

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

The Assembly met in the Assembly Chamber, Shillong,
at 10 A.M. on Tuesday, the 1st April, 1958.

P R E S E N T

Shri Deb Kanta Borooah B.A., LL.B., Speaker in the Chair,
the eight Ministers, the two Deputy Ministers and sixty-five
Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Plan and Schemes for improvement of Golaghat Town

Shri RAJENDRA NATH BARUA (Golaghat-East) asked:

*120. Will the Minister-in-charge of Town and Country
Planning be pleased to state —

- (a) Whether the Municipal Board, Golaghat, has been asked to submit plans and schemes for the improvement of the town by their letter No.LML.294/54/5, dated the 8th December, 1954 ?
- (b) Whether the said Municipal Board submitted any scheme for the improvement of the town ?
- (c) Whether any scheme has been approved of by the Government ?
- (d) If so, what are those schemes ?

Shri HARESWAR DAS (Minister, Revenue for Minister-in-charge of Planning and Development) replied :

120. (a)—Yes, by Government letter No.LML.294/54/3, dated 18th December 1954.

(b)—Yes.

(c)—No.

(d)—Does not arise.

Shri RAJENDRA NATH BARUA (Golaghat-East): May I know, Sir, whether it is in the contemplation of the Government to implement any of the schemes?

Shri HARESWAR DAS (Minister, Revenue for Minister, Planning and Development): Yes, that is the policy of the Government, funds being available.

Shri RAMNATH DAS [Dergaon (Reserved for Scheduled Castes)]: Is it a fact that the Government asked the Municipal Board to submit plans and schemes for the improvement of the town?

Shri HARESWAR DAS: Yes, Sir, that is a fact.

Shri RAMNATH DAS: May I know from the Minister that if the fund was not available why Government asked the Municipal Board to submit plans and schemes?

Shri HARESWAR DAS: When all such schemes were prepared it was estimated that the total expenditure would come to 3 crores 98 lakhs for the Second Five-Year Plan for the whole State, but the Planning Commission cut down the amount to 24 lakhs, and afterwards it was further reduced to 22.8 lakhs.

Shri RAJENDRA NATH BARUA: May I know from the Minister what amount was involved for the scheme of the Golaghat town?

Shri HARESWAR DAS: That I cannot say off hand. Requisition of lands for construction of a diversion road of Assam-Agartola road near Chandkhira under Patharkandi police station, district Cachar

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)]: asked:

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

- (a) Whether some lands were requisitioned by Government for construction of a diversion road of Assam-Agartola road near Chandkhira under Patharkandi police station, district Cachar?

(b) Whether it is a fact that the compensation for the said lands has not been given by the Government as yet ?

(c) If so, why ?

(d) Whether it is a fact that one Md. Abdul Bari of village Kochubari who was a good cultivator has been made landless by acquisition of almost all his cultivable lands for this purpose without giving any compensation or alternative land to him and thereby making him practically a pauper ?

(e) Whether it is a fact that Distress Warrants were issued for the collection of revenue for the said land ?

Shri HARESWAR DAS (Minister, Revenue) replied :

121. (a)—No land was requisitioned but it is proposed to acquire 12 B. 7K. 13Chs. of land for a diversion on the Assam-Agartola road near Chandkhira Garden.

(b)—Does not arise.

(c)—Compensation is payable only when the Collector gives the award under the Land Acquisition Act, 1894.

(d)—No. Md. Abdul Bari has not been made landless or pauper. Only 1B. 12K. 9Chs. of his land has fallen under the scheme leaving 10B. of land with him.

(e)—No.

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)]: When the land was acquired for this purpose ?

Shri HARESWAR DAS: Land has not been acquired yet.

Shri GAURISANKAR BHATTACHARYA (Gauhati): Is it a fact that the land acquired has been taken possession of by the Government ?

Shri HARESWAR DAS: That is correct, Sir. The subsequent information shows that under an amicable settlement with the owner, the land was taken possession of without starting any proceedings.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Is it a fact that when possession of the land was taken nothing was paid to the person concerned ?

Shri HARESWAR DAS (Minister, Revenue): That is so, because money cannot be paid unless proceedings are started and the Collector gives the award.

Shri GOPESH NAMASUDRA [Patharkandi (Reserved for Scheduled Castes)]: When the road was constructed ?

Shri HARESWAR DAS: The exact date is not with me. It may be about two or three years back.

Shri GAURISANKAR BHATTACHARYYA: Though compensation was not paid, may I know whether any advance payment was made to the person so that he could rehabilitate himself ?

Shri HARESWAR DAS: That was not done.

Lands requisitioned for construction of Patharkandi-Bubrihat Public Works Department road

Shri GOPESH NAMASUDRA: [Patharkandi (Reserved for Scheduled Castes)] asked :

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

(a) Whether it is a fact that some lands were requisitioned for construction of Patharkandi-Bubrihat Public Works Department road and whether Government are aware that the cultivators whose lands were acquired have been faced with immense troubles for non-payment of their due compensation, etc. ?

(b) Whether Government will take immediate steps to disburse the compensation before the next agricultural season ?

Shri HARESWAR DAS (Minister, Revenue): replied.

122. (a)—No lands were requisitioned as stated. Only 5B. 13K. 14Chs. of land have been notified for acquisition under section 4(1) of the L. A. Act, for the purpose of Patharkandi-Bubrihat Road. Government have not received report of any trouble faced by the owners.

(b) —Steps have however been taken to expedite the acquisition proceedings and compensation will be paid as soon as possible.

Land acquired by Government at Jalan Nagar South (Chowkidinghee) from Messrs Jalan Industries, Limited for constructing Government Buildings

Shri NILMONEY BORTHAKUR (Dibrugarh) asked :

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

- (a) How much land was acquired by the Government at Jalan Nagar South (Chowkidinghee) from Messrs Jalan Industries, Limited for the purpose of constructing Government buildings thereon and at what price ?
- (b) What price did the Government pay for the adjoining lands that were acquired by the Government for the State Transport Office ?
- (c) What is the rate of land revenue for those lands ?
- (d) At what price did Messrs Jalan Industries, Limited purchase the whole of the Chowkidinghee Tea Estate ?

Shri HARESWAR DAS (Minister, Revenue) replied :

123. (a)—133 Bighas, 3 Kathas of land at the following prices—

- (1) 58B-3K at Rs.7,500 per bigha.
- (2) 75B at Rs.7,250 per bigha.
- (b)—Rs.6,900 per bigha.
- (c)—Re.1 per bigha.
- (d)—Government have no information.

Shri DEVENDRA NATH HAZARIKA (Saikhowa):

Is it a fact that the land acquired by Government was free simple grant ?

Shri HARESWAR DAS: Yes.

Shri HARESWAR GOSWAMI (Rampur): Sir, I once again raised the point that when Government say that they have no information did they take any step to collect the information ?

Mr. SPEAKER: I do not know whether the hon. Member remembers the fact that I suggested to the Government that in cases where the Government collect the information then the reply should be that the information is being collected. I do not know whether in this case Government have given any direction for collecting the information or not.

Shri HARESWAR DAS (Minister, Revenue): Government directed to collect this information, but the sale did not take place in Assam. It was effected and registered somewhere else. So, the information could not be collected.

Shri HARESWAR GOSWAMI (Rampur): May I know whether the proprietor of the garden was enquired of to give the figure ?

Shri HARESWAR DAS: The proprietor was enquired of, but the information has not been given as yet.

Mr. SPEAKER: Then in this case that information is being collected.

Shri NILMONEY BORTHAKUR (Dibrugarh): With regard to (d), whether the Deputy Commissioner of Lakhimpur was asked to supply the information ?

Shri HARESWAR DAS: Yes, that is the information supplied by the Deputy Commissioner.

Shri DEVENDRA NATH HAZARIKA (Saikhowa): Sir, in acquiring free simple land in other cases such amount was not paid, but to this particular Tea Estate why such a huge amount was paid ?

Shri HARESWAR DAS: That is not the case. When the free simple lands were purchased by the Government they paid the market price. But the prices differ like the prices of other lands.

Shri DEVENDRA NATH HAZARIKA: Why it was not acquired in which case only nominal price had to be paid ?

Shri HARESWAR DAS: In case of acquisition, market price *plus* 15 per cent additional compensation has got to be paid.

Shri NILMONEY BORTHAKUR: What was the price of land in the neighbouring areas at the time of the purchase ?

Shri HARESWAR DAS: This was the market price, *i.e.*, Rs.6,900 per bigha. That land was purchased in 1953. This land was purchased in 1955, and by this time a large portion of Dibrugarh was washed away and pressure on land increased and price also increased.

Shri DANDESWAR HAZARIKA (Morongi): Is it a fact that Government paid more than what was recommended by the Deputy Commissioner ?

Shri HARESWAR DAS: That is not a fact.

Honorary Forest Officers in the State of Assam

Shri RADHIKA RAM DAS (Palashbari) asked :

*124. Will the Minister-in-charge of Forests be pleased to state—

- (a) How many Honorary Forest Officers are there in the State of Assam ?
- (b) What are the functions of these Forest Officers ?
- (c) What are the privileges granted to these Honorary Forest Officers ?
- (d) Whether it is a fact that these Honorary Forest Officers are allowed free shooting in reserve Forests within their jurisdiction while on duty under Section 13 of the Assam Forest Manual Volume II ?
- (e) Whether it is a fact that Government has amended this Section by a Government letter No.GFR.5/45/26, dated 18th January 1949 ?
- (f) If so, whether Government will see that these Forest Officers are allowed free shooting in reserve areas while on duty as they are to work at the risk of their lives ?

Shri HARESWAR DAS (Minister, Forests) replied :

124. (a)—29 (Twenty-nine).

(b)—They are required to render assistance to the Forest Officers in the protection of forests and the preservation of Wild Life.

(c)—Nil.

(d)—Yes, but the practice has been stopped.

(e)—Yes.

(f)—No.

Shri RADHIKA RAM DAS : Whether an Act can be amended by a Government letter ?

Shri HARESWAR DAS : The Act was not amended, but Government stopped this special privileges.

Shri RADHIKA RAM DAS : Whether Government have authority to do that in view of the provision of the Act ?

Shri HARESWAR DAS : Government has got this authority.

Shri RADHIKA RAM DAS (Palashbari): May I know under what provision Government has got that power?

Shri HARESWAR DAS (Minister, Forest): Some provisions are mandatory and some are recommendatory. These are recommendatory and therefore Government may not follow them.

Shri GIRINDRANATH GOGOI (Sibsagar): What is the definition of Honorary Forest Officer?

Mr. SPEAKER: Possibly the hon. Member means functions of these Honorary Forest Officers. The Hon'ble Minister has already replied that their functions are to render advice to the Forest Officers.

Shri RADHIKA RAM DAS: If no privilege is granted to them will Government discontinue the office of the Honorary Forest Officer?

Shri HARESWAR DAS: These are very big people.
(Loud Laughter).

Shri RANENDRA MOHAN DAS (Karimganj-North): What is the definition of big people?

Shri HARESWAR DAS: Influential and rich.

Shri GIRINDRANATH GOGOI: Will the Minister please name some of them?

Shri HARESWAR DAS: There are altogether 29 Honorary Forest Officers. I shall name only a few of them.

- (1) Mr. J. S. Garlow,
- (2) Mr. O. Carrathers, Manager, Ainakhal, T. E., P. O. Monacherra, Cachar,
- (3) Mr. P. Nag, Manager, Silcoorie T. E., Cachar,
- (4) Mr. J. Haig Thomes, Manager, Thaligram T. E., Cachar,
- (5) Mr. V. J. Lame, Manager, Pallourbund T. E., Cachar,
- (6) Shri K. P. Agarwalla (Loud Laughter),
- (7) Raja Ajit Narayan Deb,
- (8) Shri Prakitish Chandra Borooah (Again Laughter).

Mr. SPEAKER: I suppose that is enough. I hope the hon. Member from Karimganj will not press for a reply to his question about the definition of big people (*Loud and prolonged Laughter*).

Shri RADHIKARAM DAS (Palashbari): Whether any gun is given to them at the time of going to the forest ?

Shri HARESWAR DAS: No.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Does the Government give some premium to the rich and big people in this Socialist State ?

Mr. SPEAKER: Order, Order.

Shri DANDESWAR HAZARIKA (Morongi): How many gun licenses are issued to an officer ?

Shri HARESWAR DAS: In their individual capacity they may have more than one licence.

Shri DANDESWAR HAZARIKA: Is it a fact that the Honorary Forest Officers are granted licence for rifles ?

Shri HARESWAR DAS: Formerly that was given and now that practice is stopped. Now all these officers have got their own licences.

Shri DANDESWAR HAZARIKA: Is it not a fact Sir, that it is a qualification for them to get these gun licences ?

Mr. SPEAKER: The Honorary Forest Officers' qualification is to protect animals and not to kill animals.

UNSTARRED QUESTIONS

(To which answers were laid on the Table)

Construction of a Permanent Embankment to protect the Neamatighat

Shri SARBESWAR BORDOLOI (Titabar) asked :

428. Will the Minister-in-charge of Embankment and Drainage be pleased to state—

(a) Why no action was taken by Government up till now in spite of the assurance given by the then Public Works Department Minister during the last Budget Session of the Assembly to construct a permanent embankment to protect the Neamatighat ?

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(b) Whether Government is aware that the erosion is taking place every year constantly and that there may be further erosion during the next rainy season which may very heavily damage the Ghat due to non-execution of the Government assurance during this winter ?

(c) Whether Government propose to start works immediately ?

M. MOINUL HAQUE CHOUDHURY [Minister-in-charge of Public Works Department (Flood Control and Irrigation Wing)] replied :

428. (a)—*Ex*-Public Works Department Minister did not give any such assurance to construct a permanent embankment. Detailed investigation has now revealed that any scheme to deal with the problems effectively will involve an enormous cost and such an expenditure would be unthinkable for a situation as it exists at Neamati. The Chief Engineer, F. C. and I of Central Water and Power Commission also expressed similar views when he inspected the site in January last. With the plan provision of Rs.3.0 lakhs it will be possible only to undertake temporary measures any expenditure on which will not result in any useful purpose in such a situation.

(b)—Some erosion of the bank along the river during the flood season has been continuing. During the 1957 floods there was erosion of the order of 15 to 20 feet along the Brahmaputra at Neamati. The usual annual erosion may continue next rainy season also. Government do not see any special reasons for any unusually heavy erosion nor consider that the situation demands execution of any costly measures which cannot be justified from economic considerations.

(c)—Does not arise in view of reply to (a).

Shri SARBESWAR BORDOLOI (Titabar): Will the Minister please see the proceedings of the last budget session and refer to the statement issued by the then Public Works Department Minister to protect Neamatighat from Brahmaputra erosion in reply to my resolution which I tabled in the last Budget Session ?

M. MOINUL HAQUE CHOUDHURY: I have got a copy of the proceedings with me but I find no such assurance.

Shri GAURISANKAR BHATTACHARYYA (Gauhati):

Whether in view of the closure of the Dibrugarhghat and the proposed closure of the Desongmukhghat by the Joint Steamer Companies, the Government will reconsider the desirability of stabilizing the Neamatighat by erecting a permanent protective bund there ?

M. MOINUL HAQUE CHOUDHURY [Minister, P.W.D. (Flood control and Irrigation Wing)]: It is not a question of stabilizing the ghat by any such measure. Erosion to the extent of 15 to 20 ft. on the bank of the Brahmaputra is a normal phenomenon for all areas virtually. Therefore there is no point in spending 2 crores by erecting a permanent rivetment there. That has also been rejected by the Central Water and Power Commission. They said this is not worth the money.

Shri GAURISANKAR BHATTACHARYYA: In view of the fact that the Neamatighat is going to be most important ghat for the whole of Upper Assam just after the closure of the Dibrugarhghat and Desangmukhghat, whether Government consider it advisable to spend even Rs. 2 crores or so so that this most important Ghat for the whole of Upper Assam may be stabilized ?

M. MOINUL HAQUE CHOUDHURY: The question of stabilization can arise only when there is unusual or heavy erosion. In the present case as I said the erosion is of the order of only 15 to 20 ft. So there can be no question of stabilizing the Ghat by such measure.

Shri SARBESWAR BORDOLOI (Titabar): Is the Minister aware that Rupees 3 lakhs was allotted by the Government after proper survey and estimate ?

M. MOINUL HAQUE CHOUDHURY: These three lakhs were tentatively provided for collecting hydrological data and for other investigations and such other matters.

Shri SARBESWAR BORDOLOI: May I take it that this 3 lakhs has already lapsed ?

M. MOINUL HAQUE CHOUDHURY: No, it did not lapse, but subsequently when the plan was pruned down naturally this money lapsed and not provided for.

**Memorandum to the Backward Classes Commission
in 1953**

Shri DEVENDRA NATH HAZARIKA (Saikhowa) asked :

429. Will the Minister-in-charge of Backward Classes be pleased to state—

(a) Whether Government submitted a memorandum to the Backward Classes Commission in 1953 ?

(b) If so, whether Government would lay on the table a copy of the same ?

(c) Whether Government are aware that the number of population of certain sections or groups of persons of other Backward Classes appeared incorrectly in the report of the Backward Classes Commission ?

(d) Whether Government are aware that the population figure appeared incorrectly against communities or sections generally who have been marked as most backward ?

(e) Whether it is a fact that the population of Moran-Mattak Community appeared there showing a reduction by 25 times or more ?

(f) Whether Government received any representation from all Assam Mattak Sanmilan drawing attention of the Government to the incorrect population figure of Moran-Mattak Community in the report of the Backward Classes Commission ?

(g) Whether Government have taken any step to correct this ?

(h) Whether it is a fact that students of other Backward Classes whose population appeared incorrectly in the Commission's Report had to suffer in getting scholarships granted by the Scholarship Board of the Government of India ?

(i) Whether Government received any instructions from the Centre to take up an *ad hoc* survey of these Backward Classes to ascertain correct population as far as possible ?

Capt. WILLIAMSON A. SANGMA (Minister, Tribal Areas Department) replied :

429. (a)—Yes.

(b)—A copy of the memorandum is laid on the table of the Assembly Library. (Please see Library Register No.S7).

(c)—The State Government does not have the authentic population figures of the other Backward Classes in the State community-wise as those population figures are not available in the 1951 Census. The Backward Classes Commission itself in its Report did not show the population figure of every communities and even where the population figure is indicated, it is stated to be only the estimated population of 1951 Census. The Backward Classes Commission further does not vouch-safe the authenticity of the population figures of those communities wherever given. Paragraph 40 of the Volume I of the Report of the Backward Classes Commission regarding the population figures reads as follows :—

“40. We were not able to get correct population figures of all the community listed by us in the other Backward Classes group. The estimated population figures for some of the communities could be arrived at by finding the ratio of increase in the population decade by decade, and even here the Census authorities were not sure of the figures”.

(d)—The population figures of most of the communities marked as most backward by the Backward Classes Commission have been reported to be not available by the Commission itself. For the same reason given in reply to question (c) above, the Government is not in a position to state the correctness or otherwise of the population figure.

(e)—For the same reason given in reply to question (c) above, the Government is not in a position to state whether the population of Moran-Mattak Community as given by the Backward Classes Commission is less than what it actually is.

(f)—The Government received no such representation.

(g)—Does not arise.

(h)—It is not a fact as the Scholarships are awarded by the Ministry of Education on the primary consideration of the merit of the candidate who is a member of the other Backward Classes, and not on the basis of the population community-wise.

(i)—In April, 1956, the State Government received instructions from the Government of India to hold an *ad hoc* survey for the determination of suitable criteria for classification of other Backward Classes and their numbers that would come within the categories of such classes, and to furnish the State Government's views to the Government of India as a result of that survey. But in November of the same year the Government of India informed the State Government that in the interests of securing the uniformity of procedure, the Government of India had decided to undertake the *ad hoc* survey itself through the agency of the Central Census Authority. The survey would be undertaken as a pilot measure in four selected States, namely, Bombay, Madras, West Bengal and Uttar Pradesh, in order that the decision, in regard to the types of data as a result of such survey might be applied to the other States for necessary action. No further instructions have been received from the Government of India in this connection.

***Shri DEVENDRANATH HAZARIKA (Saikhowa):** Whether the Government know that in the instruction issued in Assamese to the enumerators of Census operation in 1951 there were printing mistakes such as "Saban" instead of "Moran" and "Ghatak" instead of "Mattak" and correct population figure was not assessed?

***Capt. WILLIAMSON A. SANGMA (Minister, Tribal Areas Department):** Government is not aware of that, but in the 1951 Census there was no special record and that is why the Census Commissioner found it difficult to ascertain the number of people belonging to that class. In 1951 there was no specific mention about this fact.

Shri MAHANANDA BORA (North Lakhimpur): Will the Government please state whether these backward classes were ascertained by religion or by caste?

Capt. WILLIAMSON A. SANGMA: The criteria laid down by the Backward Classes Commission are:

(1) Low social position in the traditional caste hierarchy of Hindu society.

(2) Lack of general educational advancement amongst the major section of a caste or community.

(3) Inadequate or no representation in the Government service.

(4) Inadequate representation in the field of trade, commerce and industry.

Shri MOHI KANTA DAS (Barchalla): Is there any reservation of seats in technical schools for boys and girls of the backward classes ?

Capt. WILLIAMSON A. SANGMA (Minister, Tribal Areas Department): As I stated the other day, the Government of India have not been able to accept the recommendations of the Commission with regard to particular communities yet and unless and until that is finalised there can be no reservation.

Shri BHUBAN CHANDRA PRADHANI (Golakganj): How many scholarships and stipends have been awarded to other backward class students by the Central Government as well as the State Government during the last 10 years ?

Mr. SPEAKER: I am afraid you will have to put another question for that.

Shri DEVENDRANATH HAZARIKA (Saikhowa): In the Memorandum submitted by the Assam Government it was suggested that the Garos and Lushais should be considered as tribals. What has been the recommendation of the Commission on this suggestion ?

Mr. SPEAKER: I don't think that the hon. Member can put a question on the contents of a public document. You can consult the Backward Classes Commission Report, which is a public document.

Shri DEVENDRANATH HAZARIKA: We are told that an *ad hoc* survey is being undertaken in Bombay, Madras, West Bengal and Utter Pradesh. What about Assam ?

Capt. WILLIAMSON A. SANGMA: After completion of the *ad hoc* survey in those four States, the Government of India will evolve a formula which must be adopted by other States. Before that no steps can be taken by us.

Shri MAHI KANTA DAS: When is it expected to be completed ?

Capt. WILLIAMSON A. SANGMA: It is difficult for me to say.

Mr. SPEAKER: That is the primary concern of the Government of India.

Officers whose services were required for the last Congress Session

Shri HARESWAR GOSWAMI (Rampur) asked :

430. Will the Chief Minister be pleased to state—

(a) Who were the officers whose services were required for the last Congress Session ?

(b) Who were the Heads of Departments and Secretaries and Deputy Secretaries of various Departments of Shillong who were absent between 15th and 20th January, 1958 ?

(c) Where were these officers on these dates ?

(d) Whether any T. A. was drawn by each of these officers and if so, how much was drawn by each of them ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

430. (a)—The services of no officer were required for the Congress Session but a large number of officers had to be deputed for duty at Gauhati to ensure measures for maintenance of law and order, proper control of traffic, sanitation and public health, essential services and publicity and to look after arrangements for tourists, State guests, etc.

A statement of the various Government officers deputed for the purpose is laid on the Library table. (Please see Library Register No.S8).

(b), (c) and (d)—A detailed statement showing the names of Heads of Departments, Secretaries and Deputy Secretaries of the various Departments of Shillong, who were absent (from Shillong) between 15th and 20th January, 1958 together with relative information is laid on the Library table. (Please see Library Register No.S9).

Shri HARESWAR GOSWAMI (Rampur) : Was it necessary to requisition the services of as many as 289 officers for the purposes mentioned in reply to (a) ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) :
Yes, Sir.

Shri HARESWAR GOSWAMI : Was it necessary to requisition the services of as many as 50 police officers for the purpose of maintaining law and order ?

Shri BIMALA PRASAD CHALIHA : Yes, Sir.

Shri HARESWAR GOSWAMI : I find the whole of the Basic Education Department was brought down to the Congress Session. Was it necessary ?

Shri BIMALA PRASAD CHALIHA : It was necessary for the exhibition.

**Reservation of appointments or posts under the
State Government in favour of other
Backward classes**

Shri BHUBAN CHANDRA PRADHANI (Golakganj)
asked :

431. Will the Minister, Tribal Areas Department be pleased to state—

(a) Whether Government has any proposal to give some facilities to other Backward Classes under Article 16 of the Constitution ?

(b) Whether Government propose to implement the recommendations made by the Backward Classes Commission ?

(c) If so, how long will it take ?

Capt. WILLIAMSON A. SANGMA (Minister, Tribal Areas Department) replied :

431. (a)—Perhaps the hon. Member refers as to reservation of appointments or posts under the State Government in favour of other Backward Classes as contemplated in Clause (4) of Article 16 of the Constitution of India. Government have no such proposal at present.

(b)—Yes. Government propose to implement those of the recommendations as will be accepted by the Government of India for implementation by the State Government.

(c)—The hon. Member will appreciate that in view of reply (b) it is not possible to give a time limit by the State Government.

Shri BHUBAN CHANDRA PRADHANI (Golakganj): Is it not a fact that the State Government has a clear order dated 1st July 1940, to give some facilities in regard to appointment of the Rajbanshi community of the backward classes in the district of Goalpara ?

Capt. WILLIAMSON A. SANGMA (Minister, T.A.D.): I am sorry, Sir, I am not aware of that. But as I said, in matters like settlement of fisheries, contracts, forest mahals, etc., special consideration is shown to the members of the backward classes according to the list maintained by the State Government. We have not been able to draw up a fresh list of these communities as the Backward Classes Commission's Report has not yet been accepted by the Government of India; so, we are acting on the basis of the list already maintained by the State Government.

Shri BHUBAN CHANDRA PRADHANI : Whether any facilities are given to the Rajbanshi community with regard to appointments ?

Capt. WILLIAMSON A. SANGMA : I am sure it is given provided the candidates are found suitable otherwise.

Shri MOHI KANTA DAS (Barchalla) : Before final recommendations come from the Centre, would the Government be pleased to adopt some measures with a view to develop these backward classes ?

Capt. WILLIAMSON A. SANGMA : I have already stated, Sir, that Government have been giving some privileges in the matter of scholarships, settlement of excise shops, forest mahals, contracts, etc.

**Lease of a plot of land within the boundary of
the Assam Medical College**

Shri NILMONEY BORTHAKUR (Dibrugarh) asked :

432. Will the Minister-in-charge of Medical be pleased to state—

(a) Whether a plot of land within the boundary of the Assam Medical College has been leased out to Shri Arun Sarmah of Dibrugarh?

(b) If so, when and on what terms?

(c) Whether Government are aware that the said Shri Arun Sarmah constructed a Pucca house on the said land, where he is running a grocery, a catering stall, a bakery and a stationery shop?

(d) Whether he pays any rent?

(e) If so, how much and to whom?

Shri RUPNATH BRAHMA (Minister, Medical) replied:

432. (a) —No.

(b)—Does not arise.

(c)—Yes.

(d)—Yes.

(e)—Rs.200 per annum to the Public Works Department.

Shri NILMONEY BORTHAKUR : In regard to (c), are Government aware that Shri Arun Sarmah constructed the house on the land himself and at his own cost?

Shri RUPNATH BRAHMA : That may be so.

Shri RANENDRA MOHAN DAS (Karimganj-North) : From the reply it is found that no lease was given. May I know how a private person can construct a house of his own in a Government land?

Shri RUPNATH BRAHMA (Minister, Medical) : There was a great necessity for such a canteen because the Medical College was located at a distance from the town. Therefore, on certain conditions Shri Sarma was allowed to occupy the land and to build a house to run the canteen.

Shri RANENDRA MOHAN DAS (Karimganj-North) : Was it lease ?

Shri RUPNATH BRAHMA : No.

Shri HARESWAR GOSWAMI (Rampur) : Then what was it ?

Shri RUPNATH BRAHMA : There was some sort of agreement between him and the Executive Engineer and one of the conditions is that we can ask Shri Sarma to vacate the land any moment whenever it is required in public interest.

Shri GAURI SANKAR BHATTACHARYA (Gauhati) : If it was not a lease, was it a gift ? What type of transfer was it ?

Shri RUPNATH BRAHMA : It was not a gift. He is paying a rent of Rs.200 per annum to the Public Works Department.

Shri GAURISANKAR BHATTACHARYA : What does this Rs.200 represent ? Is it rent, tax, salami or what ?

Mr. SPEAKER : This is an unstarred question and detailed supplementaries would not be in order. I would, however, suggest that a copy of the agreement may be placed on the Library Table for the Members to scrutinise.

Newly constructed building of Kamalpur Government Middle Vernacular Schools

Shri SARAT CHANDRA GOSWAMI (Kamalpur) asked :

433. Will the Education Minister be pleased to state—

- (a) Whether it is a fact that the newly constructed building of Kamalpur Government Middle Vernacular School contains only two halls which are unsuitable to hold classes as the rooms have not been partitioned ?

- (b) Whether it is a fact that the building cannot accommodate all the classes and some classes have been accommodated in a temporary thatched shed ?
- (c) Who apporved the Plan and Estimate of the School building ?
- (d) Whether Government propose to build an additional building to meet the requirements of the School ?
- (e) Whether it is a fact that no provision has been made for urinals and latrines in the new site which has caused great inconvenience to the teachers and to the students ?
- (f) What expenditure was incurred in constructing the above-mentioned School building ?

Shri HARESWAR DAS (Minister, Revenue for Minister, Education) replied :

433. (a)—Necessary steps have been taken to partition the hall.

(b)—All the classes are now accommodated in the building.

(c)—The Basic Education Officer.

(d)—Not necessary in view of reply to (b) above.

(e)—Yes ; but steps are being taken to provide them.

(f)—Rs.22,538.

Shri SARAT CHANDRA GOSWAMI (Kamalpuri): With regard to (b), may I know from which date all the classes were accommodated in the new building ?

Shri HARESWAR DAS : Since February last, but I cannot give the exact date.

Imposition of tax in Barpeta Subdivision on fire-wood (fuel) that floats along with the current of river from hills

Dr. SRIHARI DAS (Barpeta) asked :

434. Will the Minister-in-charge of Forests be pleased to state—

- (a) Whether Government is aware that the Forest Department has imposed tax in Barpeta Subdivision on fire-wood (fuel) that floats along with the current of river from hills ?
- (b) If so, considering the poverty stricken condition of the people of the Subdivision whether Government propose to abolish the tax on firewoods ?
- (c) Whether Government is aware that the price of firewood is shooting up from Rs. 2-8-0 to Rs. 3 per md. whereas it was only three or four annas per md. before the imposition of tax ?
- (d) If so, how long Government will take to abolish the said tax ?
- (e) Whether Government has got any rule imposing such tax ?
- (f) If so, how much per cart (bullock or buffaloes) ?

Shri HARESWAR DAS (Minister, Forests) replied :

434. (a)—No tax has been imposed. But if by 'tax' royalty is meant, Forest Department is realizing royalties on drift fire-wood removed for trade purposes under the Rules in force.

(b)—No. As settlement holders are allowed to remove drift fire-woods below 5 feet in length and 2 feet in girth free of royalty for their domestic use.

(c)—Government have no information.

(d)—Government do not propose to abolish the realization of royalties on drift fire-woods under the rules in force.

(e)—Government have rules to impose royalty, *vide* Rule 7 at page 61 of the Assam Forest Manual, Vol. 1.

(f)—(i) Buffalo cart—Re. 1

(ii) Bullock —75 N. P.

Dr. SRIHARI DAS (Barpeta): The answer to (b) is “No. As settlement holders are allowed to remove drift fire-woods below 5 feet in length and 2 feet in girth free of royalty for their domestic use”. Does the Hon’ble Minister know that in Barpeta Subdivision royalties are imposed on drift wood below 5 feet in length and 2 feet in girth ?

Shri HARESWAR DAS (Minister, Revenue): If that be so, we will surely make an enquiry.

Dr. SRIHARI DAS : With regard to (c), the reply is “Government have no information”. Will the Minister be pleased to enquire about the rise in price ?

Shri HARESWAR DAS : Yes, I can do it if my hon. Friend wants, but prices rise in normal course also.

Pattas for lands within the Sorbhog Beel in Bornagar Circle of Barpeta Subdivision

Shri GHANASHYAM TALUKDAR (Sorbhog) asked :

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

- (a) What is the total area of the Sorbhog Beel in Bornagar Circle of Barpeta Subdivision ?
- (b) Whether any Pattas had been issued for lands within the Beel area ?
- (c) If so, when those Pattas will be cancelled ?
- (b) Whether proper demarcation line will be given around the Beel ?

Shri HARESWAR DAS (Minister, Revenue) replied :

435. (a)—348B. 4K. 6L.

(b)—Yes.

(c)—Annual Pattas in respect of 80B. 3K. 19L. were cancelled in 1956 and area included within the fishery Periodic Pattas which cover an area of 34B. 18L. cannot be cancelled.

(d)—Yes.

Shri GHANASHYAM TALUKDAR (Sorbhog) : Why Pattas were issued within the Beel area ?

Shri HARESWAR DAS : Pattas were issued because people cultivate the land.

I want to make one point clear here. In Barpeta Sub-division there are certain fisheries without any water. (Laughter). That is the peculiarity of Barpeta Subdivision. When I visited Barpeta in the month of February last accompanied by Shri Mahadeb Das, M. L. A., I was surprised to find that there were fisheries where there was no water. Mr. Das explained to me that in such a fishery when the water comes during the rains the lessee collects small fish from there, dry the same and sell it and he gets a much higher profit than other fisheries. When the Beel is dry some people cultivate Aho.

Shri GAURISANKAR BHATTACHARYYA (Gauhati) : Is it a fact that there is one fishery called Jongal Balahu in Nowgong district where there is neither fish nor water ? (Laughter).

Shri NILMONEY BARTHAHAKUR (Dibrugarh) : Is it a fact that the fish has gone underground ?

Stoppage of eviction from P.G.Rs. and V.G. Rs.

Shri MOHANANDA BORA (North-Lakhimpur) asked :

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

(a) Why eviction from P.G. Rs. and V.G. Rs. was stopped when it was in operation in October and November last ?

- (b) Whether Government is aware that such a policy of slackness encourages the lawless element to squat anywhere and everywhere and thereby endanger security of life of peaceful people ?
- (c) Whether Government has any information that in North Lakhimpur Subdivision there are people other than the Government who allows settlement of land and are settling people by the side of the North Trunk Road near Dikrong who are occupying land without any interruption ?
- (d) If such lawlessness is allowed whether Government think that it can be controlled afterwards when people will lose all faith ?

Shri HARESWAR DAS (Minister, Revenue) replied :

436 (a)—There was no general stoppage of eviction. Encroachments have been removed from the V. G. Rs. and P. G. Rs., of North Lakhimpur Subdivision except Boginadi P. G. Rs., Bongalmora P. G. R. and the proposed V. G. R. of Kolamari.

Eviction from Boginadi P. G. R. has been stayed by Government till 30th June, 1958 to enable Subdivisional Officer to give alternative land to the encroachers in the meantime. Eviction from Bongalmora P. G. R. had to be stopped for inclement weather and absence of sufficient Police force. Eviction from the proposed V. G. R. of Kolamari was stayed by the Deputy Commissioner on an appeal. The stay order has since been vacated and eviction in both the latter cases will be carried out soon.

(b)—Does not arise.

(c)—Government have no information of any case of settlement of land made by people other than the proper authority. But the matter is being enquired into.

(d)—Does not arise.

Shri MOHANANDA BORA (North Lakhimpur) : Will the Government enquire for how many years these evictions are going on against these encroachers ?

Shri HARESWAR DAS (Minister, Revenue) : I want notice of this question.

Shri MOHANANDA BORA : Will the Government state the date from which these people are under occupation of these land ?

Shri HARESWAR DAS : I cannot give the exact date.

Shri MOHANANDA BORA : Do the Government know that excepting one or two P.G.Rs. all the P.G.Rs. and V.G.Rs. are encroached by encroachers ?

Shri HARESWAR DAS : I am prepared to take that statement and we have passed definite orders to evict these encroachers within a short time.

Shri RADHIKA RAM DAS (Palasbari) : Is it a fact that there is indiscriminate encroachment of almost all the V.G.Rs. and P.G.Rs. in the State ?

Shri HARESWAR DAS : Yes, Sir.

Shri RADHIKA RAM DAS : Will the Government see that eviction is carried out against these law breakers immediately ?

Shri HARESWAR DAS : That is the Government policy.

Appointment of a Leave Reservist D. T. O.

Shrimati KOMOL KUMARI BARUA (Katonigaon) asked :

437. Will the Minister-in-charge of Transport be pleased to state—

(a) Whether it is a fact that a Leave Reservist D. T. O. has been appointed by the Government ?

(b) If so, what is his duty and for what purpose he has been appointed ?

(c) Whether it is a fact that Government had adopted a policy to recruit the D. T. O. either from D. S. P. or from E. A. C. ?

(d) Whether it is a fact that one D. S. P. has been appointed and posted at Shillong as D. T. O. with higher initial pay ?

(e) Whether it is a fact that the D. T. O. from the Scheduled Tribe of Assam was relieved in the year, 1954 or so ?

(f) If so, why and who was appointed in his place (whether a caste Hindu or a man from Scheduled Tribe) ?

Shri BIMALA PRASAD CHALIHA (Chief Minister)
replied :

437. (a)—Yes.

(b)—He performs all the duties of a D. T. O. When a D. T. O. goes on leave or his services are not otherwise available, the leave reservist takes over charge.

(c)—Former D. T. Os. were appointed on direct recruitment through Assam Public Service Commission. The question of recruiting D. T. Os. either from the cadre of D.S.P. or E. A. Cs was considered by Government but no final decision was taken.

(d)—Yes. The officer draws only extra deputation allowance but no higher initial pay.

(e)—Yes.

(f)—Shri Bathew, *Ex-D. T. O.*, was released at his request when he was appointed as Secretary, District Council, United Khasi and Jaintia Hills. Shri P. C. Phukan, D. S. P. has been appointed on deputation from the Police Department (Caste Hindu).

Shrimati KOMOL KUMARI BARUA: Sir, in answer to question 437 (c) it is stated, "Former D. T. Os. were appointed on direct recruitment through Assam Public Service Commission..." May I know why in this case he was not appointed through the Public Service Commission ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) : This case about which the Lady Member has referred to need not go to P.S.C. as he is on deputation.

Shri RADHIKA RAM DAS (Palashbari) : Whether the pay of a D. S. P. and D. T. O. is the same ?

CAPT. WILLIAMSON A. SANGMA (Minister Transport) : He draws his pay as a D. S. P. and not of a D. T. O. He is also given deputation allowance in addition to his pay.

Shrimati KOMOL KUMARI BARUA (Katonigaon) : With regard to (f) may I know whether tribal candidate was no available for this post when Shri Bathew was received from this post ?

CAPT. WILLIAMSON A. SANGMA : When the officer was relieved, Mr. Phukan, a D.S.P. was appointed on deputation from the Police Department.

**Suspension of Shri Shrimantaram Hazarika, D.T.O.,
Jorhat**

Shrimati KOMOL KUMARI BARUA asked :

438. Will the Minister for Transport be pleased to state—

(a) Whether it is a fact that Shri Shrimantaram Hazarika, D. T. O., Jorhat has been placed under suspension ?

(b) If so, on what date he was placed under suspension and whether his case has been finally disposed of ?

(c) If not, why not ?

(d) Whether it is a fact that there is a Circular No. AAP.22/51, dated the 4th September, 1954, if read with Article 311 of the Constitution of India, in which it is stated that departmental proceedings within three months at the latest must be disposed of ?

(e) If so, why there has been so much delay in this case ?

- (f) Whether it is a fact that Shri Hazarika had been placed under suspension without assigning any reason ?
- (g) Whether proceedings against Shri Hazarika are criminal, judicial or departmental ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

438. (a)—Yes

(b)—Sixth July 1955. Final orders have been passed and are under issue.

(c)—Does not arise.

(d)—The Circular laid stress on expeditious disposal of the departmental proceedings.

(e)—Delay was caused partly due to change of Deputy Commissioner, Jorhat, who was appointed as Enquiring Officer in this case and partly due to seeking clarification of certain points at issue from the various authorities.

(f)—Officer was suspended pending drawal of proceedings on serious allegations made, in order to facilitate investigation.

(g)—Departmental.

Shrimati KOMOL KUMARI BARUA (Katonigaon): May I know from the Government whether there is any rule that an officer under suspension should be given subsistence allowance ?

CAPT. WILLIAMSON A. SANGMA (Minister, Transport): Yes, Sir, that is the rule.

Shrimati KOMOL KUMARI BARUA: Whether Shri Shrimantaram Hazarika was granted the subsistence allowance?

CAPT. WILLIAMSON A. SANGMA : Yes, he was granted.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Is it a fact that this gentleman has been kept under suspension for 3 years ?

CAPT. WILLIAMSON A. SANGMA (Minister, Transport): Yes.

Shri DEVENDRA NATH HAZARIKA (Saikhowa): Why it took so long to decide the case?

CAPT. WILLIAMSON A. SANGMA: There was some difficulty, as there was delay Mr. Shaw who was at that time the Deputy Commissioner of Sibsagar was appointed to enquire into these allegations and while the gentleman was summoned to appear before him for cross examination he failed to appear. Mr. Shaw was then transferred to Darrang and Mr. Bhagaiwalla who joined as Deputy Commissioner, Sibsagar was to take up the case; but as he was very busy with Naga operation he could not hear the same early and, at the same time, some information which had to be collected from different authorities did not arrive in time and hence the delay.

Shrimati KOMOL KUMARI BARUA (Katonigoan): Sir, may I know the date of passing the final order and the result of the proceedings against this gentlemen?

CAPT. WILLIAMSON A. SANGMA: As the allegations brought against this officer are not so serious to justify his dismissal, the Government have decided to reinstate him but to stop increments for three years.

Shri BHUBAN CHANDRA PRADHANI (Golakganj): Is it not a fact that this gentleman was a candidate for a post but was not allowed by the Union Public Service Commission to appear in the examination as he tampered his Matriculation certificate by reducing his age by several years?

Shri BIMALA PRASAD CHALIHA (Chief Minister): We have no information.

Shri GAURISANKAR BHATTACHARYA (Gauhati): It appears from the reply that this officer who was under suspension was given subsistence allowance for more than 3 years as his case was delayed for these three years in disposing by Government. In view of the fact that Government has a standing order for expeditious disposal of such cases, will the Government in future dispose of such cases as quickly as possible i. e., within 3 to 4 months?

CAPT. WILLIAMSON A. SANGMA: Yes, Sir,

Members of the Governing Body of the Assam Medical College, Dibrugarh

Shri JOGA KANTA BARUA (Jaipur) asked :

439. Will the Minister-in-charge of Medical Department be pleased to state—

(a) The names of the present members of the Governing Body of the Assam Medical College, Dibrugarh ?

(b) When this Governing Body will be newly constituted ?

(c) What are the functions of this Governing Body ?

Shri RUPNATH BRAHMA (Minister, Medical) replied :

439. (a)—

Life Member

1. Shri Murleidhar Jalan.

Ex-Officio Members

1. The Principal, Assam Medical College, Dibrugarh—Vice President.

2. Dr. P. N. Barua, Professor of Clinical and Operative Surgery, Assam Medical College--Secretary.

Members

1. Shri Lakheswar Borooah, B.L., President.
2. Dr. Hem Chandra Barua--deceased. The vacancy not yet filled up.
3. Shrimati Padmakumari Gohain.
4. Dr. Apurba Chandra Dutta.
5. Maulavi Faiznur Ali, B. I.
6. Shri Dalbir Singh Lohar.
7. Shri Jadab Chandra Khaklari.

(b)—On 6th June 1958.

- (c)—(i) Selection of students for admission subject to the provision of rules,
- (ii) to award scholarships and studentships subject to the approval of the Director of Health Services, Assam,
- (iii) to award the punishments or deprivation of scholarship, rustication for a period not exceeding one year and expulsion,
- (iv) to consider, examine and initiate projects for the improvement of the College,
- (v) to advise Government through the Director of Health Services, Assam with regard to inclusion of additional subjects in the scheme of studies of the College,
- (vi) to advise the Director of Health Services, Assam with regard to changes of staff.
- (vii) to take such measures as they consider necessary to ensure the comfort and convenience of the boarders,
- (viii) to deal with any question referred to them by the Director of Health Services, Assam or Government and,
- (ix) to exercise such additional functions as may, from time to time, be assigned to them by the Government.

Shri JOGA KANTA BARUA (Jaipur): Is it a fact that the Hospital attached to the Medical College does not fall within the purview of this Governing Body ?

Shri RUPNATH BRAHMA (Minister, Medical) : The Members may go and look into the Hospital and make suggestions.

Shri MOHI KANTA DAS (Barchalla) : When was this Governing Body constituted ?

Shri RUPNATH BRAHMA (Minister, Medical): Nearly three years back, Sir. It is going to expire very soon.

Shri DANDESWAR HAZARIKA (Morongi): Sir, it appears from the reply that almost all of the non-official members of this Governing Body are from Dibrugarh, may I know from the Government whether they will consider.....

Mr. SPEAKER: Order, order. This matter has already been discussed in this House in connection with a similar question; so it need not be raised again.

Shri LALIT KUMAR DALEY [Moran (Reserved for Scheduled Tribes)]: It appears from reply to question (c) in (vi) that one of the functions of this Governing Body is to advise the Director of Health Services, Assam with regard to changes in the staff. May I ask the Government how many such advices the Minister in charge has received from this Body with regard to changes of staff?

Shri RUPNATH BRAHMA: I require notice of this question, Sir.

Shri JOGA KANTA BARUA (Jaipur): Will the Minister-in-charge consider that the Assam Medical College Hospital is brought within the purview of this Governing Body?

Shri RUPNATH BRAHMA: I will look into it and see if anything can be done.

**The Assam Weights and Measures (Enforcement)
Bill, 1958.**

Shri GAURISANKAR BATTACHARYYA (Gauhati): May I raise a point of order, Sir? I find in today's agenda that the Assam Weights and Measures (Enforcement) Bill, 1958, is going to be considered. Now Sir, in this connection I beg to refer to Rule 67 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly. This rule reads like this, "A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character." This rule, Sir, is analogous to the Rules of Procedure and Conduct of Business in Lok Sabha, I refer

to Rule 70 where it is stated, "A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character". You will see Sir, that the wordings are similar. Now, if the Bill before us that is, the Assam Weights and Measures (Enforcement) Bill, 1958, we find here in clause 43 "Power to make rules," there it is stated "(1) The State Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act, Secondly, in particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely etc...." The details are here and I shall not read them as hon. Members have got copies of the Bill with them. Now, it will be seen from this clause that delegation of very important power is envisaged in this Bill. Then we also see in clause 40.—Delegation of powers "The State Government may by notification in the official Gazette, etc, etc." We find here that in this Bill as required by rule 66 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, a financial memorandum has been attached, that is at pages 12, 13 and 14 of the Bill. But as required by Rule 67, no memorandum on subordinate legislation has been attached. Now in the Lok Sabha we find that the analogous Rule 70 is always followed and if there is any breach of the rule no Bill is allowed to pass in Parliament. For example, I may refer here to the latest Bill of the Government of India, the Gift Tax Bill, 1958 which was moved by the then Union Finance Minister, Shri Jawaharlal Nehru. In that Bill we find that there was a financial memorandum and there was also a memorandum regarding delegated legislation. Similarly also we find the same thing in the Rice Milling Industry (Regulation) Bill, 1958 which was introduced by Shri Ajit Prasad Jain. There also we find the financial memorandum as well as the memorandum regarding delegated legislation. So from these we find that the rules and procedures are followed. Now, in order to discuss and pass this Bill now before us, it is very clear that we must observe the mandatory rules that are provided for in the Rules of Procedure and Conduct of Business in this House. So, Sir, I beg to submit that you will be pleased to give a ruling on this point and the Government will be pleased to withdraw the Bill to submit it again to this House after the necessary provisions and formalities as required under the rules are followed.

M. MOINUL HAQUE CHOUDHURY (**Minister Agriculture**): What is the purpose of this rule is to be understood clearly. This rule 67 says that when delegated legislation is contemplated the House shall not be kept in darkness about its extent and scope. Rather the House should be told as to the scope of such legislation and stating also whether they are of normal or exceptional character. The meaning of this is this—the House must know before authorising such legislation as to what would be the scope of that authority. Now, in this case it is not an omnibus reservation by merely stating that the Government of Assam would have a right to legislate, rather it said that the “State Government by notification”, I am referring to clause 40 of the Bill, “in the official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matter and subject to such conditions as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification”. Sir, Clause 43, sub-clause (1) reads thus “The State Government may by notification in the Official Gazette, make rules to carry out the purpose of this Act.” But this point has not been kept vague from this House. Then sub-clause (2) of the above Clause reads thus—“In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters” and then the matters have been enumerated. Therefore, Sir, due to the above Clause no separate memorandum is necessary because this sub-clause is very clear and the matters to be covered by the Subordinate legislation are clearly stated therein. Hence, Sir, I think this objection is of a technical in nature and it is not such for which the Government has to withdraw the Bill.

***Shri HARESWAR GOSWAMI (Rampur)** : Sir, in the old rule there was no provision like Rule 67 which has been incorporated in the Rules of Procedure and Conduct of Business in Assam Legislative Assembly. This was done with the purpose that whenever the State Government gets the power of bringing rules under the Act, for implementing it, this power which is a delegated power must be specifically stated and its scope may be well defined. Therefore, this provision was introduced. Sir, if you look to Rule 67, it clearly states—“A Bill involving proposals for the delegation of

legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character". The whole thing has to be read together, it could not be read piece-meal and therefore, the memorandum is to say whether they are of normal or exceptional character and this has been corroborated from the Lok Sabha Rules of Procedure and Conduct of Business. Also we find in Clause 22 of the Rice-Milling Industry (Regulation) Bill, 1958 about the memorandum regarding delegated legislation. The clause reads thus—"Clause 22 of the Bill empowers the Central Government to make rules in respect of matters specified therein. They relate *inter alia* to the form of application for the grant of permits and licences, the manner in which an investigation is to be made under this Act, the fees which may be levied for the grant or renewal of a licence, the conditions subject to which licences may be granted, the returns which have to be submitted by the owners of the rice mills and the form and the manner in which appeals may be preferred and disposed of. The matters in respect of which rules may be made are of routine and administrative character. Moreover, the rules shall be subject to the scrutiny of Parliament. The delegation of legislative power is thus of a normal character".

And similarly the Memorandum regarding Delegated Legislation we find in Clause 47 of the Gift-Tax Bill, 1958 which reads thus—"Clause 47 of the Bill authorises the Central Board of Revenue to make rules with respect to matter like the manner in which market value of property gifted may be determined in cases where they are not easily determined, the form in which returns may be made under the Act, the form in which appeals should be filed or notices of demand issued and the manner in which refunds may be made. The rule making power is of normal character".

Sir, the House may be informed whether they are of normal nature or exceptional nature. If they are of exceptional character, unless we are in a position to decide, the Government will be well advised to refer the matter to the Legal Remembrancer to say whether they are of normal or exceptional character. If we are told that they are of normal character then of course we may not be very strict about it, but if they are of exceptional character then the question comes in that the Bill cannot be taken into consideration by the House. Therefore, this memorandum is very important. This Provision has been clearly envisaged in Rule 70 of the Rules of procedure and Conduct of Business in Assam Legislative

Assembly. Sir, if we go into Rule No.67 of the Assam Legislative Assembly Rules then we will find that this rule was incorporated with the purpose that we may not be taken by surprise, we may not be kept in darkness and whatever power is legislated by the State Government, we should know the scope of the legislation. Clause 43 (I) of the Bill which the Hon'ble Minister for Agriculture has just now stated does not provide sufficient ground for taking the Bill into consideration, the provision of the memorandum regarding Delegated Legislation is not there and unless that is clearly stated the purpose of Rule 67 will be nullified and the State Government may take more power than we are willing to give. Therefore, Sir, I submit that it will be in the fitness of things that what I have said is to have a very clear picture of the power given from us to the Government, so that we may know definitely whether they are of normal or exceptional character and unless that is not known, this Bill cannot be taken into consideration by the House.

*** M. MOINUL HAQUE CHAUDHURY (Minister, Agriculture, etc.):** Sir, after I have heard the Leader of the Opposition about the position of the Bill, the Government will require some time to prepare the memorandum so that it may be circulated to the hon. Members of the House, then after that the Government will come up before the House with this Bill.

***Shri HARESWAR GOSWAMI (Rampur):** Till the memorandum comes, the Bill shall have to be kept pending and then come up again before the House as a fresh Bill.

Mr. SPEAKER: I am grateful to the hon. Member from Gauhati as well as the Leader of the Opposition to bring this to the notice of the House as well as to my notice. The Assembly Rules were published on 18th December, 1957 and Government were not aware of the implication of Rule 67 when this Bill was brought before the House. Therefore, Rule 67 of the Rules of Procedure and Conduct of Business made it obligatory that any Bill asking for rule-making power of the Government must be accompanied by a memorandum explaining such proposals including their scope. The memorandum also must state whether they are of normal or exceptional character. In view of this rule, this Bill as well as the other two Bills on the list of Business, *viz.*, (1) the Assam Agricultural Produce Markets Bill, 1958 and (2) the Assam

Agricultural Produce Market Registration Bill, 1958 should have been accompanied by an aforesaid memorandum. The hon. Members from Opposition also should have attracted notice of the Speaker to this aspect of the matter earlier. Therefore, under this Rule the House is not in a position to continue the discussion of the Bill, and until such time a memorandum contemplated under Rule 67 of the Assembly Rules is circulated to the hon. Members. I am also grateful to the Honble Minister who has introduced the Bill that he has agreed to discuss the Bill till circulation of such memorandum. It will be also in consistent with the dignity of the House which has already taken it into consideration as well as permitted the Bill to be introduced. Therefore I would suggest that this discussion on the Bill may be withheld to-day, and as soon as the memorandum is furnished, they will be taken into consideration and discussed in this House. The time in respect of this Bill, as usual, will be decided by the Business Advisory Committee.

I hope this suggestion finds favours with the hon. Members of this House.

Report of the Board of Directors of the Assam Financial Corporation

***Shri DEBESWAR SARMAH (Minister, Finance) :**
Mr. Speaker, Sir, I beg to lay out in accordance with Sections, 37 (7) and 38 (3) of the State Financial Corporations Act, 1951 the copies of the "Report of the Board of Directors of the Assam Financial Corporation for the year ended on 31st March, 1957 and Accounts" and "the Inspection report of the audit of the accounts of the Assam Financial Corporation for the year 1956-57".

Government Resolutions

Resolution for approval of an expenditure of Rs.4,61,018 under the head—"50 Civil Works", etc.

Shri DEBESWAR SARMAH (Minister, Finance):
Sir, I beg to move that this Assembly do approve of an expenditure of Rs.4,61,018 under the head—"50 Civil Works—State—(excluding Establishment and Tools and Plant). The amount below will be met from the same grant. The items are given below and the reasons for this is given in the Explanatory Note, Sir.

Shri GAURISANKAR BHATTACHARYYA (Gauhati):

Mr. Speaker, Sir, I beg to oppose this Resolution on the following grounds. Sir, here in the Resolution as it has been placed before this House, it is stated that the House should approve of an expenditure of Rs.4,61,018 under the Head—"50.--Civil Works". Now a copy of the Report with the Explanatory Note has been circulated to us, and here in that copy it has been said in the Explanatory Note that the necessity of each scheme has been explained in the schedule which has been attached. In the normal budget there is a considerable amount of provision for new works for construction of buildings of other Departments of the Government for which selection of sites and preparation of estimates have not yet been finalised and as such it is anticipated that the amount provided for the work in the budget will not be fully utilised, etc. Now, Sir, it has been admitted by the Hon'ble Finance Minister that at the time when the Government had come before the House with such a budget they were not even prepared with the selection of site or preparation of estimate. Without knowing the sites, without knowing the estimates, they made us to believe that for a particular item we should vote for the money and we in our simple-mindedness believed that now that the Government has come with certain demand they must have the necessary preparation for it and when they want the money they must be in a position to spend it. So we had to vote it, and pass it and as a matter of fact when the time was so very limited and when the budget was so voluminous we had to rush through within a few days. So it was not possible for any hon. Member of this House to scrutinise every item very carefully and also to scrutinise on the spot. It is not possible for the hon. Members to go to the spot to see whether what has been written in the budget, in the Memorandum was the fact, so far as the real condition and place is concerned. We take it for granted that when the Government has made the demand for a particular item, say for example, that the Government knows at least the site. The Government have surely power to prepare the estimate. There may be a little variation, for example there may be a demand for rupees ten thousand. Instead of ten thousand the real expenditure may be 9,500 or 10,500. That much variation may be there. But that there is no selection of site and that there is no estimate, that is astounding for us. It has been said that after all the Public Works Department construct not only the buildings, roads and bridges which are directly under the Department, but also that Department constructs buildings and other things pertaining to other Departments and hand them over to the respective Departments.

They move for the finances. This is not at all new. Take for instance the Education Department—so far as the college is concerned, it is run by the Education Department. So far as the building is concerned, it is constructed by the Public Works Department, the repairs are also done by the Public Works Department. That is being always done. So this is not a new thing for the Finance Minister to come before the House and consider it afresh. Now, Sir, we find another thing. Here we find that there was an original total grant for the general for Rs.3 crores 31 lakhs and 9,400; to-day we are told that some of the amount was quite unnecessary, because they had no site or estimates. But the Department came with a supplementary demand and we have given rupees 3 crores and that is not enough. Something more was asked for by way of supplementary demand and it is one lakh 34,900 rupees. So not only at the time of general budget even after a few months of the budget they do not know where they stand. They think that whenever they want money they will come up with the demand, get it passed and surrender it if they do not require it or cannot spend it. This is a "Go as you please" policy. That there should be some strict supervision and that there should be some plan and accurate estimates—that principle is lacking. It is further proved by the fact that in addition to the general budget, the Government had taken another grant by way of a supplementary grant to the tune of Rs.1,34,000 and for the Sixth Schedule Areas Rs.10,99,623. Then we have to find, though it is stated in the explanations given by the Government as to where they would spend the amount and wherefrom they had saved the amount and from what items, and wherefrom this money had been received. I shall read out from the booklet, if the Government could point out from it wherefrom they got for those particular items and why money could not be spent. So far this specific reason and for the reasons which are very cogent, the House should be satisfied that due to circumstances beyond the control of the Government the money was saved and the money was diverted.

Then another thing. So far as reappropriation is concerned, no doubt Government has been given power to re-appropriate money from one head to another, for which the Constitution has given exceptional power to the Government. But, Sir, the House should see whether a reappropriation is made properly or not and whether the money reappropriated is properly spent or not by the Government. If it is not made clearly, then it would not be true to say that this House which is the custodian of public money should be taken into confidence by the Government.

We are here in this House as representatives of common men and we are not experts. When things are placed before us they should be placed in a simple way so that the representatives of common men understand, but these things are done in a round-about way. Therefore, it is difficult for the hon. Members of this House to understand what is what. The very way in which the Government has brought this Resolution before the House and the explanations given in the memorandum clearly show that the Government has only brought a cryptic Resolution which has been moved before this august House. Perhaps Government thought that this was the custom that Government would come to this House with a Resolution and get it passed. As it appears, the Government think that they have over-whelming majority, there is party discipline, and Government has not only the Ministers but other hon. Members, who belong to the Congress Party. So whatever they place, will be passed. But, Sir, every hon. Member of this House has a duty to perform whether they belong to the Opposition or to the Congress Party, whether they have been acting as watch-dogs for the public money and whether they should see that every pie which has been spent by the Government has been spent in a proper way. Therefore, Sir, I claim specially that it was not clarified as to wherefrom that money has been saved and wherefrom that money has been received and whether due to circumstances beyond the control of the Government the public money has been saved. Unless and until these things are clearly stated I am not in a position to agree to this re-appropriation Resolution. Therefore, Sir, I oppose this Resolution.

Shri DEBESWAR SARMAH (Minister, Finance): Mr. Speaker, Sir, I beg to submit that when the hon. Member for Gauhati said the items where savings were made should have been shown, I would concede that that contention carries some force. The representatives of the people ought to know what items of expenditure could not be incurred. Here, in accordance with the practice and principle followed in this House, the major heads are shown. Hereafter, this criticism will be borne in mind, and we shall try to show under what items of expenditure money could not be spent.

As regards re-appropriation of money in some items, the hon. Member's contention does not carry any force. All these circumstances as have happened were foreseen as the Constitution of India has enjoined provision for such eventualities and the Budget Manual has laid down the rules of procedure. If the

amount, involved are not big, it is not necessary for the Government to come before the House and perhaps I would not have brought these before the House with these Resolutions. Since these figures are sizeable, I am bringing this Resolution before the House. Article 205(2) read with Article 204 of the Constitution of India lays down what is to be done in such circumstances.

Article 205(2) runs as follows:—

The provisions of articles 202, 203 and 204 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or grant”.

Shri GAURISANKAR BHATTACHARYA (Gauhati) :
Sir, I simply said that Government have all powers.

Shri DEBESWAR SARMAH (Minister, Finance) :
Then, Sir, the Budget Manual Rule 99 says—“When it is required at a stage after the authentication of a schedule to incur expenditure on a new form of service, a demand for the full amount of the expenditure will be presented irrespective of the fact that savings may be available in the authenticated grants from which the new expenditure could be met, such savings being dealt only by surrender to the Finance Department. If, however, the expenditure is to be incurred on an existing or recognised service, the submission of a demand is not compulsory when it can be met from the savings anticipated. If, however, the explicit concurrence of the Legislature to such an item of expenditure is considered necessary on account of its extent, importance or any other reason, it may be obtained through the process of a resolution”.

Mr. SPEAKER: The Honourable Finance Minister is quoting from a book, which I find, even my Secretariat is not having it and I send for a copy of the book, *viz.*, Budget Manual. Whenever any quotation is made from a book it would be not only available to Hon'ble Ministers but also to every Member of this House except in cases of books which are available only in the British Museum.

Shri DEBESWAR SARMAH (Minister, Finance): Sir, I am sorry. What is being stated by the Chair is perfectly correct. There are lots of Manuals and other books which are not available now.

Mr. SPEAKER: This Budget Manual according to which the Finance Department has prepared the Budget is not only not available to the hon. Members of this House but also to the Assembly Secretariat. Every time I have to borrow the Hon'ble Finance Minister's copy.

***Shri DEBESWAR SARMAH (Minister, Finance):** Sir, Government unhappily is aware of this state of affairs, and Government are taking steps to get it reprinted, but this will take little time.

Mr. SPEAKER: It should be made available to all concerned at the earliest possible moment by the Government.

***Shri DEBESWAR SARMAH:** We shall remember this very healthy suggestion from the Chair, but as is well known to you, Sir, we are in deficit in so many matters and particularly in printing matters we are far behind and so we are trying to make up our needs as early as possible.

Now, I come to the contention as to why this money could not be spent, and why this amount was included in the budget if the site of the building was not selected. For the third time, Sir, I am repeating that our budgetary practice is such that this cannot be helped. I have been applying my mind in this respect not only in the Secretariat but also in the Cabinet and we have been trying to see how matters can be improved. It is my desire that things must improve in all Departments to bring about consistency. As a matter of fact things like this are happening from many many years back—they were happening even before 1937. Even after independence we have not been able to set our houses right. Therefore, Sir, I submit that it will take time to improve matters. I stated about this in my reply to the budget discussion also and then I enumerated that there are as many as 10 sides to go through before a work can be taken in hand and thus things take a lot of time. We are however trying to improve the system.

***Shri GAURISANKAR BHATTACHARYYA (Gauhati):** Will the Minister be pleased to supply the information where from the money is available?

***Shri DEBESWAR SARMAH (Minister, Finance):** It is not possible to supply the information today, but I can do so later. In future details will be furnished. In our State we are short of 19 engineers and about 74 overseers. When the road work has increased to a great extent at present the Chief Engineer and his other assistants are unable to make much headway with shortage of engineers and overseers. With such shortage of engineering personnel it is humanly impossible to carry out all the works entrusted to the Chief Engineer.

***Shri GAURISANKAR BHATTACHARYA (Guahati):** We are ready to give the Finance Minister a blank cheque, but even then will the Finance Minister be pleased enough to establish a precedent here by keeping the Resolution in abeyance on the reason that he cannot furnish the necessary details?

***Shri DEBESWAR SARMAH:** I have already stated that in future we shall furnish the details. But for the present if the hon. Member so desires I will furnish the information within a month. Therefore, I hope the hon. Member will be pleased to withdraw his opposition.

***Shri GAURISANKAR BHATTACHARYA:** In view of what has been stated by the Finance Minister I withdraw my opposition.

Mr. SPEAKER: The question is that this Assembly do approve of an expenditure of Rs.4,61,018 under the head "50.—Civil Works—State—(excluding Establishment and Tools and Plant)." The amount involved will be met from the sanctioned grant.

(The Motion was adopted).

Resolution for approval of an expenditure of Rs. 6,40,285 under the head "81—Capital Account of Civil works outside the Revenue Account, etc."

Shri DEBESWAR SARMAH (Minister, Finance): I beg to move, Sir, that this Assembly do approve of an expenditure of Rs.6,40,285 under the head "81.—Capital Account of Civil Works outside the Revenue Account, etc." for the items below. The amount involved will be met from the sanctioned grants.

Herein the figures are given below and the Explanation is submitted in the Explanatory Notes and also in Appendix 'A'. In this case I think the hon. Member may give a blank cheque, but if he gives it with his right hand he will perhaps take it back with his left hand. These were sanctioned and the money was also voted. I submit that the same will apply to this also.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Here also, Sir, I have got to say something.

Here the amount is Rs.6,40,285 and it is stated that the works mentioned in the Appendix 'A' are proposed to be met out of the above savings.

A few months ago an amount of Rs.4,40,173 was taken by way of supplementary grant. Now we want to know whether the money is going to be spent. But here also we do not find wherefrom it has been saved. I may refer to item (ii) of the Explanatory Notes where it is stated "There is a considerable amount of provision in the Public Works Department Budget for construction of buildings for other Departments of the Government. But as most of the schemes have not yet been finalised and in some cases sites of the buildings have not yet been selected," etc. In the present Explanation it is stated that most of the schemes have not yet been finalised.....

Shri RANENDRA MOHAN DAS (Karimganj North): It is a printing mistake, because it is in Cachar District probably most of the things have not yet been finalised (*laughter*).

Shri GAURISANKAR BHATTACHARYYA: Most of the things throughout the State have not yet been finalised. Not only that they were not finalised at the time of the last budget but have not yet been finalised, even after a lapse of one year of the sanction of the money by this House. In some cases the sites of the buildings have not yet been selected. Money was granted one year before and even today the sites have not yet been selected, then it is stated that it is anticipated that the amount provided for these buildings will not be fully utilised during the current year. So, everything is vague. It is anticipated that the amount provided for these buildings will not be fully utilised during the current year and the amount required for the works mentioned in the Appendix 'A' are proposed to be met out of the above savings. In this case I find that the Government anticipate that there will be some savings and then somewhere that savings will be re-allotted. The intention may be very good. But after all the money is taken from one head to another for which Government has the discretion.

Government has got the constitutional power, nobody disputes it. They can also do it according to the Budget Manual though my memory about its provisions has become very vague, having read it a long time ago. For the last few years I have been trying to get a copy.....

Mr. SPEAKER: If it is laid on the table, the Hon'ble Finance Minister will have to go without a copy (*laughter*).

Shri GAURISANKAR BHATTACHARYA (Gauhati): I am thinking of becoming the guest of the Finance Minister for a day, so that I may devour not only the contents of the book but also good meals (*laughter*).

Sir, our difficulty is that the Finance Minister is quoting some rules about which we are in complete darkness. At any rate, Sir, although there is constitutional provision and there is also the procedure laid down in the Budget Manual, and there may also be past conventions, the fact remains that it is not budgeting. It may be anything but budgeting, when there are so many hopes and anticipations and when there are so many possibilities and might-bes, it is not budgeting. Will it not be good, Sir, if I may humbly submit, that the Finance Minister gives a jerk to his Department by withdrawing this Resolution? The Department may find out in course of the next 15 days wherefrom they propose to give the money. After all, it is a very important thing. The Finance Minister was kind enough to say that the amount is considerable and the House should be taken into confidence. But as he knows, the House should be taken into confidence on facts and not on wishes. I am not blaming the Finance Minister ; I know the difficulty has not been created by him. The difficulty is created by the machinery itself the machinery which has become so very rusty and rotten. We know, Sir, that a thing cannot rust and rot at the same time, but our machinery has become both rusted and rotten and it needs a thorough overhaul, if not a radical change. I admit that so long as this outmoded machinery is not remodelled it should be pushed and made to serve the people. I would, therefore, humbly suggest that the Finance Minister would be pleased to withdraw this Resolution now, get facts from the Department in the meantime and place it after the recess. There is no hurry about it. If the Resolution is passed after two weeks there will be no topsyturvy of the Budget and the State machinery will go on. As there is no constitutional difficulty also, I think the Finance Minister may accept this suggestion. We have no mind to embarrass the Government as such or to put any obstacle to the smooth running of the administration. It is only with a view to help the administration to pursue a clean line that we propose that the Finance Minister should take some more initiative in cleansing this rotten machinery. Therefore, I would like to request him to withdraw this Resolution for the time being and bring it afresh after some time when he will be in a position to give us details.

Shri DEBESWAR SARMAH (Finance, Minister) : Mr. Speaker, Sir, I want to say only one word. The money has been spent not out of any whim or fancy. This amount has been appropriated and re-appropriated from sanctioned grants. I think most of it has been spent by now. The money has been allotted only with a view to give more services and good to the State. Therefore, while remarks as regards defects in the budgetary procedure are welcome and, to a certain extent appreciated, I submit that no useful purpose will be served by withdrawing this Resolution. I hope, I shall be able to take advantage of the talents from all corners of the House in trying to straighten out matters. I think that should satisfy hon. Member for the future.

Mr. SPEAKER : The question is that approval be accorded to an expenditure of Rs.6,40,285 under the head "81.—Capital Account of Civil Works outside the Revenue Account, etc."

Mr. SPEAKER: The House divided with the following result :—

Ayes—55

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| 1. Shri Bimala Prasad Chaliha. | 14. Maulavi Abdul Matlib Mazumdar. |
| 2. Shri Sidhi Nath Sarma. | 15. Shri Bhuban Chandra Prodhani. |
| 3. Shri Moti Ram Bora. | 16. Shri Bishnu Lal Upadhyaya. |
| 4. Shri Rup Nath Brahma. | 17. Shri Biswadev Sarma. |
| 5. Shri Debeswar Sarmah. | 18. Shri Dandeswar Hazarika. |
| 6. M. Mainul Haque Choudhury. | 19. Shri Dandi Ram Datta. |
| 7. Shri Mohi Kanta Das. | 20. Shri Devendra Nath Hazarika. |
| 8. Shri Girindra Nath Gogoi. | 21. Shri Dhirsingh Deuri. |
| 9. Dr. Ghanashyam Das. | 22. Shri Durgeswar Saikia. |
| 10. Shri Mahendra Nath Hazarika | 23. Shri Fakhruddin Ali Ahmed. |
| 11. Shri Indreswar Khaund. | 24. Shri Hamdhan Mohan Haplangbar. |
| 12. Mr. A. Thanglura. | 25. Shri Harinarayan Barua. |
| 13. Shri Abdul Hamid Chaudhury. | |

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| 26. Shri Hem Chandra Chakravarty. | 39. Shri Mahananda Bora. |
| 27. Shri Joga Kanta Barua. | 40. Shri Mahidhar Pegoo. |
| 28. Mrs. Jyotsna Chanda | 41. Shri Malia Tati. |
| 29. Shri Kamala Prasad Agarwala. | 42. Shri Narendra Nath Sarma. |
| 30. Maulavi Kobad Hussain Ahmed. | 43. Shri Omeo Kumar Das. |
| 31. Prof. (Shrimati) Korrol Kumari Barua. | 44. Shrimati Padma Kumari Gohain. |
| 32. Shri Lalit Kumar Doley. | 45. Shri Radha Charan Choudhury. |
| 33. Pu Lalmawia. | 46. Shri Radha Kishan Khemka. |
| 34. Shri Larsingh Khyriem. | 47. Maulavi Rahimuddin Ahmed. |
| 35. Shri Lila Kanta Barah. | 48. Shri Rajendra Nath Barua. |
| 36. Shrimati Lily Sen Gupta. | 49. Dr. Ram Prasad Chaubey. |
| 37. Maulavi Mahammad Idris. | 50. Shri Ranendra Mohan Das. |
| 38. Shri Manik Chandra Das. | 51. Shri Sarat Chandra Goswami. |
| | 52. Shri Sarbeswar Bordoloi. |
| | 53. Shri Tajammul Ali Barlaskar. |
| | 54. Shri Tamijuddin Prodhani. |
| | 55. Capt. Williamson A. Sangma. |

Noes—10

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| 1. Shri Gaurisankar Bhattacharyya. | 6. Shri Mathias Tudu. |
| 2. Shri Ghanashyam Talukdar. | 7. Shri Nilmoney Barthakur. |
| 3. Shri Gopesh Namasudra. | 8. Shri Pakhirai Deka. |
| 4. Shri Hareswar Goswami. | 9. Kumar Prakritish Chandra Barua. |
| 5. Shri Hiralal Patwary. | 10. Dr. Sri Hari Das. |

(The Resolution was adopted.)

Government Resolution re: approval of an expenditure of Rs.33,000 under the Head "39—Public Health"

Shri RUPNATH BRAHMA (Minister, Medical): Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.33,000 under the head "39.—Public Health"

by re-appropriation from savings from the sanctioned grant as indicated below:—

	General	Sixth Schedule (Part 'A' Areas)	Total
	Rs.	Rs.	Rs.
39.—Public Health—			
(1) Grant originally voted by the Assembly.	7,31,800	8,07,600	95,39,400
(2) Sub-head under which the re-appropriation will be accounted for (i)—G.—Works—(b)—Repairs—
2. In-charge of Civil Officers	33,000	...	33,000
(3) Sub-head from which the amount is to be re-appropriated—(i)—G.—Works—(a)—Original Works—			
3. In-charge of Civil Officers	33,000	...	33,000

Sir, I could appreciate the points raised by our esteemed Friend, Shri Gaurisankar Bhattacharyya, with regard to the Resolution moved by the Finance Minister. I can assure the hon. Member that in future we will try to give as much details as possible.

Mr. SPEAKER : The motion moved is that this Assembly do approve of an expenditure of Rs.33,000 under the Head "39—Public Health" by re-appropriation from savings from the sanctioned grant.

Shri GAURISANKAR BHATTACHARYYA (Gauhati) :
Sir, I am happy this time to see that so far as this Resolution is concerned—the amount is rather small—the Hon'ble Minister has been pleased to give us the items from which the amount is saved unlike the other Resolutions. In this Resolution we find that he has given the sub-head from which the amount is to be re-appropriated and it is shown as "(i)—G.—Works—(a) Original Works—", 3. In-charge of Civil Officers. I am glad that the Minister has also assured that he will give more details in future for which I am thankful to him and so we do not propose to oppose this Resolution.

Mr. SPEAKER : The question is that this Assembly do approve an expenditure of Rs.33,000 under the head "39.—

Public Health'' by re-appropriation from savings from the sanctioned grant as indicated below:—

39.—Public Health—

	General	Sixth Schedule (Part 'A' Areas)	Total
(1)	(2)	(3)	(4)
	Rs.	Rs.	Rs.
(1) Grant originally voted by the Assembly.	87,31,800	8,07,600	95,39,400
(2) Sub-head under which the re-appropriation will be accounted for (i)—G.—Works—(b)—Repairs.
2. In-charge of Civil Officers ...	33,000	...	33,000
(3) Sub-head from which the amount is to be re-appropriated (i)—G.—Works—(a)—Original Works—
3. In-charge of Civil Officers ...	33,000	...	33,000

(The Resolution was adopted.)

Government Resolution re: approval of an expenditure of Rs.11,284 under the Head "39.—Public Health"

Shri RUPNATH BRAHMA (Minister, Medical) : Mr. Speaker, Sir, I beg to move that this Assembly do approve of the expenditure of Rs.11,284 under the head "39.—Public Health" by re-appropriation from savings from the sanctioned grant.

Mr. SPEAKER : The Resolution moved is that this Assembly do approve of the expenditure of Rs.11,284 under the head "39.—Public Health" by re-appropriation from savings from the sanctioned grant.

(The Resolution was adopted.)

Government Resolution re: approval of an expenditure of Rs.63,56,010 under the Head "18-B and 68-B.—Navigation, Embankment and Drainage Works"

M. MOINUL HAQUE CHOUDHURY [Minister, P.W.D. (E. & D.)] : Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.63,56,010 under the head "18-B and 68-B.—Navigation, Embankment and Drainage Works" by re-appropriation from savings from the sanctioned grant.

Mr. SPEAKER: The Resolution moved is that this Assembly do approve of an expenditure of Rs.63,56,010 under the head "18-B and 68-B.—Navigation, Embankment and Drainage Works" by re-appropriation from savings from the sanctioned grant.

Shri GAURISANKAR BHATTACHARYA (Gauhati): Sir, I want some clarification with regard to this Resolution because the amount involved is pretty big—it is Rs.63,56,010. Of course the work is also important. Now, with regard to the works of this Navigation, Embankment and Drainage Wing there is a lot of criticism both in this House and outside and sometimes it is said that certain works instead of doing good to the people, they are more harmful and the Explanatory Notes given also do not give us full light in the matter. I am not going into details but I only point out to item 4 at page 3 of the Resolution. The Explanatory Notes say—'Savings are due to the following reasons'—one is that, 'Against the Budget provision of Rs.2,12,62,500 for Flood Control works during the current financial year the Government of India have allocated only Rs. 112 lakhs. The savings of Rs.1,00,62,500 is, therefore, utilised now to meet the requirements for the above items' and in (ii) it is said 'Due to dearth of qualified candidates vacant posts could not be filled'. With regard to No. (i) I want more elucidation, and with regard to No. (ii) I would like to know what were the posts that were left vacant and so were not filled up; what qualification is necessary for these posts and whether advertisements were given in the Gazette and also in some important newspapers for filling up the said posts, whether in spite of every effort on the part of the Government these posts could not be filled up or whether Government do not think it necessary to make efforts by advertising in the Gazette and important newspapers in filling up the posts. On that point I want more details.

Now, as I have said, with regard to No. (i) we want to have more details, we want to know the present position where do we stand? These are the points on which I should like to get clarification.

M. MOINUL HAQUE CHOUDHURY [Minister, P.W.D. (E. & D.): Last year when the Planning Commission's approval came, it was very late. By that time the Budget was presented before the House including all the tentative schemes submitted to the Planning Commission without knowing which one would be accepted. The allocation for the year 1957-58, was pruned down by the Planning Commission. Hence there was a saving. For the current year the Government of India had

allocated Rs. 112 lakhs only ; the result is this that a large number of schemes had to be abandoned. In fact, Sir, while I was replying to the Budget discussions I gave out the details. This point was raised by my Friend, Shri Durgeswar Saikia, and in reply to his points I gave full details and the causes for which many schemes could not be provided for in this year's Budget. This year some schemes have been taken up for which a sum of Rs. 112 lakhs or so has been allocated by the Government of India. This is a meagre sum. So the saving is sought to be reappropriated for taking up some very urgent works. Of course my Friend did not criticise on that point. He has asked for details. Broadly speaking, Sir, this money is going to be spent under two heads. One is to repair some of the damages caused by floods. As you know, Sir, the flood last year was rather unprecedented in many places particularly in Kamrup and North Lakhimpur resulting in that a large number of embankments were breached and these have got to be repaired. Now, for repair works the money provided in the normal budget was too meagre. Therefore, by this re-appropriation we propose to secure some money for the purpose. Secondly, we want to raise the embankments to avoid over-topping.

With regard to the second point about the posts lying vacant : These posts, Sir, start from Executive Engineers' posts down to those of Overseers. These are all technical posts and there are vacancies which could not be filled up for want of qualified personnels. These posts were duly advertised in the Gazette as well as in all approved newspapers but qualified persons were not forthcoming. There is acute shortage of such personnels not only in the Public Works Department Wing but also in the Embankment and Drainage and Flood Control Wing. As many of these posts could not be filled up due to dearth of qualified personnel in spite of Government's best effort to fill them, the result is that there is a considerable saving under this head.

I hope, Sir, my Friend is satisfied with these clarifications with regard to the points raised by him.

Mr. SPEAKER: The question is that this Assembly do approve of an expenditure of Rs.63,56,010 under head "18-B and 68-B.—Navsgation, Embankment and Drainage Works" by reappropriation from savings from the sanctioned grant.

(The Motion was adopted.)

Government Resolution re : approval of an expenditure of Rs.19,350 under the Head "37.—Education"

Shri DEBESWAR SARMAH (Minister, Finance, for Minister, Education): Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.19,350 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant. It is stated in the Explanatory Notes that the saving is due to the fact that the purpose for which the amount was provided could not be achieved fully due to non-availability of technical personnel to prepare and execute such schemes.

Mr. SPEAKER : The motion moved is that this Assembly do approve of an expenditure of Rs.19,350 under the head "37.—Education" by reappropriation from savings from the sanctioned grant.

Shri GAURISANKAR BHATTACHARYYA (Gauhati): Mr. Speaker, Sir, here the responsibility for the proposed re-appropriation was for "M"—Government Special Schools (c) Technical Education-IV-Srikona Vocational Training Centre". There is no explanation as to what has happened about the Artisan Scheme, whether it was not taken up at all or whether it was partially done or abandoned and whether the original scheme was in excess than what is necessary.....

Mr. SPEAKER : I am sorry to intervene.

It is stated in the Explanatory Notes that the saving is due to the fact that the amount that was provided could not be achieved fully due to the non-availability of technical personnel and the Hon. Minister has also said that the scheme could not be implemented as the target could not be achieved because of the non-availability of suitable persons.

Shri GAURISANKAR BHATTACHARYYA: Sir, I would like to know whether in this particular case the difficulty was stupendous as was the case with other matters. Just now the Agriculture Minister has said that it is very difficult to get qualified persons and that our Engineering institution also could not produce sufficient number of such personnel and in other States also these sorts of things are increasing, and therefore, in spite of our best efforts we do not get adequate number of technical personnel. That may be the case but I say that these people are available within the State itself. But because these people in our own State are not given proper scope, and proper treatment, therefore, sometime they prefer to join private companies or firms or they

prefer to go and get their jobs outside the State. In this particular case, I don't think that the analogy in respect of shortage of technical personnel will apply, because here so far as the personnel are concerned, they don't have to be highly qualified personnel such as Engineers, etc. Now we find in our own State sufficient number of such capable artisans are there who can serve and prepare such schemes and that number has been further increased by the coming of some experienced artisans from East Bengal, the refugees to our State and to these refugee artisans we have only given some loans just to give them certain reliefs and after some time the loans given to them are exhausted they again become unemployed. Therefore, I say unless their capacity is properly utilised these people will remain unemployed. I would request the Government to see this point of view and utilise these refugee artisans for the benefit of our State and by doing that we are also at the same time helping these people for proper rehabilitation. If the technical personnel available within the State are not utilised for our various schemes, either for ordinary or important schemes these difficulties will not be obviated. Therefore, I would like to know from Government whether efforts are being made to find out suitable men from among the indigenous artisans and the refugees who have come to stay in our State. On that point I would like some more light from the Minister concerned.

Shri DEBESWAR SARMAH (Minister, Finance): Sir, in the Explanatory Notes it has been clearly stated that technical personnel to prepare and execute the schemes are not available. It is obvious that from Special schools (g) integrated scheme of Vocational and Artisan Scheme the amount has been reappropriated to Vocational Training Centre, the money has not been diverted from one type of school to another type of school, but it is due mainly to the fact that technical personnel are not available and so the amount that was provided for the purpose could not be achieved fully. Therefore, this reappropriation was made from the sanctioned grant itself.

Mr. SPEAKER: The question is that this Assembly do approve of an expenditure of Rs.19,350 under the head "37—Education" by reappropriation from Savings from the sanctioned grant.

(After a pause)

(The Resolution was adopted.)

Now there is discussion on the Report of the Public Accounts Committee.

Discussion of the Report of the Public Accounts, Committee on the Appropriation Accounts 1953-54 and Audit Report, 1955—Part II, Audit, Reports—Part I, 1955, 1956 and 1957, etc.

***Shri HARESWAR GOSWAMI (Rampur):** Mr. Speaker, Sir, we are thankful to the Public Accounts Committee for their work in respect of the scrutinization of the Appropriation Accounts, 1953-54 and Audit Report, 1955, Part II and Finance Accounts, 1953-54 and Audit Report, 1954. We are also thankful to the Public Accounts Committee for certain valuable suggestions they have made regarding the procedure to be followed in the Public Accounts Committee. Till now the procedure was only to examine the Heads of the Departments and now we have decided after the advice tendered by the Chairman of the Public Accounts Committee of Lok Sabha that henceforth the Departmental Secretaries will appear before the Committee and will be responsible for their own Departments and that they should in the fitness of things be directly responsible to the Public Accounts Committee. Secondly, Sir, another important suggestion has been made by the Public Accounts Committee to draw departmental proceedings against any persons who are guilty of any offence like misappropriation, etc. Along with the criminal prosecution up-till now the old procedure was to wait till the criminal investigation is over or the trial is over. Now it has been decided that whatever be the result of the criminal proceedings and even if it is pending criminal proceedings, departmental action will be taken. It becomes necessary because we have found that very often due to lack of proper legal evidence it may not be possible to hold a certain person guilty or fixing with the responsibility for the commission of certain offences, and therefore he may be acquitted. But actually the fact remains that the offence was committed and the Department should proceed in that way. The present Report of the Public Accounts Committee was a move in the right direction and that has been followed from the Home Department Circular of the Central Government. Sir, what pains me is that when I go through the report, I find that the labour undertaken by the Public Account Committee has gone in vain almost everywhere.

They make the same recommendations, but unfortunately they are not acted upon. Now we find that so far as the budget itself is concerned, the budget is never prepared accurately. I agree with the Finance Minister when he said during the speech on the budget that it is not possible to have accurate budgeting and in a society where we have undertaken developmental activities often the sanctions are to be obtained from the Centre and so it may not be possible to have all the figures down in the budget, but the error should be very narrow. But when I go through the Report of the Public Accounts Committee this year the margin of error is as wide as before. This points to one thing. Although for the successive previous years the Public Accounts Committee hammered on this point that the Government should not go in for Supplementary Demands when the Departments are doing that. Although it has been hammered that we should accurately or as accurately as possible prepare the estimate, that is not done. Although it is hammered that Government should not go in for the demand unless the scheme matures or you know that the scheme will be undertaken, till then you should not take any money. That is going unheeded. I shall show from the report itself. At page 2 of the report it is said—"In the year in question there is a savings totalling Rs.4,71,53,173 in as many as 49 out of 52 grants. Out of these, in 40 cases the savings ranged from 5 per cent to cent per cent. Similarly, there were savings of Rs.2,23,01,733 in 9 out of 11 charged appropriations. In 7 of these cases, the savings ranged from 5 per cent to cent per cent". This is really very surprising, Sir. Now what is the use of coming before this House with demands and getting them passed, if you are not in a position to spend that money? After all they think that whenever they want money they can get it passed in the House. Even in the month of March just before the close of the year we find there is Supplementary Demand, knowing fully well that the scheme is still to be approved. Yet the money is taken. It may be said that the money has not gone elsewhere; it may come to the reserve fund, etc. On the other hand there is another side of the picture. When some Departments are starving for lack of money and when you allot the money for a Department which cannot spend it, it is surely bad budgeting, and this matter has to be looked into very carefully. Similarly, we find—"Supplementary grants were obtained during the course of the year in 44 cases. Out of these in 22 cases, the supplementary grants proved to be wholly unnecessary while in 15 other cases the supplementary grants were found to be far in excess of

actual requirement." So my point is that we may have the money at our disposal, but it is necessary to see that the money is spent properly and for the purpose for which it is allotted. Secondly, we have to see that no Department is zealous to keep money for itself. After all we have to develop our State in a balanced manner and therefore if a particular Department is very zealous of its funds and does not surrender it in time, knowing well that it does not require the money in that case another Department which is perhaps going short of funds will be affected. Therefore, I say that there is lack of co-ordination in the Government. I do not mean only the present Government, I mean even the previous Governments. This is another proof of lack of co-ordination. This has to be discouraged very firmly. I hope in future we will see that because there is provision in the Articles of our Constitution that the Government can come by way of supplementary demand, they should not take advantage of it unless it is sure that the money can be spent. Again at page 2 it is said "Percentage of saving over final grants and appropriations is an index of accurate budgeting while excess over grants and appropriations and surrenders reflect on the effectiveness of control over expenditure. The Committee, however, regret to observe that propensity to over estimate the expenditure and to include provision for new schemes not ripe for execution, still persists in many Department." I presently show to the House that in the report itself which has been prepared after examining different witnesses of the Departments, this report clearly shows that in certain Departments money should not have been allotted, they should not have come for supplementary demand, yet they did so.

Now coming to the development of Community Projects at page 3 it is said—"The Department originally provided for a sum of Rs. 66,67,900 and then obtained supplementary grants of Rs. 9,41,500 and Rs. 17,33,640 during September, 1953 and March, 1954 respectively. As against the final grants of Rs. 93,43,040 expenditure to the extent of Rs. 21,41,005 only had been incurred resulting in a saving of Rs. 72,02,035 i. e., 77 per cent. Out of this saving a sum of Rs. 68,07,500 was surrendered. I would also request the hon. Members to see explanation given for this.

It was explained that a huge saving in the original budget was due to dearth of technical personnel of the required standard.

Regarding Supplementary grants, the Public Accounts Committee recommended that—

“Supplementary grants were obtained during the course of the year in 44 cases. Out of these in 22 cases, the supplementary grants proved to be wholly unnecessary while in 15 other cases the supplementary grants were found to be far in excess of actual requirement.

As against the net saving of Rs. 4,71,09,357 in the voted section a total sum of Rs. 4,88,11,172 was surrendered. In the charged section, a total sum of Rs. 2,22,37,126 was surrendered out of the net saving of Rs. 2,22,79,383”.

Now, Sir, this is a verdict which we should respect and which we should follow. We should ascertain whether there is not only technical staff but also whether the materials would be available or not. Without ascertaining all these facts, are we to come before the House with a supplementary demand? We find we have embarked upon a plan, and planning has no meaning if we cannot say whether materials would be available or not and whether we have the required number of technical personnel. If we speak of planning, we must also have the materials and resources available to us and also we must know whether we have the technical-know-hows. When we know all these things we have, then we should cut our coat according to our cloth, and then we should just show to the people that we are doing something for their benefit.

Then, Sir, under Development (Community Projects) Department a sum of Rs. 93,43,040 was the final grant, and the Government spent only Rs. 21,41,005. It is nothing but a sad commentary on our people.

Then, similarly in Medical Department also it is worth noting that the Department came to the Legislature for two supplementary grants of Rs. 68,508 and Rs. 1,04,247 during September and March, 1954 respectively and simultaneously surrendered a sum of Rs. 9,92,582 during March, 1954. There was a saving of Rs. 10,89,998 under the grant. The amount of money surrendered was bigger than even the two supplementary grants which the Department had taken.

Here, my point is from the Medical Department of our State there has been demand from many parts of the State for medicines and other things. So we find money is not

forthcoming, but on the other hand, Government asked for certain projects and schemes money which they got to the tune of Rs. 2,45,134 and then surrendered more than 5 lakhs of rupees. Then it is really a very bad system. What we find that for want of money there are many hospitals and dispensaries in our State which are going on without medicines and other things for which our people have been suffering to a great extent. Our people ask for more medicines and more hospitals in the rural areas. So Government should make provision for these things. Before the closing of the year Government should have progress reports and see what progress has been made in respect of certain works for which Government have allotted money. But, Sir, unfortunately most of the Departments under the Government have no progress reports. If the Departments could maintain progress reports then it would be readily available that what amount of money allotted for a certain work has been spent and what amount of money the Department will be able to spend during the course of the year.

Similar is the case in respect of Public Health Department also.

In the Forest Department (in page 5 of the Report of the Public Accounts Committee) the Department obtained a supplementary grant of Rs.2,56,100 in September, 1953 for Capital Outlay on Forests. A sum of Rs.1,02,419 only had, however, been spent during the year, resulting in a saving of Rs.1,53,681.

I think, within the financial year, this point I would emphasise, before the scheme was matured, the Department asked for money by way of supplementary demand.

Sir, when we know that a supplementary demand is brought before this House, it is very difficult for us without having the details to know why the supplementary demand has been brought forward by the Department. Unfortunately in this House unlike other places when a supplementary demand is asked for details are not given for a supplementary demand, whereas in other places when a supplementary demand is brought forward before the House the details are given so that the Members may know whether there is proper scope for the demand and then fix the amount of the demand asked for in the background of the original demand.

***Mr. SPEAKER:** In future all such details should be given.

***Shri HARESWAR GOSWAMI (Rampur):** According to our point of view it is very important on account of the recommendations of the Public Accounts Committee. Therefore, Sir, we are asking the Government that whenever any supplementary demand is brought forward to the House, the Members of this House are entitled to go into the details of the supplementary demand, so that we should know the reasons for which the supplementary demand is absolutely necessary for which the Department is coming before the House with a supplementary demand.

Then there is another point. Up till now whenever there is any case of misappropriation or defalcation, the supervising officers should immediately go through the case. But what we find today? The supervising officers have no time to scrutinise the cases and they cannot do anything, because they rely upon the subordinate officers. So, Sir, due to lack of supervision and proper scrutiny on the part of the supervising officers there have been cases of misappropriation and defalcation.

Here in such cases, the Public Accounts Committee reported as follows:—

“(i) Gross disregard of the financial and accounting rules and orders by the disbursing and controlling officers, and

(ii) Non enforcement of disciplinary action against the officers whose laxity of supervision facilitates losses, defalcations, etc.”

Then the Public Accounts Committee recorded its view as follows:—

“An examination of the several cases of defalcations, etc., that have recently occurred, has led us to the conclusion that there is a tendency to exonerate the supervising officers whose negligence facilitated the frauds, etc. of all blame on the plea of heavy work, inadequacy of staff, etc., and undue stress is laid on the suggestions to frame new rules. Thus

there has grown up a feeling among the Drawing and Disbursing officers that they cannot be called to account for any losses or defalcation resulting from the actions of their subordinates, whatever may have been their own contributory responsibility in the matter. Government have clearly laid down the principles regulating the enforcement of responsibility for losses, etc., in paragraphs 466, 467 and 468 of the Assam Financial Rules. In practice, however, these principles are honoured more on their breach than on their observance."

Here in our State most of the supervising officers do not have any time and actual checking is not done. Therefore, there have been cases of misappropriation of huge amount of money to the tune of several lakhs of rupees. So these things have to be taken into account.

Then I would come to the Department. Now there is a case of our rosin and turpentine factory. This case should be taken as a lesson for us. Now what did we do? We have lost Rs. 3 lakhs as an experimental measure due to lack of supervision and so on.

Adjournment

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

After lunch

Mr. SPEAKER: Before Mr. Goswami speaks, I would like to say something about the procedure to be adopted for discussing this Report. There is no rule to govern the discussion of the Report of the Public Accounts Committee or the Estimate Committee save and except that it may be discussed on the floor of the House. I would suggest, therefore, that we discuss this and after the discussion is over no question will be put, the purpose being that this Report is the unanimous decision of the Committee. In submitting the Report there was no division of opinion. On this issue I would only suggest that we finish our discussion this afternoon. I would like to know whether the Finance Minister would like to intervene in the discussion so that I can arrange it.

***Shri DEBESWAR SARMAH (Minister, Finance):** I think I will not take more than 10 minutes in this case.

Mr. SPEAKER: Then I suggest that we continue our discussion as long as we can and then I would call upon the Finance Minister to speak for about 15 minutes before the House is adjourned this afternoon.

***Shri HARESWAR GOSWAMI (Rampur):** Sir, my purpose in pointing out certain matters in this Report is exactly what you have said. This matter should not be confined to some of the Members of the Public Accounts Committee. They are an expert Committee and they discussed those matters, examined witnesses and submitted the Report. Now it is our duty to look into the Report and if there is anything which requires clarification we should have that clarification and then we should send our opinion that the recommendation of this Public Accounts Committee's Report should be acted upon.

Now, Sir, I will speak about certain instances. I will show instances where money has been spent unnecessarily. The first instance is about Rosin and Turpentine Factory—at page 7. The Public Accounts Committee after studying the Audit Report and hearing the witnesses on this point stated that the scheme resulted in a loss of about Rs. 3 lakhs. So, this sum of Rs. 3 lakhs has been spent unnecessarily. It is stated here: "With a view to developing pine industry in Assam, an officer was appointed on 14th March, 1950 for the collection of data, etc., for the scheme. In October, 1950 the Legislature passed a Resolution approving an expenditure of Rs. 7,500 for exploring the possibilities of extraction of rosin from pine-wood. In August, 1951, the Department came up for a supplementary demand for the establishment of a Rosin and Turpentine Factory and it was stated that the scheme would earn a profit of Rs. 50,000 per annum. The scheme was abandoned on 15th December, 1955 after a total expenditure of Rs. 4,38,660 had been incurred". When the scheme was started we expected that there would be development of an industry from the produce of pine trees. But what happened afterwards? The scheme was abandoned on 15th December, 1955 after incurring a total expenditure of Rs. 4,38,660 and thus the operation of the scheme instead of bringing in any profit resulted in a loss of about Rs. 3 lakhs. Here, Sir, we

*Speech is not corrected.

should not take things so lightly. Before a scheme is taken up it is necessary to study the market condition, the cost of production, the possibilities of exploring it and other possibilities in connection with development. But without doing so and because somebody says that there is possibility of such a scheme, we immediately take it up and afterwards we find that we cannot bring any profit out of it. Sir, in this case it is not only a loss to the State but it hampers other ventures. When we say that the Rosin and Turpentine factory turned out to be a loss then other people will not like to take any venture of that type.

Now, I come to another instance. This is about "Purchase of materials in excess of requirements." In this case some about 800 tons of steel were available. We thought that it was a very good thing and it was available at a very low price and so not to speak of the 800 tons but the whole lot of 1282.934 tons of steel were purchased and after purchasing the whole lot we could not utilise it. And ultimately it gave us a loss of about Rs. 5 lakhs. This is a matter which is to be seriously considered. Because something is cheap somewhere we purchase it and afterwards we cannot sell it to anybody, and if sold, it is sold at a very low price. We not only purchased the suggested amount but we purchased more than this which was not suitable at all.

Next item is avoidable expenditure. This is in regard to the construction of a filter house and a wash water tank estimated to cost Rs. 60,000. The construction was to be made with first class bricks, but when it was made with second class bricks the whole thing ended in a fiasco and therefore we had to suffer a huge loss. Therefore, Sir, my submission is that in the matter of purchase of steel we ought to have been more careful. Because we have enough money at our disposal we cannot squander it. Up till now our State has not been as careful as it ought to have been.

Then I come to 'Unauthorised advance payments'. It is stated here that a Subdivisional Officer made unauthorised advance payments involving more than rupees one lakh. Here there is nothing to show what action was taken against the Subdivisional Officer or whether any departmental action was taken against him.

Now I would like to come to the next item: 'Loss of Cash'. For the purpose of double cropping the Agriculture Department said that they wanted to purchase 1,250 maunds of oil cakes from Silchar and Hailakandi, but this whole quantity was never purchased—some quantity was purchased, but the major quantity was not purchased and for that a huge amount was misappropriated.

Now I will read the following from the Report for the information of the House.

"The purchase of 1,250 maunds of oil cakes from two contractors during 1950-51 was recorded in the accounts of the departmental officers of two subdivision. Complaints were recieved that the oil cakes had never been actually received, those records had been fabricated to cover up the fictitious nature of the transactions to show the issue of oil cakes to various circles for sale to cultivators at concessional rate and part of the amounts drawn from the treasury for the purchase of oil cakes and for other incidental expenses was remitted into the treasury as sale proceeds and that the rest of the supposed expenditure representing the amount of concession to the cultivators was misappropriated. The Deputy Commissioner of the district on receipt of complaints inspected the departmental godown in one Subdivision, but did not find any oil cake in the godown. In the other Subdivision the findings of a departmental officer were that out of 750 maunds of oil cakes shown to have been purchased, about 250 maunds were only received. During departmental equiries, almost all the Agricultural Demonstrators admitted that they had not received any oil cakes".

Here also it is not a case of oil cakes alone ; there will be many such cakes which were not actually purchased but shown to be purchased and therefore a strict supervision in these matters is necessary. It is all very easy in the name of cultivators to show in record that they have purchased these things and to fabricate the account. All that I mean is that the Agriculture Department particularly should be very careful in these matters. What has happened in the past may happen in the futuer also. I can tell you that in the matter of ammonium sulphate, it was intended to be given to cultivators for cultivation of paddy and other things, but we have reports that very often this ammonium

sulphate goes to the tea gardens; at reduced price these ammonium sulphates are sold to the tea gardens. Therefore this kind of thing has to be checked.

Lastly, I will come to the Supply Department. Again here in the Supply Department what happened? There was procurement till 1954-55 and some loans were given amounting to Rs.18,57,280 at 3 per cent per annum and when this procurement was given up even then again some other parties about 12 parties were given loans. According to the agreement if the loans were not repaid within a specified time, they were required to pay penalty for that, they had to give a higher rate of interest. But in all these cases loans were not repaid within the specified time and for that Government extended the time for repayment, and in certain cases interests have also been reduced. Here this loan was given for a particular purpose and what is more, even after the procurement was abolished loans were given. This is highly irregular and in this way Government have no right to deal with public money. Therefore this Public Accounts Committee have brought to focuss certain instances of irregularity, certain instances where we have not incurred expenditure properly and therefore we have to be on our guard. And what is more? In the matter of public money we should try to be as accurate as possible; we should not allow any Department to take money which it does not require or to surrender any money and if they do so they should be taken to task.

While thanking the Public Accounts Committee I have also to say that there is a matter regarding the Home Guards which has been continuing for so many years. Even to-day the accounts have not been finalised. I found that the Public Accounts Committee said that they were satisfied with the progress of work in this connection. I do not want to make comments in this matter, but this matter has to be stopped and the Public Accounts Committee has also said that the matter should be finalised soon. It has come so many times for discussion by the Public Accounts Committee and I only hope that in the next Public Accounts Committee it will not come for examination, with these few words I thank the Members of the Public Accounts Committee for doing this very important work.

***Shri NILMONEY BARTHAKUR (Dibrugarh) :** Mr. Speaker, Sir, I am very thankful to the Public Accounts Committee and also to the Secretariat staff. They have

given a very comprehensive report on the working of different Departments of the Government. In this Report along with the recommendations they have also given the details in Part II which are very helpful to understand the state of affairs. From the recommendations made by the Public Accounts Committee for action to be taken by different Departments, we find that the same state of affairs are being repeated year after year. The Public Accounts Committee said at one place of its report that when it gave certain recommendations to the Government, the Government usually connived at them or accepted them very formally, and no serious attention has been paid to the suggestions made by the Committee in their report as will be evident from Appendix 'A'. The usual explanation is that action has been taken or proposed to be taken. In most cases actions are not taken and very serious irregularities are not brought to the notice of the House. I will just refer to certain instances which will throw a flood of light into the working of different Departments, including the Finance Department. I will show how even the Finance Department has neglected its duty of exercising overall control. The Finance Department duty is to check at every stage so as to scrutinise and economise, but even in the case of this Department we find both in the preparation of the budget and drawing of supplementary grants serious irregularities have been pointed out by the Public Accounts Committee. For example, here is a very serious case in which the controlling officer was the Chief Secretary himself. At page 155 of this Report we find irregular drawal of house-rent allowance. It is stated "The Chief Secretary stated that double drawal was made for some period and in some cases drawal was made for people who were not in service and in other cases drawal was made for certain people who were not entitled to the house-rent allowance resulting in an overpayment of Rs.5,744".

Then again at paragraph 2 of the Audit Report, 1956—Part I it is observed thus: "Irregular drawal of house rent allowance.—The audit of the accounts of an office under the Police Department revealed some serious irregularities and loss of Government money aggregating Rs.5,744 on account of alleged fraudulent drawal of house rent allowance". This charge of irregularity is against a department of which the Chief Secretary himself is the Controlling officer.

The report further says—"On reporting the matter to the Government on 28th July 1954 two Assistants were suspended and departmental investigation was conducted. It has been reported by the Government that the drawal of rupees two hundred fifty-nine has since been recovered and orders have been passed for the recovery of Rs.341 against which a sum of Rs.205 has been recovered. The balance of the amount in question is stated to be in the process of recovery."

This is the attitude of the Government. Where Government was cheated to the extent of Rs. 5,744, they have recovered only Rs. 600, and where a process for the recovery of Rs. 341 was issued only Rs.205 could be recovered. There the attitude of the Government is such that the recommendations of the Public Accounts Committee go by default.

Another serious affair to which I think I should draw the attention of the House is the state of affairs in the Co-operative Department. It is stated in the Report of the Public Accounts Committee at page 17 "In another branch of the Bank, a sum of Rs. 12,000 was misappropriated. It was stated that the amounts deposited by certain depositors were not credited in the accounts of the Bank". So, the depositors brought money to the tune of Rs. 12,000, but the credit was not entered into the ledgers of the Bank. The report continues "The cashier and the dealing assistant used to make fictitious entries in the Bank's account when the depositors drew cheques on the Bank. The irregularity was detected on 14th December, 1955, and the accountant and the manager of the Bank were placed under suspension". On such a very serious charge, they were simply placed under suspension and no further action has been taken by Government up till now. The report goes on, "The Committee were assured that immediate action would be taken to finalise the departmental proceedings with a view to fixing responsibility for the loss". The Committee sat towards the close of the year 1957, but in spite of Government's assurance no action has yet been taken.

Then it is stated, "The Bank financed a Co-operative Association without adequate margin or collateral security. When the Association went into liquidation on 21st July, 1955 due to heavy losses incurred, it owed Rs. 90,173 to the Bank. The department itself admitted that this was a case of bad investment. The Bank expects to recover Rs. 45,950 but it is stated that the balance of Rs. 44,223 would be irrecoverable. In the opinion of the Committee the Bank should be more careful

in future and it should be ensured that the investments made are sound and in the best interest of the tax-payers keeping in view the advancement of co-operative movement in the State". If this is the state of affairs at the State level, what about the co-operative banks and the co-operative institutions at the village level? Here in a Bank over which the Government have direct control, we find defalcation, we find amounts not entered in cash books. We also find the Co-operative Department has been showing laxity year after year.

Then, Sir, we find the same thing in the Agriculture Department. As have been pointed out by my Friend, Mr. Goswami, in a certain case the explanation given by the Department was that potatoes got rotten because of rains, i.e., rains caused a loss of about 2,108 maunds of seed potatoes. When the Public Accounts Committee wanted the weather report, it was found from the weather report that there was no rain during this period.

It is stated at page 164 of the Report: "The Director informed that this might happen at the time of loading and unloading or if the coolies were slack. The Department used to take all the care and asked the officers to see that they were loaded in dry weather". But actually the loading was done in a shed and there was no chance of the potatoes being wetted by rain. It is further stated: "The Committee further wanted to know what actually happened, and observed that a loss of Rs.15 to Rs.16,000 is not an easy matter. Moreover, at that time potatoes were sent to other destinations but no shortage occurred. The Committee also expect that the department should know what is the proper season and if they get wet on the way what is to be done".

As a result of this loss not only the Government lost but also the entire people lost. Had this seed potatoes been distributed to the cultivators, the increase in the yield of foodstuff would not have been inconsiderable. So, Sir, we find utter bungling in the distribution of seeds, fertilisers, oil cakes, etc., and misappropriations and losses are due to the utter negligence of the Department.

Then, Sir, with regard to the Forest Department, as my Friend Mr. Goswami pointed out, it is not simply a question of trying to execute a bad scheme. This question of having

a turpentine and rosin factory was debated in this House and opinions were expressed in the Assembly by late Sir Md. Saadulla that from whatever figures or whatever experience he had that was not going to be a feasible proposition. Even then, the scheme was launched and we find the Audit Report has revealed that there were serious irregularities in the execution of the scheme. I am reading from the Audit Report itself:

“Loss on the working of the Rosin and Turpentine Factory—During 1950-51, the Legislative Assembly passed a resolution approving an expenditure of Rs. 7,500 for exploring the possibilities of extraction of rosin from pine-wood in Assam. Against this an expenditure of Rs. 11,965 was actually incurred during the year on experimental work and collection of necessary data. In March, 1952, the scheme for the establishment of Rosin and Turpentine Factory in the State was sanctioned by Government at an estimated cost of Rs. 1,12,500 against which a total sum of Rs. 3,23,907 including indirect expenditure was spent for the purpose upto 31st March, 1954. The collection of raw materials started from 1951-52; the factory went into production from 1952-53. 5,480 lbs. of turpentine and 17,285 lbs. of rosin were the outturn for the first year of production and 22,748 lbs. of turpentine and 1,06,559 lbs. of rosin were manufactured during the year 1953-54. It was noticed that only a small percentage of the raw materials had been converted to finished products. The maximum productive capacity of the plant was 1,20,000 lbs. of turpentine and 4,11,428 lbs. of rosin annually and it was hoped that the products would find easy market within the State itself. Though the level of production of the factory did not reach that high target during the two years of its operation, even the small quantity of the finished goods could not be satisfactorily marketed”

That much about the expenditure and production side. If we come to the audit side, the financial side, these are the finding:

“(1) An expenditure of Rs.10,563 was incurred without the sanction of Government for water and electric installation of the factory of which a sum of Rs.5,775 had to be paid to a Hydro-Electric Company for extension of the electric line to the site of the factory.

(2) The machinery, tools, plants and other stores were purchased neither by calling tender nor from the firms approved by the Director General of Industries and Supplies as required under the rules."

So, the rules were simply flouted.

"(3) The Factory and other buildings in connection with the scheme were constructed without administrative approval and technical sanction.

(4) A truck was purchased for the factory during 1951-52 at a cost of Rs.16,858 although the scheme as approved by Government did not contemplate such a purchase. No specific provision for the purpose was made in the budget and the expenditure was met from saving under the head "Collection of Rosin". The maintenance charge of the truck including ordinary repairs and replacement amounted to Rs.3,793 and Rs.4,034 respectively during 1952-53 and 1953-54.

(5) Disbursements were made to labourers on muster rolls but the payments were not properly recorded. The extent of work done by the labourers was not also shown in any measurement book".

This shows that not only the scheme was defective but a huge sum of money was either wrongly spent or defalcated. One explanation has been given for closing this factory was for want of marketing facility of this product either inside the State or outside the State and this happened because this scheme was faulty. Moreover the person who was put in charge of that factory was not trained in that industry and the Public Accounts Committee made observation that this officer had absolutely no experience regarding extraction of rosin from pine-wood and that had some sort of training in some institution in America other than this line.

Then, Sir, if we look to the grants given to the Local Bodies and refer to page 149 of the Report of the Public Accounts Committee at paragraph 15(i) of the Audit Report, 1957, it observed as follows:—

"On being enquired the Finance Secretary explained the reasons for the delay in submission of Audit Report, by the Examiner of Local Accounts. He stated that these could be sent

to the Press with only the approval of the Cabinet. Cabinet approval had since been received and it had now been sent to the Press with the Cabinet Resolution”.

Now, it is clear from this that the Cabinet was responsible for the delay in publication of the Audit Reports but it is essential that audit reports should be made available to the Local Bodies as early as possible.

Then, regarding surrenders, as Mr. Goswami has pointed out, we find on a perusal of this report of the Public Accounts Committee that not only the surrenders exceed the supplementary grants but it is found that expenditures in many cases have exceeded the amount of supplementary grants. As an example, we find an expenditure of Rs.46,000 in Administration of Justice whereas the sanctioned amount was Rs.33,000 thus we find an excess expenditure of Rs.13,000. The excess expenditure has been relaxed. No legislative sanction for this has been taken for the relaxation of this amount.

Now, I refer to the particular comment on para 8 at page 3 of the Report of the Public Accounts Committee:—

“Percentage of saving over final grants and appropriations is an index of accurate budgeting while excess over grants and appropriations and surrenders reflect on the effectiveness of control over expenditure. The Committee, however, regret to observe that propensity to over-estimate the expenditure and to include provision for new schemes not ripe for execution, still persists in many departments. The Committee have come across many instances under several departments of unnecessary and excessive supplementary grants.” Thus we have seen that in asking for supplementary grants the Government have no idea about what expenditure is going to be incurred and they do not know wherefrom they are going to have the money for such a grant. They prepare a budget without correct reading of future expenditures. The Committee has also observed regarding supplementary grants like this:—

“Supplementary grants were obtained during the course of the year in 44 cases. Out of these in 22 cases, the supplementary grants proved to be wholly unnecessary while in 15 other cases the supplementary grants were found to be far in excess of actual requirement.”

If a particular department know that they at the end of the financial year have to come with some demands for some grants these should be made in a lower level so that a big sum taken by way of supplementary grants has not to be surrendered. The Finance Secretary himself admitted about this irregularity before the Public Accounts Committee.

Now, in the Supply Department, we find that Government have given loans which are yet to be recovered from the loanees. In certain cases we find that money has been advanced even after decontrol of foodstuff. In this connection, I refer to page 13 of the Report, it is stated thus:—

“Financial assistance in the shape of loans carrying interest at 3 per cent per annum was given during 1953-54 and 1954-55 to 25 parties for procurement of rice and paddy. The balance on loan outstanding on 31st March, 1954 was Rs.18,57,500.

Due to decontrol the scheme for the procurement of rice and paddy was withdrawn from 1954-55. Despite that loans totalling Rs.1,58,500 were authorised to be paid to seven parties during 1954-55. In one of these cases, the entire amount of loan was paid after de-control.”

According to the information supplied by the Department the balance outstanding on 31st March 1957 was Rs. 12,49,084. The modification of the original terms has resulted in waiving recovery of Rs 1,95,000 approximately. In the opinion of the Committee, the loans paid to the loanees after decontrol were not justified, as these could not obviously have been utilised for the purpose for which the loans were intended. The Committee also feels that the department should have taken more effective steps for the realisation of the outstandings. In this connection, Sir, the people responsible for creating the artificial scarcity, the people who speculated in foodgrains receive the compassion of the Government in the form of leisure investment and deferred payment. If this attitude of Government continues then the recommendations of the Public Accounts Committee will serve no useful purpose. Here we find that the Secretary, Revenue stated that in future they will be very strict in placing demands for supplementary budgets and also tighten their control over expenditure. Now, this assurance should not apply only to the Revenue Department but it should

apply also to all other Departments. Most of these expenditure we find are misspent and defalcations are due to lack of proper control by controlling officers and lack of proper supervision and control by the Finance Department. Year after year we find that this same defect continues. So unless the whole structure of financing is changed I think this disease is not going to be cured.

Now, Sir, the Secretary, Finance remarked that all this is due to the fact that right type of personnel is not available. Here it is stated—I am referring to page 148—“The Secretary, Finance then observed that everything was there, the procedure for proper accounting was there, but the right type of personnel factor was not there. Every department would have to be kept more or less accounts minded. So unless and until these things were done, the Legislature would not get accurate budget.” I think this is a mere eyewash. It is not the question of correct procedure or that departments have to be kept more accounts minded that the difficulty can be removed. There is one basic defect and that is lack of proper supervision and control by the controlling officers who spend the amount. If the present system of accounting is defective, it is for the Finance Department to come up with a set of revised rules for efficient functioning of the Finance Department, that is, for correct spending and correct budgeting. This failure of the Government and of the different departments to spend the money within a stipulated time has become a perennial feature with the State Government. Here we find the Finance Secretary practically leaves the whole thing to the Government. I am reading from the second paragraph of this page 148—“Then by way of illustration he drew the attention of the Committee to the fact that the Government of India was offering Rs. 48 lakhs to the State Government for issue as short term loans to the agriculturists with a view to improve food production. The Cabinet of the State Government, he indicated, had been considering this matter very seriously whether or not they should take the amount from the Government of India in view of the fact that the food position had assumed a very difficult problem in the State. The State Government ultimately decided to take the loan from the Government of India although there was hardly two months’ time to spend the amount and whether it would be possible to spend even one-third of the amount or not but it was apparent that for the improvement of the food situation not only the Government was

responsible but the people were also responsible, and then he observed that the people would say that they wanted money to produce more food but the Government would not give them anything". If I am to believe the statement of the Finance Secretary when he said that the money could not be spent in two months' time and by the time the budget was made, that period will be reduced to one month's time, that is the way that different departments are working. Since they find that money made available to them could not be spent in time they are in a hurry to spend it to avoid surrender. That is very irregular spending and money is spent in a manner not conducive to the interest of the State. Therefore, these recommendations of the Public Accounts Committee are very helpful. Here the most important thing is that these recommendations should be properly respected by the different departments.

Now, Sir, if we go to Appendix A we find that these recommendations have been respected by the different departments; in some cases circulars were issued and in some cases necessary action as recommended were taken. But in some cases that is not done. For example, let us take the case of Home Guards as my Friend, Shri Goswami, has mentioned earlier. This Home Guard affair is more than 11 years old. Here we find in this paragraph on Home Guards—page 158—"The Accountant General then brought to the notice of the Committee that out of the sum of about rupees 19 lakhs and 85 thousand under general grants detailed countersigned contingent bills had been received for 18 lakhs and 24 thousand. A sum of Rs. 1 lakh 61 thousand had not yet been cleared for want of detailed contingent bills. The Accountant General further stated that out of the amount for which detailed contingent bills had been received, a sum of rupees four lakhs and ninetyeight thousand was awaiting sanction of the competent authority....., That is also irregular. What has been done? This Department have been asked to reconstruct the account for 2 lakhs, or in other words they were allowed to manufacture the accounts. But the pity is that though they have been given sufficient time to reconstruct or manufacture the accounts, nothing has been done and the Public Accounts Committee has taken very serious objection to this state of affairs. We find that the Committee was not satisfied with the progress of work in this direction. In spite of the laxity allowed to the department concerned to reconstruct the accounts they did not do it. The Public

Accounts Committee recommended that the accounts should be reconstructed and regularised immediately, but that recommendation was not respected, instead the Government is allowing all this laxity to this department. How long this state of affairs will continue ?

Now, with regard to purchases made by different departments particularly those made by the P. W. D. In many cases we find rules are often respected by breaches. In many cases purchases are made by agents and not by people authorised to do the same. This has resulted in huge loss to Government as the Report shows. In many cases again articles are found defective and not of the standard required. Therefore, Sir, I am thankful to the hon. members of the Public Accounts Committee and also to the Secretary who has taken so much pains in giving us a valuable Report. But at the same time the most important thing that I want to stress here is that these recommendations of the Committee should be given serious consideration by the Government with a view to remove the defects pointed out by them. Unless the defects are removed it would be difficult for us to believe that the recommendations would be implemented. One defect as I have all along pointed out is failure on the part of Government to understand correctly the actual requirements of the State. The requirements of the different departments should be judged carefully and if necessary, the departmental demands should be scrutinised by an officer of the Finance Department on the spot, secondly, the whole progress of the work should be properly scrutinised either by the Controlling Officer or the Officer who draws and spends the money. The third suggestion is that the suggestions and recommendations of the Public Accounts Committee should be given effect to as early as possible and the fourth suggestion is that checking system and the audit system should be extended as far as practicable.

Shri HIRALAL PATWARY (Panery): মাননীয় অধ্যক্ষ মহোদয়, মোব বন্ধুবর শ্রী গোস্বামী আৰু শ্রী বৰঠাকুৰ ডাঙৰীয়াই এই পাব্লিক একাউন্টচ কমিটিৰ বিপৰ্টি প্রসঙ্গত যিবোৰ বেমেজালি.....

(Voice in Hindi)—मुनाते नही पड़ रही है ।

Mr. SPEAKER: অলপ ডাঙৰকৈ কওক ।

Shri HIRALAL PATWARY (Panery): এই পাব্লিক একাউন্টচ কমিটিৰ বিপৰ্টি দেখিয়েই ভয় লাগিছে আৰু সেই ভয়ৰ কাৰণেই মোব মাতটো ডাঙৰকৈ ওলাব নাই । আমি বাইজৰ টকা খৰচ কৰিছো আৰু সেই টকা খৰচ কৰাত বেমেজালি হোৱা দেখি মোৰ হৃদয় কপি উঠিছে আৰু heart-fail কৰিম যেন লাগিছে । এই বিপৰ্টিৰ ১৪ পৃষ্ঠাত লিখিছে ।

—Page 14-Supply Department—“Out of 1,35,660 maunds of paddy despatched to a godown from December, 1951 to March, 1954, there was a shortage of 15,494 maunds (godown shortage 13,983 maunds and transit shortage 1,511 maunds.

Claims for shortages totalling 37 maunds only had been accepted by the railways.

No action was taken to have the remaining shortages which worked out to 11.5 per cent regularised. A maximum shortage of 8 1/3 per cent is normally allowed in case of paddy stored for a full season. In the present case the shortage was on the average for four to five months and the godown shortage worked out to about 10.5 per cent. An officer was deputed to investigate the case locally and he submitted his report on 11th July, 1955 which revealed the following irregularities:—

- (i) Physical varification of the stock was not done regularly ;
- (ii) Accounts were not maintained properly ;
- (iii) False returns were submitted wilfully ;
- (iv) Lack of supervision by superior officers ;
- (v) Unauthorised issues of stock, payments for purchases not made etc.”

The departmental file containing the report of the officer was missing from the Directorate. After tracing out the file, the Department approached the Finance Department on 8th April 1957 for write off of the loss as it could not at that distant date fix responsibility of the persons concerned, most of whom had already left the Department. The Finance Department, however, asked the Department to fix responsibility of the persons involved in this case and the matter is still pending”.

ইয়াত কমিটিয়ে ডিপার্টমেন্টক সুবিছে অৰ্থাৎ এনেধৰণৰ ব্যাখ্যাত কমিটি গম্ভীৰ হোৱা নাই—গতিকে ৬৮ পৃষ্ঠাত কৈছে,

“At outset, the Chairman wanted to know from the Secretary, Supply, under what circumstances the shortage of 3,513 maunds. of paddy occurred at Naharkatiya godown after the stock verification, which was carried out on the 31st March 1955. The Secretary, Supply then gave a detailed account from the records which he had brought with him for the purpose of giving evidence before the Committee. The Committee was not at all convinced by the details given by the Secretary, Supply in support of his replies to the queries made by the Accountant General and other Members of the Committee”.

Mr. SPEAKER: গোটেইটো পঢ়িব নেলাগে।

Shri HIRALAL PATWARY (Panery): মই গোটেইটো পঢ়া নাই কেবল লগা অংশখিনিহে পঢ়িছো। তাৰ পিচত Secretary, Supply এ পুনৰ নিজৰ আগৰ Statement টো শুদ্ধকৈ কবলগীয়া হল। ১৩৭ পৃষ্ঠাত চকু ফুৰালে দেখিম

"The Supply, Secretary then by previous permission appeared to correct certain evidence given by him on the previous day on shortage of stock in Naharkatiya godown. After some discussion, Shri Gaurisankar Bhattacharyya remarked that due to the past experience of the department, if should have been more careful and steps should be taken to investigate the matter and fix up responsibility for this loss".

গতিকে দেখা যায় যে ইয়াত Department এ কমিটিক যি বিলাক উত্তৰ দিছে সি সন্তোষ জনক উত্তৰ মুঠেই নহয়। তাৰপৰা কমিটি সন্তুষ্ট হোৱা নাই।

১২১ পৃষ্ঠাত দেখা যায়, যে নাহৰকটীয়া গুদামৰ ঘাটি পৰিমাণ ধৰা পৰিছিল। হয়তো পৰিবহন আদিৰ বেমেজালিৰ কাৰণে নিয়মমতে ডাইবেষ্টক $৮\frac{১}{২}\%$ ঘাটি Write off কৰাৰ ক্ষমতা দিছিল। ই উচ্চতম পৰিমাণ। তাকো যদি ডাইবেষ্টে নিজে চাই ঘাটি হোৱা কাৰণত সন্তুষ্ট হয়, নহলে সেইটো ঘাটি বুলি মানি লব নোৱাৰি। তেনে স্থলত এনে এটা মাৰাত্মক ঘাটি যোগান বিভাগে Write off কৰিবলৈ কেনেকৈ Finance Department কব পাৰে? Write off কৰাৰ ব্যৱস্থা কৰাৰ আগতে কোন জৰ্গীয়া, তাক বাহিৰ কৰাৰ চেষ্টাই বা কিয় কৰা নাই? যোগান বিভাগৰ উৎপত্তি হল, ক'লা বজাৰ বন্ধ কৰাৰ কাৰণে বাইজক ক্ষতিৰ পৰা ৰক্ষা কৰাৰ কাৰণে কিন্তু ৰক্ষা কৰিবলৈ গৈয়ে ভক্ষন কৰে তেন্তে বাইজ তিষ্টিব কেনেকৈ?

Transit loss ধৰা হৈছে সাধাৰণতে গুদামত ঘাটি হলে সংশ্লিষ্ট কৰ্মচাৰী দায়ী। এই ঘাটি তিনিটা গুদামত হৈছে। মুঠৰ ওপৰত এইটো এটা চৰি ডকাইটিৰ ব্যৱস্থা। সেই সংশ্লিষ্ট কৰ্মচাৰী কেইজনৰ ওপৰত কিয় Court ত চৰি নামলা নহয়? খেতিয়ক সকলে নাখাই চৰকাৰক ধান দিছে এই কৰ্মচাৰী কেইজনে চোৰাং বজাৰত বিক্ৰি কৰিবলৈ? নভেষৰ ডিচেম্বৰ মাহত ধানৰ মোন আগতে ১৪।১৫ টকা আছিল বৰ্ত্তমানে ১৩।১৪ টকা হৈছে.....

Mr. SPEAKER: এতিয়া বজাৰ ভাওৰ কথা অপ্ৰাসঙ্গিক হব। 'পাব্লিক একাউন্টচ কমিটিৰ' 'ৰিপৰ্ট'ৰ বিষয়ে আলোচনা কৰক।

Shri HIRALAL PATWARI (Panery): বজাৰৰ কথাৰ আগত ইয়াৰ সম্পৰ্ক আছে। আজি ৰাজহুৱা ধন যি দায়িত্ব চৰকাৰৰ ওপৰত ন্যস্ত কৰা হৈছে তাৰ যদি অপব্যৱহাৰ বা চুৰি হয় তেনে হলে বৰ দুখৰ কথা হব। যি বোৰ বিভাগে, ৰাজহুৱা ধনৰ অপব্যৱহাৰ কৰিছে বা চুৰি কৰিছে সেই বিভাগ বিলাকৰ ওপৰত ভালকৈ তদন্ত কৰি Criminal Procedure মতে বিচাৰ কৰিব লাগে। অকল সেয়ে নহয়, যাৰ দোষৰ কাৰণে ৰাজহুৱা টকাৰ এনে অপব্যৱহাৰ বা চুৰি হৈছে তাক বাহিৰ কৰি বিহিত ব্যৱস্থা লবৰ কাৰণে, বিভাগীয় মন্ত্ৰী ডাঙনীয়াই যেন নিজে initiative লৈ, ব্যক্তি গত ভাবে শাস্তি বিধানত মনোনিবেশ কৰে। Community Project ৰ যিখিনি টকা surrender কৰা হৈছে তাৰবাবে আমি বৰ দুখ পাইছো যিহেতু অসমত মাত্ৰ দুটা Community Project আছিল—এটা কাছাৰত আৰু এটা দৰঙ্গত। এই শতকৰা ৭৭ ভাগ টকা surrender কৰাৰ কথা আজিহে গম পাইছো। দৰঙ্গৰ কথা মই নিজে জানো আৰু যেতিয়া মই কথা প্ৰসঙ্গত এই বিভাগৰ কৰ্মচাৰী সকলক স্মৰিছিলো তেতিয়া তেওঁলোকে টকা surrender হোৱা নাই বুলি কৈছিল। কিন্তু ভাৰত গৰণ মেন্টৰ Director এ কৈছিল যে টকা surrender কৰা গৈছিল। Community Project ত বাইজে কাম দিয়ে। কিন্তু বাইজক যে technical aid দিছে তাক মই মানি লব নোখোজে। ব্যক্তিগত অভিজ্ঞতাৰ পৰা মই কওঁ যে বাস্তবিকৈ তাত কাম হোৱা নাই যদি এনেকুৱাই হয় তেন্তে আমি বেশ গঠন কৰিম কেনেকৈ? আজি এটা বিভাগৰেই শতকৰা ৭৭ ভাগ টকা surrender হোৱাটো সঁচাকৈয়ে দুখ লগা কথা। ইয়াৰ কাৰণে কতৃ পক্ষই বিশেষ লক্ষ্য ৰখা উচিত।

তাৰ পিচত Co-operative ব বিষয়ে যথেষ্ট আলোচনা হৈছে। মই মাত্ৰ এটা কথা এই সদনত উল্লেখ কৰিছোঁ যে Co-operative ব কাৰণে বিশেষ ভাৱে যত্ন লোৱা উচিত কাৰণ Co-operative ব জৰিয়তে আমি দেশ বন গঠন কৰিবলৈ ওলাইছোঁ। মোৰ নজৰ অভিজ্ঞতাৰ পৰা কৰ পাৰে যে ১৯৪৭ চনৰে পৰা আমাৰ ইয়াত Co-operative movement চলিছিল আৰু তালৈ মান Co-operative Society Organise কৰিছিল, কিন্তু দুৰ্ভাগ্য বশত সেই movement কৃতকাৰ্য্য নহল। পিচত আকৌ কিছু মান Co-operative Society গঠন কৰা হৈছে কিন্তু সেই বিলাক কৃতকাৰ্য্য হোৱা নাই। যি স্থলত আমি Co-operative ব জৰিয়তে দেশ গঠন কৰিব খুজিছোঁ তেনেস্থলত যদি এই বিভাগত দেশৰ বন হানি হোৱাৰ কথা ৰাইজৰ আগত আহি পৰে তেতিয়াহলে Co-operative ব প্ৰতি ৰাইজৰ বিশ্বাস অনাটো টান হব। সেই কাৰণে মই অনুৰোধ কৰো যেন মন্ত্ৰীমহোদয়ে এই বিভাগৰ প্ৰতি বিশেষ লক্ষ্য ৰাখে।

মেডিকেল, এগ্ৰিকালচাৰ আৰু কৰেষ্ট বিভাগৰ কথা প্ৰশ্নোত্তৰৰ সময়ত যথেষ্ট আলোচনা হৈ গৈছে। সেই কাৰণে এই কেইটা বিভাগৰ বিষয়ে মোৰ বিশেষ কব লগীয়া নাই। মোৰ কব লগীয়া কথা যিহি Public Accounts Committee আৰু Audit Report ত আছেই। গতিকে আমাৰ দাবী হৈছে মন্ত্ৰীৰ ওচৰত। সেই কাৰণে মন্ত্ৰী সকলকেই বেচি অনবোধ কৰিছোঁ। যোগান বিভাগৰ বিষয়ে যদি কোনো ব্যৱস্থা নলয় তেনেহলে মন্ত্ৰী মহোদয়ৰ ওচৰত এনেকুৱা কিছু মান কথা কবলৈ বাধ্য হম তাৰ কাৰণে হয়তো তেখেতৰ খং উঠিব। (laughter)

সেই কাৰণে এই কিতাপ চাই প্ৰত্যেকটো কথাৰ প্ৰতি যাতে বেচি লক্ষ্য ৰাখে তাৰ কাৰণে অনুৰোধ কৰিলো। বিৰোধী পক্ষৰ পৰা যেনেকৈ চৰকাৰী পক্ষক আক্ৰমণ কৰা হয় তিক সেই দৰে মন্ত্ৰী সকলে department বিলাকক আক্ৰমণ কৰিবলৈ মন কৰক। আমি যেতিয়া ভগবানৰ নামত শপথ খাই ৰাইজৰ কাম কৰিম বুলি ইয়াতলৈ আহিছোঁ, তেনেকৈ তেওঁলোকেও ভগবানৰ নামত শপথ পাওক যে মন্ত্ৰী সকলে অনাগ্ৰহ বিৰুদ্ধে department বিলাকৰ ওপৰত action লব আৰু Public Accounts Committee ব নিৰ্দেশ অনুসাৰে কাম কৰিব, এয়ে মোৰ অনুৰোধ।

M. MOINUL HAQUE CHAUDHURY (Minister, Co-operative, etc.): May I intervene, Sir?

Mr. SPEAKER: Yes.

M. MOINUL HAQUE CHAUDHURY: Sir, some of the matters referred to are very old. In fact some of the occurrences took place in years when many of us were not in this House. I find when one or two of these cases took place, I was in the University. In any case, although allot of time had elapsed since then, yet on principle, the matters have got to be discussed and we have got to reply and place our view points on these matters.

First of all with regard to the Co-operative Department; some of the criticisms are not really justified, I should say. Because when certain criticisms with regard to two defalcation in two branches of the Apex Bank are made, it is lost sight of the fact that the Apex Bank is not under the direct control of the Government. After all, what has the Co-operative Department got to do directly in respect to the two Assistant

working in the two branches of the Apex Bank at Hailakandi and Karimganj, who alleged to have had defalcated the money? The Committee had pointed out that there had been two cases of defalcation in two branches of the Apex Bank. Now the Apex Bank is an autonomous body. The Government purchased some shares and as such they are represented in the Director's Board. More than this, Government have no direct control over it. In each of the branches they have got their Board or Managing Committees. The manager the works according to the decisions of the Board. In both the cases referred to, criminal prosecutions had been launched and the cases are pending. Therefore I can say that appropriate action has been taken against both the persons suspected and if they are found guilty or otherwise, further steps will be taken by starting departmental proceedings. Government may impress upon the authorities concerned, they may request the Bank authorities to proceed in a particular manner, but they cannot be forced in the day to day administration which is to be run by them. This should be appreciated that the Apex Bank is not an out and out Government Department. No another remark that has been made with regard to the defalcation of some money, the.....

Mr. SPEAKER: Nobody has made any remark, it is in the Report itself.

M. MOINUL HAQUE CHAUDHURY (Minister, Co-operative, etc.): The then Managing Director of the Apex Bank was found to be involved in that case long after the actual detection. When the fact was detected that there was a defalcation of rupees ten thousand, the responsibility for the same was not or could not be fixed then and there on the Managing Director as the enquiry was not complete. The then Parliamentary Secretary in-charge of the Co-operative Department, who is now our Chief Minister, wrote a letter to the Managing Director to the effect that as there was a case of defalcation in an infant organisation or as an amount of rupees ten thousand was found missing, in all fairness, the Managing Director should reimburse the money. The Managing Director wrote back saying that he would reimburse. Later on he went on leave and did not come back. In the meantime enquiry was completed and it was found that the money was defalcated by the Managing Director himself. In any case, the matter was pursued, but the man was declared a pauper and the money could not be realised from him.

Now, the other matter referred to is with regard to certain money advanced to the Central Trading Co-operative and also to the Garo Hills Ginning Mill. Sir, in these cases, the

moneys were drawn by the Government and it was handed over to the respective organisations. Of course, it may be asked why was the money drawn before the actual expenditure? It must be appreciated that the Ginning Mill is more or less an autonomous body. Government have got to draw the money and hand it over to it. Under Financial Rules, I believe, Government should draw the money when it is necessary and we drew the money when it was necessary in this case.

Similar is the case with regard to Central Trading Co-operatives. However I assure the honourable Members of this House that since then we have strengthened our Co-operative Department. These matters happened long ago. We shall see that in future these things will not happen.

Then my hon. Friend, Shri Hiralal Patwary, has raised a point relating to a very old case of defalcation in Naharkatiya. I can tell the hon. Member that on the basis the enquiry report proceedings have been drawn up against the officers alleged to be at fault, who were in-charge of the job at that time. Some of them have also been chargedsheeted for giving scope to the malpractices.

Here again, I should like to tell the hon. Members of this House as to why such malpractices could take place. The position was this. The Supply Department was a temporary Department. With the idea that it would wound up, the supervising and accounting staff was reduced to the minimum resulting in a failure to keep sufficient control. But steps have been taken to strengthen the Department. Since I hope matter will improve.

Then with regard to procurement loans, it is rather unfortunate that since procurement loans were due for repayment, those merchants were given much time to repay the same. Then loans were given, mostly at a time when it was thought that Government would continue procurement and that rice and paddy would be continued to be taken from them. Therefore, when the millers represented that as their business would not be continued with Government as a result of decontrol, times were granted to them. Then, Sir, it is true, as has been pointed out by Shri Bhattacharyya, that some loans were issued after the decontrol of rice and paddy. Of course, *prima facie* this state of things do not appear to be happy, and there is justification for the Public Accounts Committee to say that loans should not have been issued in those cases after knowing the actual policy of the Government of India with regard to decontrol. But it is said that as documents were entered upon before the declaration the of policy of decontrol, the loans were issued. However, steps have since been

taken for realisation of the loans in all cases. Bakijai proceedings have been started. If necessary some of the mills would be auctioned to get back the loans which were issued to them. They have been asked to show cause as to why their licences would not be cancelled for non-payment of the said loans. Sir, I can assure the hon. Members of this House that there would be no less enthusiasm on my part to see that the amounts loaned out would be realised from those millers.

With regard to Agriculture, in oil care affair, I would like to say that those people were prosecuted. But fortunately or unfortunately those people were acquitted in the court of law. Whatever you may say, the fact remains that they were prosecuted by the Department in the court of law in right earnest, starting from the demonstrators right up to the top-ranking officers involved in this case. However as recommended by the Public Accounts Committee we will pursue the matter. But I don't think how far we would be successful after the judgment of the court.

I think these are the matters generally referred to in so far as I am concerned.

Shri DEBESWAR SARMAH (Minister, Finance): Mr. Speaker, Sir, I take this opportunity to offer grateful thanks of the Government to the hon. Members of the Public Accounts Committee, which no doubt is a high-powered Committee of the the Legislature and also I take advantage of this occasion to offer our thanks to the illustrious parliamentarian of Loka Sabha, Shri T. N. Singh, Member of Parliament, Chairman, Parliament Public Accounts Committee and to Shri P. C. Padhi, Additional Deputy Comptroller and Auditor General who came to Assam on behalf of the Comptroller and Auditor General of India on your invitation, Sir.

The recommendations of the Public Accounts Committee are entitled to very great consideration which no doubt will receive at the hands of the Government. Sir, some of those recommendations are already accepted by the Govt. in principle.

Now as regards the examination of the Secretaries they appeared before the Public Accounts Committee and they were interrogated. But, Sir, I for one would like that in a State like ours, the Heads of Departments should also appear before the Public Accounts Committee and give their evidence because the Secretaries are concerned, no doubt, directly with the Department, even so, the Heads of Departments are the persons who are directly involved in the administration. I have no doubt that our Government will take steps to implement the instructions given in the letter of the Home Department of the Government of India, which has been given in Appendix B of the Report of the Public Accounts Committee.

As regards other items, I hope the honourable Members of this House have gone through the Report of the Public Accounts Committee. I have no doubt that the Heads of Departments will study those recommendations very carefully. I for one cannot think that misappropriation of public money can be eliminated only by taking stringent action. There had been latches of this kind even in Satya, Treta and Dwapar Yugas. Some of these vices will continue even if we arrange to take strictest measure. Therefore, all that I would venture to say on the floor of this House is that if there be better control and the machinery of administration of financial control is more alert and active, such latches will be fewer and far between.

Sir, I would not like to go into the details in replying to the points raised by the hon. Members. Because these are after all more or less of the same pattern historically.

With these few words I again offer our thanks to the honourable Members of the Committee and this House and request them to take keen interest in the matters on which these observations have been made.

Mr. SPEAKER: Before I adjourn the House this afternoon I would like to offer my thanks to the Hon. Finance Minister. Under Rule 255 it is my privilege to give direction on this behalf and while giving direction I will bear it in mind. I am thankful to him for bringing this to my notice.

Adjournment

The Assembly was then adjourned till 10 A.M. on Wednesday the 2nd April, 1958.

Shillong
The 18th July, 1959.

R. N. BARUA,
Secretary,
Legislative Assembly, Assam.

