rule 59. If I am permitted, I may read out the section of the Motor Vehicles Act. Section 44(1) says—

'The Provincial Government shall, by notification in the official Gazette, constitute for the province a Provincial Transport Authority to exercise and discharge the powers and functions specified in sub-section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification, in respect of each Regional Transport Authority, the powers and functions conferred by or under this Chapter on such Authorities.'

The wording in the section is quite clear. It is the Provincial Government which can constitute the body of the Transport Authority by Gazette notification.

Sir, it has already been stated by my hon. friend Mr. Whittaker how this came about. We got legal opinion. If they think that the opinion of the Legal Remembrancer is wrong they can cut it out, but we do not find anything to show how the members who took part in the Joint Conference should be held responsible for this. One of my hon. friends had the audacity to suggest that we were under the influence of police! It is not worthwhile to take any notice of such a remark. Rather I can say that my hon. friends are under the influence of the drivers.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: This is no argument, Sir.

Mr. BAIDYANATH MOOKERJEE: His expression was most objectionable. I am waiting to hear the Hon'ble Premier.

Maulavi ABDUL BARI CHAUDHURY: Yours no less.

The Hon'ble the SPEAKER: Order, order.

Mr. BAIDYANATH MOOKERJEE : As regards Rule No.90, this was also a point which was raised by me when I moved my adjournment motion. Though I did not get any support at that time, now I find that they are pleased that this has been done. I think the Hon'ble Premier, when replying, will be kind enough to mention those portions of the deliberations relating to section 44 about the constitution of these authorities. Though it was said by the Legal Remembrancer that it was beyond our province, I personally requested the Hon'ble Premier, perhaps everyday, that in the fitness of things he should not be in this committee. I requested him, Sir, more than once "when the Revenue Tribunal will be the appellate authority, I think, you should not be there". Though I did not append any note of dissent, my appeal was there. When we found that it was beyond our jurisdiction, we had no other alternative but to appeal to the Hon'ble Premier's good sense ; that was also done. Now, I find that without knowing anything about our discussions my hon. friends have taken exception to this and they are trying to run us down under all sorts of false and erroneous notions.

Now, I come to the Report itself. I would like to draw the attention of the members to Rule 64 of the Report, which runs thus : "Rule 63—now renumbered as 'Rule 64'. The words, 'a permit cannot be claimed as of right' are deleted, and the following words are substituted, 'The Transport Authority may refuse any application for a permit without assigning any reason' ". The original rule was "A permit cannot be claimed as of right. When a Regional Transport Authority has in the exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of permits of that class the Authority may decline to receive further applications for such permits in respect of any such route or area". Only the first sentence "a permit cannot be claimed as of right" has been omitted, but what about the rest ? I find in the Report "the following words are substituted". Substituted in place of what ? For the whole rule or for that portion ? What about the rest of rule 63 ? So, it is really impossible for me to understand this though I was a member of the conference.

The Hon'ble the SPEAKER : And though the hon. member signed the Report !

Mr. BAIDYANATH MOOKERJEE : I have already explained that not only to-day but even yesterday, so you cannot say that I am taking advantage of that, or I am taking shelter under that. But, as I mentioned it yesterday, that the Report was sent at such a late hour to us that we got very little time to go through it. A telegram was also sent. So, in order not to upset all the arrangements I signed the Report. I therefore obtained your permission yesterday for being allowed to move amendments.

The Hon'ble the SPEAKER : Why should the hon. members of the conference have been so anxious about arrangements being upset ? If they really felt that the Report was not drawn up in a business-like manner for being put before the House, they might have insisted that the Report be first drawn up in a proper form before they could sign it. In that case Government could have taken steps to postpone the session. Having signed the Report and appending notes of dissent here and there, now to come before the House to criticise the very Report which they have signed seems to me to be a very unhappy situation. They ought to have been firm and should have refused to sign the Report, compelling the Government to postpone the session till the Report was drafted in a proper form.

Mr. BAIDYANATH MOOKERJEE: May I be permitted to say, Sir, that previously also I sat in many committees, and the reports were generally sent to us in this form, but when they were placed before the House they were brought in the proper form? We expected that in this case also the Report, before being placed before the House, would be brought in the proper form. Generally the Secretary takes the trouble of bringing reports in a form which is readily intelligible to the members. I think, Sir, I can claim myself as one who has sat in largest number of committees.....

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: We are convinced about that. Let us proceed, and not hear the same arguments over and over again.

The Hon'ble the SPEAKER: Yes, the hon. member may go on.

Mr. BAIDYANATH MOOKERJEE: My point is this, Sir. I request the Hon'ble Premier to place the Report before us in a proper form, so that most of our difficulties will be solved. We can wait for two or three days. Otherwise we shall have to table amendments practically on every rule, and it will take a long time. So far as I am concerned I shall seek the help of the Hon'ble Premier at every step. I do not understand whether I shall move amendments or sit tight. Rule 63 is an obvious instance on the point. It is stated "the following words are substituted"; substituted for what? for the remaining portion or for the portion omitted?

A voice.—What is your suggestion?

Mr. BAIDYANATH MOOKERJEE: The Report should be placed before the House in proper form as is generally done. This is my suggestion.

With these few words, I oppose the motion.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, in connection with the motion that has been placed before the House I also like to make a few observations.

First of all, in the report I find mention of the Licensing and Registering authorities. In Chapter I, Definitions, some amendments have been made by the Joint Conference. In Rule 2(f), it has been stated, "The Licensing Authority means a Superintendent of Police"; in 2(g) "The Registering Authority means a Superintendent of Police"; and in 2(j) "Officer in charge of the Motor Vehicles Department means a Superintendent of Police". These three recommendations of the conference seem to be very vexatious and most unsympathetic. What I have gathered from my personal experience is that if these functions—the functions of licensing and registering of the motor vehicles as a whole—be kept with the Police Superintendent, I am afraid, the whole business may not run in a smooth manner. I would, therefore, suggest that the Licensing Authority and the Registering Authority must be the District Magistrate and in case of subdivision his subordinates such as the District Magistrate. The District Magistrate should be the sole authority. I would like to suggest that as in cases of the Punjab and Bengal, one senior and competent Magistrate may be specially deputed for these duties *i. e.*, matters concerning registration, matters concerning license and other things. All these things can be performed by a competent and efficient Senior Extra Assistant Commissioner who should remain under the control of the District Magistrate. Why I suggest this and why I want that these functions should be taken away from the hands of the Police Officers, can be evident from the speeches of the two hon. members on my side.

Most of the hon. members of this House can realise from their personal experience that the more control is placed under the Police Department, the more vexatious it becomes. Only the control of traffic can be placed under the charge of the Police Department and I am the last man to support that the management of the Motor Vehicles Department should be placed under the control of the Police Department. It is only the District Magistrate who can more efficiently and more ably discharge this function.

Then Sir, I like to deal with another point with regard to the Inspector of Motor Vehicles Department. If I am correct in my information, I may say that we have got only two Motor Vehicles Inspectors in our province one in-charge of Surma Valley including some districts of the other Valley and the other is probably in-charge of Upper Assam and some districts of Central Assam. I should say that these two officers are quite inadequate for the purpose. The owners of buses have got to wait for a long time to get their buses examined and inspected by them. They cannot ply their buses soon as it takes a long time to get them inspected. I do not find fault with the Inspectors themselves, but I do find fault with the Government for the inadequate number of the Inspectors. Sir, a gentleman may purchase a bus in a subdivisional headquarters and he has to apply for granting necessary permission to ply the bus and then it may so happen that the gentleman may wait for three months or more for the coming of the Inspector to examine his bus. The business men who want to start motor business suffer much on account of this. So I suggest that Government should either increase the number of Motor Vehicles Inspectors or authorise the Subdivisional Magistrates or Subdivisional Police Officers to grant *ad interim* permits so that no bus owner can suffer for want of timely examination of their buses by the Motor Vehicles Inspectors.

Then I come to rule 59. Much has been said about this rule by my hon. friends Maulavi Abdul Bari Chaudhury and Maulavi Maqbul Hussain Chaudhury. This rule provides for the constitution of the Provincial Transport Authority. I am not in favour of the fact that the Hon'ble Home Minister should be the Chairman of this Transport Authority. My hon. friends Maulavi Abdul Bari Chaudhury and Maulavi Maqbul Hussain Chaudhury have also criticised it. I am in favour of Sir Muhammad Saad-ulla to be a member, but not in favour of the Home Minister of the Government to act as Chairman. I am of the opinion that Sir Muhammad Saad-ulla in his individual capacity can be a member there and he can be elected or placed in-charge as Chairman, but I am opposed to the idea that the Hon'ble Premier of the Province should be made a permanent Chairman of such Transport Authority, by virtue of his holding the office as Home Minister. Anybody who comes there may get a chance to become the Chairman of this Transport Authority. I told on the floor of this House in connection with certain other motions that if any appeal has to be preferred against the decision of the Transport Authority then that has to be decided by a joint conference of three Hon'ble Ministers. If that be the case, then it is only necessary and desirable that in selecting three of the Hon'ble Ministers of the Cabinet, the Prime Minister must be there. It does not also seem to be very consistent that the Hon'ble Home Minister should be there as Chairman of the Transport Authority. The Transport Authority, as required by section 44 of the Act, shall consist of the Hon'ble Home Minister, Inspector-General of Police, Chief Engineer of the Public Works Department and five non-official members nominated by the Provincial Government.

Then I come to rule 60 regarding regions and Regional Transport Authority. Here I agree with my hon. friend Maulavi Abdul Bari Chaudhury who has said that the number of such regions should be increased, because it is very difficult for people living in the interior of the districts to come to the Regional Authority. Sir, the province of Assam has got a vast area and three such regions cannot be regarded as adequate to perform all the functions. I may chiefly confine myself to the practical difficulty which arises with regard to the Surma Valley Regional Transport Authority.

Sir, the location of the office of the Surma Valley Transport Authority has been selected at Silchar. This being at the furthest corner of the valley the people of Sylhet find great difficulty in attending to every matter whenever they are required. I suggest that there should be two regional offices—one at Silchar and the other at Sylhet. If this is not found practicable, I suggest to Government that it should be at Sylhet instead of at Silchar. Then Sir, during the last few sittings of the Regional Committee, the people could not get their grievances redressed by engaging pleaders. It is very regrettable that some pleaders who were engaged to represent certain persons could not get access to the committee itself; in some cases some of the distinguished pleaders were refused—they were not given access to the committee. I do not know why after becoming members of the Regional Committee they became such '*Jabardast*' people that they do not allow lawyers even of good repute.

Then, again, Sir, the constitution of the Regional Committee is not very sound. The Commissioner of Divisions has been made the Chairman but now there is only one Commissioner and he does not remain in the Surma Valley and it is difficult for him to attend every meeting. I would suggest in this connection that the Deputy Commissioner may be selected in place of the Commissioner so as to give better facilities to preside over the meetings.

Then the senior Superintendent of Police and the Superintendents of Police have been included. One senior Superintendent of Police is to be nominated by Government. I would suggest, Sir, that it would be sufficient if only one Superintendent of Police was nominated in the committee. Again in item (iii) I find the inclusion of the Superintending Engineer concerned and the Superintending Engineer's headquarters is at Shillong. If he is a member of the committee he is to go to Silchar to attend the meeting and the public exchequer has got to provide sufficient money for his travelling allowance. What is the necessity and what is the business of the Superintending Engineer to be a member of the Regional Committee? I would suggest that the Executive Engineer should be there instead of Superintending Engineer. This would relieve us of the unnecessary expenditure.

Then, Sir, three non-official members are to be nominated. Why there should be three only? Public should get adequate representation. Why there chiefly concerns public. As has been stated by Maulavi Abdul Bari Chaudhury, a great portion of public money is being utilised in this respect. Motor business has become very much popular and people are investing right and left in this business. I therefore suggest that greater number of representation should be given to the public. In this connection I should also like to suggest the inclusion of local bodies who must be represented there. It is very lamentable that according to the present arrangement local bodies have got no control over the motor traffic. It is really curious that although the motor traffic runs mostly on the roads of the local bodies the latter have got no say in the matter. Even in Motor Associations which have been formed by local authorities the local

bodies have not been given a place. This is really unbusiness-like and I would assert that the local bodies must be represented in such committees.

Then with regard to the suggestion which the conference have made regarding granting of license to drivers, I would bring a practical difficulty to the notice of the Hon. House. It has been suggested, Sir, that licence should be of two kinds—professional and private and that no person shall drive a motor vehicle as a paid employee unless he holds a licence. Up till now, Sir, there was a practice that those drivers who used to ply private cars were not reckoned as professional drivers.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The hon. member is wrong.

Maulavi ABDUR RAHMAN: Now according to the present rule only a driver who is employed on remuneration is regarded as professional driver no matter whether he is simply engaged in driving a private car. In this case, Sir, suppose I maintain a private car and I have got a servant and he has sufficient training to do the work, if he is to apply for a licence it will be for professional licence. Under rule 3 professional licence has been made so difficult to obtain that it will be very difficult to get it unless he is very proficient in this respect. Here I would suggest that if I am the owner of the car and if I apply for a private licence, I should get it on easy term. There are other drivers who are getting Rs.125 or Rs.150 per mensem and they are professional drivers. I have heard the other day that Mr. Saikia's driver wanted to obtain a professional licence.....

Mr. BAIDYANATH MOOKERJEE: Are we to understand, Sir, that salary should be the criterion for distinguishing drivers?

Maulavi ABDUR RAHMAN: Criterion should be responsibility. In private cars the responsibility is not so great as in service cars.....

Khan Bahadur Maulavi KERAMAT ALI: Sir, will not the hon. member have an opportunity of discussing all these things at the time the rules are taken clause by clause when my friend can table amendments?

The Hon'ble the SPEAKER: Here the hon. member indicates the principles which he wants to press.

Maulavi ABDUR RAHMAN: This is the practical difficulty which I am pressing and I hope my friends will admit that. With these observations, Sir, I conclude to-day and I hope the hon. members will very carefully table their amendments.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, it appears to me that the whole of this morning's discussion has been divided into two parts, namely, criticism of the form in which we have received the report of the Joint Conference of both Houses, and material which ought properly to provide substance for amendments. We from these Benches, Sir, agree that the report is somewhat imperfect and difficult to understand. It can, however, be understood and we are prepared to accept it.

When the conference of Joint Houses was decided upon, it was agreed that we should resort to this somewhat unconventional but convenient way of doing things in order to expedite business, and there was a tacit understanding that the findings of the conference should be generously accepted by both Houses.

In view of that, Sir, may I please be permitted to beseech hon. members of this House to submit as a few amendments as possible so that we may be able to dispose of this matter during this very short session?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
Mr. Speaker, Sir, before I begin to reply to the various suggestions and criticisms, I would like to touch upon only one point which my hon. friends—both Mr. Mookerjee and Mr. Whittaker brought to the notice of the House, *i.e.*, the inconvenient nature in which the report has been submitted before the House. My hon. friend Mr. Mookerjee—who has credit enough to be about indispensable in almost every Committee that was ever convened and who attended the largest number of Committee meetings—should not have complained about the form in which the report of the Joint Conference has been submitted. It is in the Assembly Department where the reports of the Committees are generally received in the same fashion as this and changes made in the Select Committee are placed against the original, *i.e.*, on one side the originals are published and on the other the amendments. This is done in the office of the Assembly and not in the Secretariat.

For a variety of reasons which I need not dilate here, we had to sit early in May for about five days. Almost all the members worked very hard in order to finish a large number of rules and to make their recommendations. It took the Secretary, who is not a lawyer or accustomed to the work, a considerable time to draft the report with the help of the notes taken down by the stenographers.

We appointed two stenographers to record the discussions of the Joint Conference; but unfortunately, within the first day of the Conference the daughter of one of the stenographers died and he had to absent himself from the work. So, the entire amount of work of recording the discussions for the remaining days devolved on one stenographer. He continued taking down notes but had hardly time to transcribe them. Had there been two men, one would have got time to transcribe while the other was taking down notes. Therefore, the Secretary took much time in drafting the report with the help of shorthand notes of one stenographer. When the report was placed before the hon. members, some of them refused to sign it, as the drafting was not very happy. As I mentioned yesterday, some of the suggestions since made by some hon. members to make the recommendations more intelligible had better be accepted. That is another reason why the report was not ready earlier.

Then again, Sir, the report had to be sent to different member living in different places, *e. g.*, it had to be sent to Mr. Mookerjee in the Sylhet district, where to reach by post, it took three days instead of three hours, as it had to go *via* Gauhati, Lunding, Badarpur and Kulaura. We know that Mr. Mookerjee, who is a very busy man, has got to go out of the station very often, and it was not likely that the report signed by him would reach the Assembly office in time to be redrafted and printed. As a matter of fact, I ordered that Mr. Mookerjee's copy should be sent to him by a special messenger and not by post, but the Secretary sent it by post as early as possible. Similar was the case with Mr. Gawthrop who lives at Dibrugarh. In this way, the report came to the Assembly office at such a time that I myself received it only on the 29th of May. I am sorry, Sir, that the hon. members have been inconvenienced by the form in which the report has been placed before them. But I hope, they will devote a little more time in going through it and make it intelligible for their own purpose.

I am obliged to my hon. friend Maulavi Abdul Bari Chaudhury, who of all persons—coming as he does from Sunamganj, where there is only one motorable road connecting it with Sylhet—took so much trouble in going through the rules. He not only sent us his criticisms for discussion in the Joint Conference but also has now very elaborately supplemented the same.

On his sponsor, we received remarks made by my other hon. friends—Maulavi Muhammad Maqbul Hussain Chaudhury and Maulavi Abdur Rahman. They must not think that we have ignored their criticisms and suggestions.

Sir, the first argument advanced by my hon. friend Maulavi Abdul Bari Chaudhury is that the Conference looked into the smaller fries but did not take note of the big fish. Principally, he quarrels with the Joint Conference in respect of matters connected with section 44 of the Act. Although I have great respect for the legal acumen of my hon. friend—Maulavi Abdul Bari Chaudhury—I should say that sections 44 and 68(2) have not only convinced myself but also my hon. colleagues in the Joint Conference that the personnel, or, the actual constitution of the Provincial and Regional Transport Authorities are beyond the jurisdiction of the Legislature. He referred especially to section 68(2) and he seems to argue that because it contains the word “terms”, therefore, he thinks that “terms” includes “personnel” or “principles”. But on a construction of the word, it will be seen that “terms” does not mean “personnel” but it means whether they should be remunerated, how they should be reimbursed and things of that sort. The section gives power to the Provincial Government to make rules for the purpose of carrying into effect the provisions of the Act.

Sub-section (2)(a) reads thus:—

“Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:—

(a) the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities and the reports to be furnished by them ;”

The fact that the word ‘personnel’ is not mentioned there, but the rules are contemplated to lay down period of appointment and the terms of appointment clearly show that the individual appointments are not left to the rules but it is to be regulated by section 44 of the Act, which definitely makes it the concern of the Provincial Government and not of the Legislature. He thinks that Bengal and the Punjab have differently interpreted this section, but my hon. friend Mr. Whittaker has already explained that it is not so. As a matter of fact, we have not only the model rules issued by the Government of India under the Indian Motor Vehicles Act before us but also the rules of other Provincial Governments. And Mr. Whittaker has pointed out that Bombay, United Provinces and probably Madras have not got this constitution on the rules as such.

Then, as regards the constitution, various hon. members have said that the Hon’ble Minister of the Home Department ought not to be the President of the Provincial Transport Authority and here, as requested by my hon. friend Mr. B. Mookerjee, I publicly declare that he had urged the same point in the Joint Conference, both in the open session as well as in private talk, that it would not look well of the Prime Minister to be a member of the Provincial Transport Authority and he further requested that Assam should also follow the constitution of Bengal, *i. e.*, to have a Secretary rather than a Minister as Chairman.

This matter was thoroughly discussed by the hon. members in the Joint Conference and I will be giving out no secret when I say that the view-point which was urged by my hon. friend, the leader of the European Group, in the Joint Conference was found to be based on reason and was therefore accepted. He advanced the argument that there ought to be a Minister-in-charge because the Assembly often table questions and give

notices of resolutions, and even yesterday we had a notice of adjournment motion concerning the administration of the Motor Vehicles Department by the Provincial Transport Authority. So, there ought to be some one in the Legislature who will be able to give replies to all these on first-hand knowledge. I think this is a very cogent reason and it was accepted by all the members of the Joint Conference. Now, the next question comes, who should be the member of the Provincial Transport Authority as also the member of this House. Now, Assam has adopted the principle of running the Motor Vehicles Department under the ægis of the Police Department and therefore the Minister-in-charge of this Department ought to be a member of the Provincial Transport Authority. It is therefore in that connection that I happen to be the Chairman. I can assure you, gentlemen, that I neither aspire to that nor have I time to devote for that post. I find that it is an irksome business and everyone knows that I am thoroughly over-worked. Besides the works of the Provincial Transport Authority, I along with two of my colleagues, members of the Committee, are required to hear and consider the appeals from Regional Authorities and there have been a very large number of appeals this time. If you think that any other Hon'ble Minister will be a better substitute, I am prepared to make room for him, but he should also be in charge of the Police Department which runs the Motor Vehicles business. As some of my hon. friends have mentioned here that if the Home Minister, who is also the Prime Minister at the present moment in Assam, decides something in the Provincial Transport Authority, the Board of Ministers as an Appellate Tribunal will not have the courage to set aside his orders. But I may say here that I have not got such poor opinion of my Hon'ble Colleagues. I am also to say, Sir, that I am only a member in the Provincial Transport Authority and those hon. members of this House, who are also members of the Provincial Transport Authority, will be able to tell you that the whole thing is discussed thoroughly and carried by majority of votes. Therefore, my presence does not endanger the business in the Provincial Transport Authority.

My hon. friend Mr. Mookerjee urged the same view as have been urged by some other friends that it will lower the prestige of the Prime Minister, if his orders are reviewed by the Revenue Tribunal. Well, Sir, I will leave it to the House to decide this matter. I personally will not mind that my orders shall be reviewed by the Revenue Tribunal, because sometimes my orders are reviewed by this House as well. If I can submit to 107 masters here in the Assembly, I do not know why I should mind the other one (*Laughter*). My hon. friend Mr. Abdul Bari Chaudhury as well as Mr. Abdur Rahman have urged that local bodies ought to be represented as buses run on Local Boards' roads in greater number of miles than the Public Works Department roads. Well, Sir, the present constitution of the Regional and Provincial Transport Authorities will be fixed now according to rules for a period and when the next term comes, this suggestion will be taken into consideration.

Then, it has been suggested, Sir, that the regions in Assam are too small in number, *i. e.*, only three. My hon. friend suggests that it should be increased by two more. The constitution of these Authorities means some expenditure from the public exchequer and if there be more number, there will be greater expenditure. I heard from the lips of my hon. friend Mr. Abdur Rahman that he is against increasing expenditure of this Department. At the same time he said that the Motor Vehicles Department should be left in charge of a Special Magistrate in each headquarter stations. That means that we shall have to recruit a Special Officer in

addition to the District Magistrate and the Superintendent of Police. So, his suggestion will be more costly than our present arrangement. Mr. Abdul Bari Chaudhury prefers that the appellate authority should be a Board of Ministers, whereas Mr. Maqbul Hussain Chaudhury does not.

Lastly, Sir, Mr. Abdul Bari Chaudhury had made various suggestions. My hon. friend wants that the fifth Schedule should be omitted. He suggests that it should be taken out of the operation of Chapter IV. This will devolve upon the Local Government, but it will be *ultra vires* of the Indian Motor Vehicles Act. One suggestion is to take out the power of licensing and permitting from the hands of the Provincial Transport Authorities. The hon. member says that, according to him, rule 63 is repugnant to the Act. He did not elaborate his point. I do not see any reason why it should be repugnant. It says: 'When a Regional Transport Authority has in the exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of permits of that class, the Authority may decline to receive further applications for such permits in respect of any such route or area.' On the other hand it exactly follows the powers that have been given to the Regional Transport Authority.

Maulavi ABDUL BARI CHAUDHURY: I referred to section 57 of the Act.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It says that the Regional Transport Authority shall give reasons for refusal. "When a Regional Transport Authority refuses an application for a permit of any kind, it shall give to the applicant in writing its reasons for the refusal".

Mr. Rahman has complained that in certain matters in which some eminent lawyers were employed they were not given a hearing. I cannot understand how that can be, for, under the Act, the entire business of these bodies are to be done in presence of the parties. It is to be an open hearing. Anybody has a right to object. Sub-section (5) of section 57 says: "When any representation such as is referred to in sub-section (3) is made, the Regional Transport Authority shall dispose of the application at a public hearing at which the applicant and the person making the representation shall have an opportunity of being heard either in person or by a duly authorised representative." Sub-section (6) of this section says: ".....the Regional Transport Authority may take any such steps as it considers appropriate for the hearing of the representation in the presence of any persons likely to be affected thereby". When an application for a permit is refused the Authority shall give to the applicant in writing its reasons for the refusal. I do not know why my friend's clients were not heard.

My hon. friend wants that the headquarters of the Surma Valley Regional Transport Authority should be transferred to Sylhet from Silchar. In the Joint Conference also Mr. Mookerjee tried hard for it. We went into this matter fully and have found that if we bring the office to Sylhet, it will mean an additional Police Superintendent to be put at Sylhet in charge of Motor Vehicles. The work of Police Superintendent at Sylhet is very heavy and as such one additional Superintendent will have to be put at Sylhet in charge of the complicated rules of the Motor Vehicles Department alone. Therefore to avoid extra expenditure the headquarters should be at Silchar. If at any time the public feel great inconvenience on account of the location of the office at Silchar the matter will be considered.

I think I have mentioned the other points that have been raised by my friends. Maulavi Maqbul Hussain Chaudhury has emphasised that the whole Motor Vehicles Department has been brought under police control.

When the Motor Vehicles Taxation Act of Assam was passed in 1936 and the administration was left to local bodies and the District Officers, the realisation of the tax and the administration of the Act was very lax. The income from the Act at that time was in the neighbourhood of 1½ lakhs. Then it was transferred to the Police Department, and the Police Department was so vigilant that the income has gone up to 3½ lakhs. Most of this income goes to the local bodies. Therefore under the administration of this department by the Police the local bodies have been benefited more than before. When there has been such a great improvement and when the question of the safety of passengers is concerned, it is better that the department should be under the Police.

Now my hon. friend Mr. Rahman may not value his life. But I value his life very much. I cannot allow him to jeopardise his life by travelling in a car driven by an inexperienced driver. If any one wants a driving licence to drive somebody else, the man must be fully conversant in the art of driving and know a little of mechanism. Therefore I hope Mr. Rahman should not grudge Rs. 5 which is the initial licence fee of his driver. I think my hon. friend was under a misapprehension; any one who drives for some body else for remuneration, a professional licence will be required in his case. When we find from experience that the administration of the Motor Vehicles Department by the police has been conducive to the better regulation of the Act and better realisation has resulted therefrom, we should continue with it. Now, the Motor Vehicles Department will be in charge of the Police Department and the public will get an advantage out of this, because all kinds of licensing and registering will be done in one department. When a car has been registered properly and if all the work is done in the same department, it will save trouble to the public and the administration will be better looked after.

Therefore, Sir, in the fitness of things the Police Department ought to be both the Licensing Authority and the Registering Authority. The suggestion that the District Magistrate should do it was considered thoroughly from every point of view but the Joint Conference recommended this. My hon. friends said that in Bengal, excepting the city of Calcutta, the District Magistrate has been made the Licensing Authority. In Bengal the work of the Police is much heavier than in Assam. Thank God, we have not got the same terrorist movement to deal with, the same activities of the revolutionaries and communists as they have in Bengal. The hands of the Bengal Police are full, therefore they have not been entrusted with this work.

A voice :—What about the Punjab ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Punjab is worse. The greatest number of *dacoities* are committed in the Punjab. So, Sir, on the whole the balance of advantage is to leave the matter in the hands of the police. My hon. friend Maulavi Abdur Rahman complained of police *zoolum* regarding a certain case in the Habiganj town. He thinks that great *zoolum* was committed. If he were present yesterday, I would have told him in reply to his questions that the man complained of, had seven convictions and all that the Subdivisional Police Officer said to the owner of the bus was that as this man had seven previous convictions he would not renew his licence to drive a bus; he would not entrust him with the safety of so many passengers; the owner might employ him for driving goods' lorry. The man was debarred only from driving public stage carriages; he was allowed to have licence to drive contractors' lorries.

I think, Sir, instead of doing any *zoolum* on that man, the Police did their duty in order to save the lives of the passengers entrusted to his driving (*Hear, hear*). If that man had been innocent, there would have been something for the hon. members to say.

A voice :—But the ground on which the licence was refused was quite different.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I go by my records, that is what I have got in the file.

I will finish with one word more, Sir, and that is the contention of my hon. friend Mr. Mookerjee that the Report in parts, is ambiguous, and that he could not find out what was the proper meaning of rule 63. I think my hon. friend is arguing for argument's sake. The original rule 63 has got five lines of which the first line is "A permit cannot be claimed as of right". The Report says "Rule 63—now re-numbered as 'Rule 64'. The words 'a permit cannot be claimed as of right' are deleted, and the following words are substituted.....". The context clearly shows what is substituted for what. I do not know why my hon. friend could not understand this. The Joint Conference thought that the words, "The Transport Authority may refuse an application for a permit without assigning any reason" were better than the words deleted. The next four lines remain in the rule.

Mr. BAIDYANATH MOOKERJEE: As a matter of fact, so far as I remember these words were not substituted for this purpose. I always insisted on that a hearing must be given in all cases, and I was given to understand that nothing could be done without giving a proper hearing. I was never a party to this, Sir, as it is against the provision of the Act.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have considered that. Under sub-section (7) of section 57 of the Act the Transport Authorities have to give reasons why a permit has been refused. Therefore we thought that this change will suffice.

Lastly, Sir, I submit, as Mr. Blennerhassett has said, that when the Joint Conference was formed there was a tacit understanding that the conference, which would represent all sections of the House and which would contain an equal number of members from both the Houses, was formed for the speedy disposal of these rules, so that they may be disposed of in the same session. Therefore the hon. members should not table amendments unless they are of vital importance for the safety of the public or for the better management of motor traffic. The amendments should not touch on minor details, so that we can have these rules adopted by the House as early as possible.

The Hon'ble the SPEAKER: Order, order. The question is: "That the Assam Motor Vehicles Rules, 1940, as reported by the Joint Conference of both the Houses be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER: I understand from the speeches that have been delivered by the hon. members in this debate that they have practically understood the contents of the whole report. I think the Government have accepted practically all the recommendations of the Joint Conference. Now Government will have to send in notice to the Assembly Department of the motions embodying these recommendations, and from the motions which would be tabled by Government, hon. members will understand what really the recommendations of the Joint Conference are. The other hon. members will also have the right to table amendments, and, as I told the House yesterday, they may table their amendments by 12 noon to-morrow.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Will it be necessary for Government to table separate amendments for each of the recommendations ?

The Hon'ble the SPEAKER : Yes, because there may be amendments to the amendments suggested by the Conference. Government amendments will be put practically as substantive motions, other hon. members will table amendments to these motions. That was done in Bengal. There all the amendments were put in the form of motions. It would be convenient if Government frame their own motions first. The Assembly Secretary will show the manner in which motions are to be framed and the Secretary of the Department concerned will have no difficulty in framing the motions and send them to the Assembly Department in time, so that they may be printed and placed before the House day after to-morrow. This finishes the business of the day.

Maulavi ABDUR RAHMAN : Will you please extend the time for receiving amendments to 3 P.M., Sir ?

The Hon'ble the SPEAKER : It will be very difficult for the Assembly Department to examine them and send them to Press to be printed in time for being placed before the House at 11 A.M. on the following day.

Maulavi ABDUR RAHMAN : Can you not extend it up to 1 P.M. at least ?

The Hon'ble the SPEAKER : Very well, the hon. members will be able to table amendments up to 1 P.M. to-morrow.

Khan Bahadur Maulavi KERAMAT ALI : May I request you to remind the hon. members of the object with which the Conference with equal number of members from both Houses was constituted.

The Hon'ble the SPEAKER : That has been sufficiently explained by Mr. Blennerhassett and also by the Hon'ble Prime Minister. There was really a tacit understanding that the recommendation of the Conference should be accepted by this House as well as by the other House. Of course, the members did not thereby lose their right to table amendments in order to press their own particular views ; but generally the House should see that the recommendations of the Joint Conference are accepted and nothing beyond that is done, so that Government may not be in any difficulty in having the recommendations that may be made by this House, accepted by the other House.

Maulavi ABDUL BARI CHAUDHURY : Sir, as regards Rule 59, we do not know whether we will be allowed to table amendments.

The Hon'ble the SPEAKER : The hon. members will be quite at liberty to table amendments. Of course, it will be for the House to decide whether they will accept the legal interpretation that has been given by the members of the Joint Conference on the strength of the legal opinion obtained by them. If the member who tables an amendment to prescribe the constitution of the Transport Authority succeeds in inducing the members to believe that the interpretation, given by the legal expert, which was accepted by the members of the Conference was not correct, then of course, he will have his amendment carried. So, as I pointed out yesterday, the point that will have to be discussed by this House would be whether a particular matter is within the jurisdiction of this House or outside it. So every member would be quite at liberty to table amendments and it will be for the House to accept it or reject it. If the House agrees with the interpretation that has been given by the Government under section 44 of the Act, the House will reject the amendment and if the House does not agree with the members of the Conference, then the amendment will be carried.

Khan Bahadur Maulavi KERAMAT ALI: Will you allow the amendments if they are *ultra vires prima facie*?

The Hon'ble the SPEAKER: Who is to decide the question of *ultra vires*? It is purely a legal interpretation of a particular provision of a particular Act. So it is for the House to decide whether the particular interpretation given by the Government or by the Conference should be accepted or not.

This finishes the business of the day. Therefore I adjourn the House to 11 A.M. day after to-morrow.

Adjournment

The Assembly was then adjourned till 11 A.M. on Thursday, the 5th June, 1941.

SHILLONG.

The 5th July, 1941.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

APPENDIX "I"

The 8th May 1941.

No.1259-L.S.-G.—In exercise of the powers conferred by section 296
of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently
amended the Governor of Assam is pleased to make the following amend-
ments in the account rules for Municipalities
Small towns published with Notification
No. 1041-E., dated the 8th March 1924.
6122-L.S.-G., dated the 30th November 1925.

AMENDMENTS

Insert the following as new rules :—

47-A.
13-A. All teachers shall submit their salary bills within the first 3 days
of the month following that for which they are due in such form as may,
from time to time, be approved by the Director of Public Instruction.

In the case of schools within a Sub-Inspector's Circle the submission
shall be to the Sub-Inspector, in other cases, to the Deputy Inspector.
The Sub-Inspector or the Deputy Inspector, as the case may be, shall
check and countersign the bills and transmit them without delay to the
Municipal Board
Town Committee for payment. The Deputy Inspectors shall check, after
payment, a percentage of the bills countersigned by the Sub-Inspectors.

Payment shall be made promptly by the Boards
Town Committees and as early
in the month as possible.

In the case of teachers under training, the Superintendent of the
Normal or Training School shall draw up the salary bill on the last day of the
month and shall send it direct to the Municipal Board
Town Committee who shall make pay-
ment by money order without countersignature or pre-audit by the Sub-
Inspector or Deputy Inspectors of Schools.

If the Normal or Training School is situated within the jurisdiction of
the Board
Town Committee the payment may be made by drawing cheques in favour
of the Superintendent of the Normal or Training Schools.

47-B.
13-B. Subject to rule 47-A
13-A the Deputy Inspector shall check all education
bills payable by the Board.
Town Committee.

C. B. C. PAINE,
Govt. of Assam in the Edn. & L.S.-G. Depts.
Secretary to the