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Assam Legislative Assembly Debates

OFFICIAL REPORT

SEVENTH SESSION OF THE ASSAM LEGISLATIVE
ASSEMBLY ASSEMBLED AFTER THE FIRST
GENERAL ELECTION UNDER THE
SOVEREIGN DEMOCRATIC REPUBLICAN
CONSTITUTION OF
INDIA

ADJOURNED BUDGET SESSION

VOLUME I

No.24

The 28th June, 1956



सत्यमेव जयते

1956
PRINTED AT THE ASSAM GOVERNMENT PRESS
SHILLONG

Price 10 annas

1883

Legislative Assembly Debates

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SEVENTH ANNUAL REPORT OF THE
LEGISLATIVE ASSEMBLY
OF THE PROVINCE OF ONTARIO
FOR THE YEAR 1883

ADJOURNED BUDGET SESSION

VOLUME I

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DEBATES OF THE ASSAM LEGISLATIVE ASSEMBLY, 1955

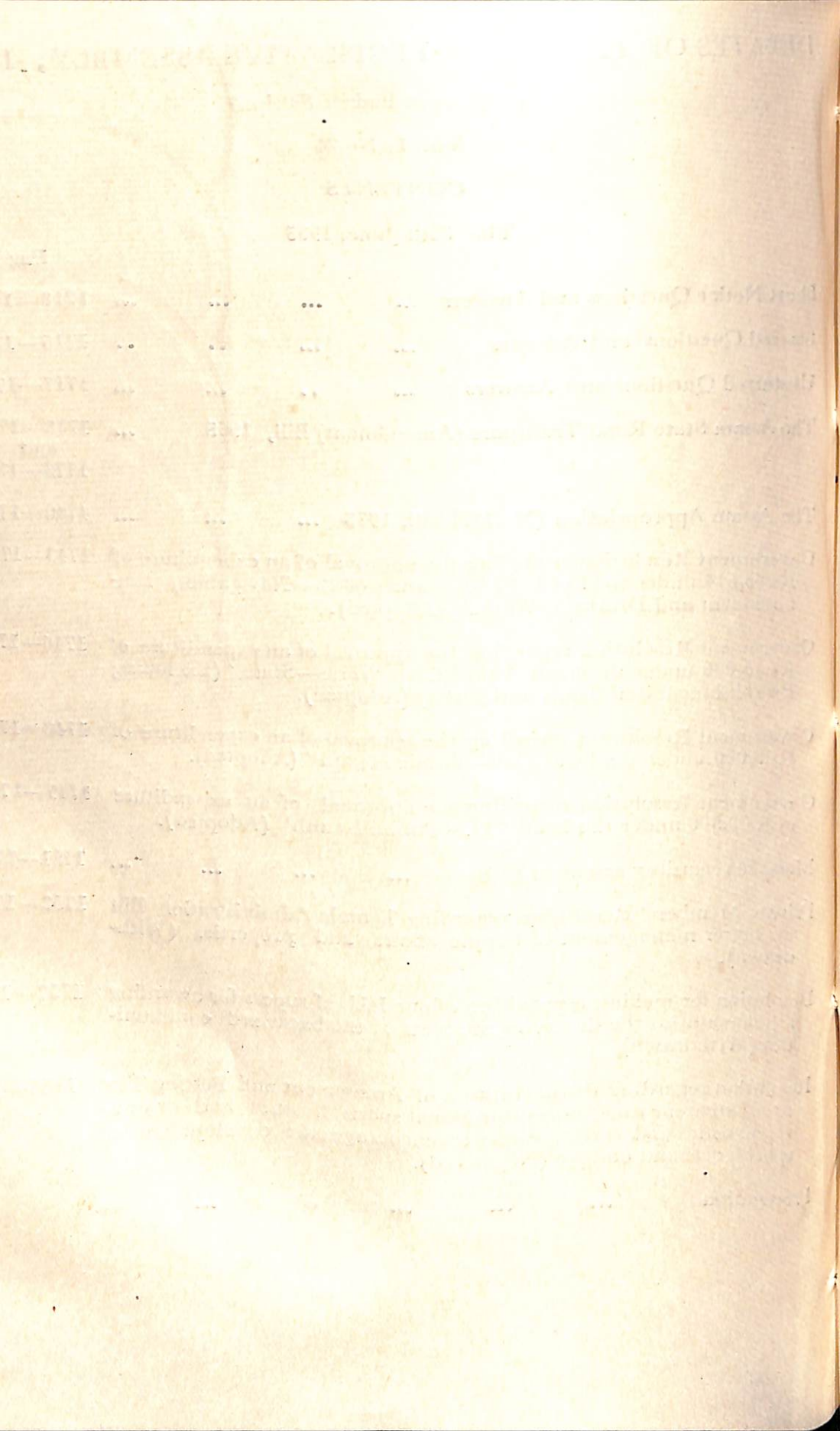
(Adjourned Budget Session)

Vol. I, No.24

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**Proceedings of the Seventh Session of the Assam
Legislative Assembly assembled after the First
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 28th June, 1955.

P R E S E N T

Shri Kuladhar Chaliha, B. L., Speaker, in the Chair, eight
Ministers, the two Deputy Ministers, the two Parliamentary
Secretaries and eighty Members.

QUESTIONS AND ANSWERS

SHORT NOTICE QUESTIONS

(To which oral answers were given)

**Erosion of the Banks of River Barak on near and around
Silchar**

M. MOINUL HAQUE CHOUDHURY asked :

5. Will the Public Works Department Minister be pleased
to state—

- (a) Whether Government are aware that rapid erosion
of the banks of river Barak is going on near
and around Silchar town and that already a
good area of the town including residential
quarters have been eroded ?
- (b) Whether it is a fact that the Official bungalows of
the Civil Surgeon, Executive Engineer, Cachar
Division, Court Buildings, particularly Silchar
Treasury built recently at a huge cost and
the Silchar Bar Library are threatened by
erosion ?
- (c) What steps have been taken to combat the pro-
blem of erosion ?
- (d) Whether Government propose to put up a boulder
spur on the Silchar town side bank of river
Barak along with other temporary steps ?

- (e) Whether Government are aware that due to communication difficulties iron ropes, wires and other implements to combat this problem are not available in sufficient quantities and the officials are experiencing great difficulties ?
- (f) Whether Government propose to divert some of the surplus implements from Dibrugarh and other places or at least to divert immediately and temporarily (even if there is no surplus stock) to tide over the difficulties till the materials are available ?
- (g) Whether Government propose to direct the experts working at Dibrugarh to visit Silchar immediately to suggest means and ways both long term and short term to combat the problem ?

Shri SIDDHINATH SARMA (Minister) replied :

5. (a)—Government are aware of the erosion that has been taking place at Silchar for the last few years. This year so far 30 feet of erosion has taken place behind the residences of Executive Engineer, Cachar Division and of the Civil Surgeon. In the Malogram area there has been erosion of 6 feet to 7 feet.

(b)—The threat of erosion to these buildings has existed there for several years. The threat has increased to the residence of the Executive Engineer, Cachar Division and that of the Civil Surgeon.

(c)—Some temporary protection measures are in hand, and long term protective measures are under study.

(d)—The putting in of a boulder spur would depend upon the result of study of the problem by experts.

(e)—There have been transport difficulties to Silchar, but they are being overcome.

(f)—Arrangements will be made to procure and send to Silchar such equipment as may be necessary for carrying out the work whether from Dibrugarh or from other sources.

(g)—Chief Engineer, Flood Control, is visiting Silchar from the 22nd to 24th June, 1955.

Sir, I have already stated that Chief Engineer, Flood Control and Shri S. P. Choudhury, Superintending Engineer, have already visited Silchar from the 22nd to 24th June, 1955. I read a note submitted by the Chief Engineer, Flood Control, yesterday before the House in connection with the Short Notice Questions put by Mr. Ram Prosad Chaubey.

M. MOINUL HAQUE CHOUDHURY: With regard to answer to 5 (d), will Government be in a position to give us an idea about the approximate time that will be taken to start the work?

Shri SIDDHINATH SARMA (Minister): I cannot say just now. That depends on the experts' opinion.

Shri BISHNURAM MEDHI (Chief Minister): I will clarify the position, Sir. The whole difficulty is until the permanent measures regarding training of rivers are finalised, the temporary measures, as far as possible, will have to continue. Similarly in Palasbari also we are carrying on these temporary measures and arrangements in spite of great risks. Sir, it is not the intention of the hon. Members of this House that without final experiment something expensive should be done to be washed away the next moment. Sometimes hasty permanent measures of revetment may increase the threat of erosion and such a threat is likely to frustrate the very purpose for which we want to take flood protective measures.

STARRED QUESTIONS

(To which oral answers were given)

State Soldiers', Sailors' and Airmen's Board, Assam

PU LALMAWIA asked :

*54. Will the Education Minister be pleased to state—

(a) Whether it is a fact that serious financial irregularities have come to light on the accounts of the State Soldiers', Sailors' and Airmen's Board, Assam as a result of the audit report submitted by the Accountant General ?

(b) If so, who were the persons involved in these irregularities ?

- (c) What steps have been taken or proposed to be taken by Government in this regard ?
- (d) Whether the Government have taken any steps to recover the money which was lost to the State Exchequer from the person or persons responsible for the irregularities ?
- *55. (a) Whether it is a fact that the post of Secretary, State Soldiers', Sailors' and Airmen's Board is now held by a responsible Government servant on part-time basis ?
- (b) Whether Government are aware of the fact that the post of Secretary, State Soldiers', Sailors' and Airmen's Board is very important and cannot be managed by a part-time Officer of the Government ?
- (c) Whether Government contemplates to replace the existing part-time incumbent by a whole time Secretary, State Soldiers', Sailors' and Airmen's Board ?
- (d) What are the criteria generally followed by Government in the past in making appointment to the post of the Secretary, State Soldiers', Sailors' and Airmen's Board, Assam ?
- (e) In view of the fact that the majority of *ex*-Servicemen in this State belonged to the Hill Tribes, whether Government propose to appoint a qualified Tribal candidate to the post of Secretary, State Soldiers', Sailors' and Airmen's Board, Assam ?
- (f) Whether the post of Secretary, State Soldiers', Sailors' and Airmen's Board is exclusively meant for *ex*-Commissioned Officer or also for serving Army Officer ?

Shri OMEO KUMAR DAS (Minister) replied :

54. (a)—Yes, some irregularities have been pointed out.
 (b)—The matter is under police investigation.
 (c) & (d)—Do not arise in view of reply to (b).

55. (a)—Yes.

(b)—The post is no doubt an important one, but there is no reason to believe that a suitable part-time officer cannot manage the work.

(c)—The matter is under examination.

(d)—Generally, *ex*-Commissioned Officers of the Armed Forces were appointed to the post.

(e)—The case of qualified Tribal candidates will be duly considered along with others if it is decided at any time to fill up the post by direct recruitment.

(f)—Since the work concerns the welfare of *ex*-Service-men and the families of serving soldiers it was felt that an *ex*-Commissioned Officer would be more suitable. The Central Board has, however, suggested that the State Government may consider appointing a serving officer of the State Government to the post.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Number of Schools under the Tea Gardens in Assam

Shri HARIHAR CHOUDHURY asked :

166. Will the Education Minister be pleased to state—

(a) Number of Tea Gardens in Assam ?

(b) Number of Schools under the Tea Gardens in Assam ?

(c) Number of Inspectorate Staff specially meant for inspection of Tea Garden Schools in Assam ?

(d) Number of such Schools inspected by the Inspectorate Staff during the preceding three years, year by year ?

(e) Number not inspected during the last three preceding years ?

Shri OMEO KUMAR DAS (Minister) replied :

166. (a) to (e)—Information is being collected.

Shri BISWADEV SARMA: May we know when the information will be available?

Mr. SPEAKER: Information is being collected.

Shri MOTIRAM BORA (Minister): So far as number of tea gardens, European and non-European, is concerned this was replied to yesterday.

Shri BISWADEV SARMA: We want the information from the Government.

Mr. SPEAKER: The reply is that information is being collected. Why don't you look into the report of the Tea Industry, and you can get all the information you want. Information on questions (c), (d) and (e) may not be exactly available.

Shri BISWADEV SARMA: Whether Government will circulate the information to the hon. Members?

Shri OMEO KUMAR DAS (Minister): The reply will be sent to the Questioner.

Shri BISHNURAM MEDHI (Chief Minister): If it is a new question, the reply will be given in the next Session.

Shri ANANDA CHANDRA BEZBARUA: How some of the informations will be available?

Mr. SPEAKER: (c), (d) and (e) are not available, but the other two are available.

Shri BISWADEV SARMA: Will the information be sent to us as soon as it is available?

Shri OMEO KUMAR DAS (Minister): It will be sent to the Questioner.

Raja AJIT NARAYAN DEB of Sidli: But how will we get the information?

Mr. SPEAKER: If it is repeated in the House, it will be replied.

Shri BISHNURAM MEDHI (Chief Minister): Yes. Then again if any hon. Member intimates that he wants the information, it will be made available to him.

Maulavi MUHAMMAD UMARUDDIN: The practice of giving the reply like this—that information is being collected—is not necessary at all. Will Government stop this practice?

Shri RAMNATH DAS (Minister): When the information has been called for, we must say like that.

Maulavi MUHAMMAD UMARUDDIN: There are a number of questions which have not been replied yet because the information has not been received from the district. Such replies should not be treated as replies to questions.

Chief Forest Officer, Mechpara Court of Wards' Estate

Shri HAKIM CHANDRA RABHA asked:

167. Will the Revenue Minister be pleased to enquire and state—

- (a) Whether the Chief Forest Officer, Mechpara Court of Wards' Estate has started the construction of a building of his own at Gauhati?
- (b) Whether it is a fact that all the timbers required for the purpose are being supplied by him from Lakhimpur side?
- (c) If so, whether any permit for cutting trees with royalty from the Estate has been secured by him?

Shri HARESWAR DAS (Deputy Minister) replied:

167.(a)—Yes, the foundation of a building has been laid out.

(b)—Government have no information.

(c)—Yes. Permit for two Sissoo trees on payment of schedule rate of royalty and monopoly fee was obtained by him.

Muslims of Sidli III Circle (East) in lot No.5 in the District of Goalpara

Raja AJIT NARAYAN DEB of Sidli asked:

168. Will the Minister of Revenue be pleased to state—

- (a) If he is aware that the Muslims of Sidli III Circle (East) in lot No.5 in the District of Goalpara, who have returned from outside Assam after the communal riots have not received back their lands?

- (b) If it is a fact that they are living on Khas lands paying Touzi Bahir revenue ?
- (c) If it is a fact that the Government have already issued orders for settling lands with them ?
- (d) If the reply to the above be in the affirmative, the reason for delay in executing the said order ?
- (e) If he proposes to settle lands with them at an early date ?
- (f) If not, why ?

Shri HARESWAR DAS (Deputy Minister) replied :

168. (a)—All the periodic lands in this circle were restored to the Muslim Migrants but the annual lands could not be restored as these were cancelled and made Khas due to long absence of Pattadars, without payment of the revenue thereof.

(b)—Yes, some of them are doing so.

(c)—Yes.

(d)—With a view to execute Government orders, villages are being surveyed by the land records staff and the work is in progress.

(e)—Yes.

(f)—Does not arise.

Raja AJIT NARAYAN DEB of Sidli : With regard to (a), will the Hon'ble Minister please say when the Muslims came back from outside Assam ?

Shri HARESWAR DAS (Deputy Minister) : That is a new question.

Raja AJIT NARAYAN DEB of Sidli : The Minister says in his reply "due to long absence of Pattadars". So I want to know what does he mean by "long absence". How long they have been absent from the place ?

Shri HARESWAR DAS (Deputy Minister) : They did not return in a body. Some returned after 2 years and some returned after 3 years. This is a new question requiring investigation into the matter. So I cannot give a definite reply.

Maulavi MUHAMMAD UMARUDDIN : "Long absence"—this is a very indefinite answer. I can assure that all of them returned within 3 to 6 months and the long absence is entirely a misleading answer.

Shri HARESWAR DAS (Deputy Minister): In this case it is clear ; when a year is passed and no revenue is paid, the annual Patta is cancelled.

Maulavi MUHAMMAD UMARUDDIN: Revenue not paid for how long ?

Shri HARESWAR DAS (Deputy Minister): It will be one year or may be more.

Raja AJIT NARAYAN DEB of Sidli: When were the annual Pattas cancelled ?

Shri HARESWAR DAS (Deputy Minister): This was done in accordance with Chapter X of the Land Revenue Regulation.

Raja AJIT NARAYAN DEB of Sidli: Whether Government was competent to cancel the Pattas at that time ?

Mr. SPEAKER: It was done according to Chapter X of the Land Revenue Regulation.

Raja AJIT NARAYAN DEB of Sidli: At that time the management of the Sidli Estate was not in the hands of the Government. So I want to know how Government was competent to cancel the Pattas ?

Shri HARESWAR DAS (Deputy Minister): Who was in-charge of the management ?

Raja AJIT NARAYAN DEB of Sidli: I was in-charge.

Shri HARESWAR DAS (Deputy Minister): Then my hon. Friend need not question because he knows quite well (*Loud Laughter*).

Raja AJIT NARAYAN DEB of Sidli: Some of the lands which were left vacant by the Muslims were requisitioned by the Deputy Commissioner and soon after when the Muslims returned they were told that their Pattas were cancelled and they had to be settled somewhere else. I want to know how Government could say that their Pattas were cancelled.

Shri HARESWAR DAS (Deputy Minister): When the hon. Questioner knew this, it was his duty to restore the land to these people and not of the Government.

Maulavi MUHAMMAD UMARUDDIN: Is it a fact that these Pattas were cancelled under the order of the Government in May, 1950 ?

Shri HARESWAR DAS (Deputy Minister): That cannot be as my Friend, Raja Ajit Narayan Deb, was in-charge of the land.

Maulavi MUHAMMAD UMARUDDIN: Is it a fact or not that within three months the communal disturbance took place there by an order of the Government, these Pattas were cancelled ?

Shri HARESWAR DAS (Deputy Minister): When another person was in-charge of the management, Government could not cancel the Pattas.

Mr. SPEAKER: He has replied when they are not in-charge they cannot cancel.

Maulavi MUHAMMAD UMARUDDIN: Is it a fact or not whether the Government or the Deputy Commissioner, in May 1951, by an order, cancelled these annual Pattas in the Sidli Circle ?

Shri HARESWAR DAS (Deputy Minister): That cannot be because from 1945 to 1951 Raja Ajit Narayan Deb was in-charge of the management. So in 1950 Government could not have cancelled the Pattas.

Raja AJIT NARAYAN DEB of Sidli: With regard to (c) the Minister says 'yes'. When was this order issued to settle lands with the Muslims ?

Shri HARESWAR DAS (Deputy Minister): I cannot give the date of the order. The question was whether any order was issued and the reply was "Yes".

Raja AJIT NARAYAN DEB of Sidli: When ?

Shri HARESWAR DAS (Deputy Minister): That will require examination of the papers. If he repeats his question I shall be able to give the answer.

Shri RANENDRA MOHAN DAS: The question was "whether Government have issued orders for settling lands with them" and the answer is "Yes". If the land was in-charge of Raja Ajit Narayan Deb, how Government issued orders and how the Minister said "Yes" ?

Shri HARESWAR DAS (Deputy Minister): That shows absolute ignorance of facts. Up to the end of 1951, Raja Ajit Narayan was in-charge and after that Government came into charge and now we are in 1955.

Shri HARESWAR GOSWAMI: Sir, may I know whether a Minister of the present Cabinet is not to reply regarding certain actions taken by a Minister of the outgoing Cabinet in a particular matter? This information is necessary.

Shri HARESWAR DAS (Deputy Minister): As far as we are concerned, we come with information to reply to supplementary questions. As far as my Friend, Shri Ranendra Mohan Das's question is concerned, I have already replied that Raja Ajit Narayan Deb was in-charge of the management upto the end of 1951. These orders were naturally regarding settlement, were issued afterwards and so a supplementary question does not arise at all. He must follow my reply first and then put supplementary questions.

Settlement of Land in Chatla Area under Silchar Subdivision

Maulavi MEHRAB ALI LASKAR asked:

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

- (a) Whether it is a fact that lands are available for settlement in Chatla area under Silchar Sub-division?
- (b) If so, what is the area available?
- (c) How many people are given settlement so far?
- (d) What are the criteria for giving such settlements?
- (e) Whether all people given settlement are landless and agriculturists by profession?

Shri HARESWAR DAS (Deputy Minister) replied:

169. (a) —Yes.

(b)—An area of 12,160 Bighas are available, but about 90 per cent of this area consists of Tilla lands, unfit for cultivation.

(c)—Two thousand three hundred and seventy-eight Bighas, 18Kathas, 7 Chitaks was settled with 310 families during the last resettlement operation.

(d)—In making settlement preference is given to the local landless or flood affected cultivators.

(e)—Yes, excepting in one case in which land was settled with one Mrs. Rina Prentis through mistake of the local officers although she had already had an economic holding. The Deputy Commissioner has been taking steps to set the matter right.

List of works included under the First Five-Year Plan

Shri HARIHAR CHOUDHURY asked :

170. Will the Minister for Planning and Development be pleased to lay on the table—

(a) List of works included under the States First Five-Year Plan with allotment of money against each ?

(b) List of works completed within 31st March, 1955 ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

170. (a) & (b)—A copy of the Progress Report on Assam's Five-Year Plan for the period ending 31st March, 1955 which will give the required information is placed on the Library Table of the Assembly.

Examination of Buses running from North Gauhati to different places

Sriman PRAFULLA GOSWAMI asked :

171. Will the Transport Minister be pleased to state—

(a) Who has examined the buses running from North Gauhati to Puthimari, Rangiya, Goreswar, Nalbari, Barama, Hajo, Patacharkushi, Pathshala and Bapeta and given fitness certificate for their running in the line?

(b) How many times these buses are examined in a year?

(c) Whether Government are aware that many old and unfit buses have been allowed to be run in those lines?

(d) If not, whether Government will depute the Government Automobile Chief Engineer or some other competent Engineer of Government to re-examine these buses thoroughly?

- (e) Name of the private mechanic appointed or approved by the Government in Kamrup for giving fitness certificate of public buses ?
- (f) Whether Government propose to stop the system of issuing fitness certificate of buses by private mechanics ?

Shri SIDDHINATH SARMA (Minister) replied :

171. (a)—The Motor Vehicles Inspector, Gauhati.

(b)—Normally twice in a year under Section 38 of the Motor Vehicles Act, *read* with Rule 45 of the Assam Motor Vehicles Rules.

(c)—No. Fitness Certificates are issued after proper inspection and examination for fit vehicles only.

(d)—No. According to the Motor Vehicles Act, and the rules framed thereunder the Motor Vehicles Inspectors are only the appropriate authority to examine vehicles and issue fitness certificates of transport vehicles.

(e)—Private Mechanics are not appointed or approved for issuing fitness certificates. They are engaged from time to time to examine vehicles involved in accident cases only in absence of the Motor Vehicles Inspector.

(f)—Does not arise.

Name of the Stage Carriage Permit Holders and the Registration number of Vehicles running from North Gauhati to different places

Sriman PRAFULLA GOSWAMI asked :

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

(a) Names of the bus-owners with Bus No. allowed to be run in the following lines :—

(1) North Gauhati-Puthimari-Rangiya-Nalbari-Barama-Patacharkushi-Barpeta line ;

(2) North Gauhati-Hajo line ; and

(3) North Gauhati-Goreswar line.

(b) How many bazar buses are allowed to be run in Gauhati subdivision with the name of each bus owner and bus No. and line allotted to each bus ?

- (c) Whether Government are aware that a good number of regular passengers bound for different places in Gauhati-Goalpara line are carried in these bazar buses and has thus caused a great loss to the State Transport ?
- (d) If not, whether Government will make a thorough enquiry and take necessary steps to stop the unwanted bazar buses ?
- (e) Whether Government propose to introduce some bazar buses from State Transport Organisation instead of allowing private individuals to run bazar buses in Gauhati-Goalpara line ?

Shri SIDDHINATH SARMA (Minister) replied :

172. (a)—Name of the Stage Carriage Permit Holders and the Registration number of vehicles are as below :—

1. Shri Bharat Chandra Choudhury ..	ASK-1895
2. Shri Goma Ram Deka ...	ASK-1790
3. Shri Jogendra Chandra Mahanta ...	ASK-854
4. Shri Jogendra Chandra Bhattacharjee	ASK-1896
5. Shri Abhoy Chandra Bora ...	ASK-1791
6. Md. Taher Ali, Managing Partner Union Bros.	ASK-541
7. Srimati Dalimi Priya Kalitani ...	ASK-2286
8. Shri Bendhuras Das ...	ASK-1749
9. Shri Narendra Nath Das ...	ASK-1284
10. Shri Phanidhar Deka ...	ASK-1654
11. Shri Benudhar Das ...	ASK-1522
12. Srimati Girija Sundari Choudhury...	ASK-1501
13. Shri Chittaram Deka ...	ASK-415
14. Shri Suktaram Das ...	ASK-1267
15. Shri Bishnuram Deka ...	ASK-1911
16. Shri Bhabit Ch. Kalita ...	ASK-1310
17. Shri Gangaprasad Buzarbarua ...	ASK-1050
18. Shri Narendra Nath Bharali ...	ASK-692
19. Shri Lankeswar Das ...	ASK-4060
20. Shri Dhaniram Deka ...	ASK-1842
21. Shri Liladhar Baruah ...	ASK-1947
22. Shri Promode Chandra Barman ...	ASK-1957
23. Vacant (has been advertised) ...	...

North Gauhati-Barpeta Route

1. Shri Deviram Das ...	ASK-757
2. M/S. Abdul Latif and Sumeswari Lekharu.	ASK-922

3. Shri Anawar Hussain	...	ASK 2139
4. Shri Abhoy Chandra Thakuria	...	ASK-1368
5. Shri Jhumarmall Seragi	...	ASK-594
6. Shri Mangilal Champalal	...	ASK-729
7. Shri Janakilal Kalita	...	ASK-1211
8. Shri Madhuram Nath	...	ASK-947
9. Shri Kandarpa Kumar Das	...	ASK-2102

North Gauhati-Hajo Route

1. Shri Praneswar Baisya	...	ASK-1771
2. Shri Mabarak Ali	...	ASH-184
3. Shri Akbar Ali	...	ASA-845
4. Shri Haladhar Choudhury	...	ASK-1659
5. Shri Ganesh Las Das	...	ASK-768
6. Shri Ramesh Chandra Dutta	...	ASK-927
7. Shri Bhupendra Nath Mahanta	...	ASJ-1457
8. Shri Basir Uddin Ahmed	...	ASK-1414
9. Shri Lohit Chandra Das	...	ASK-2194
10. Shri Mohar Ali	...	ASK-576
11. Shri Padmakanta Sarma Bordaloi	...	ASK-1695
12. Nalbari Commercial Transport Syndicate.	...	ASK-1533

North Gauhati-Goreswar Route

1. Shri Naranath Saikia	...	ASK-1211
2. Shri Lalit Chandra Mahajan	...	MNS-1374
3. Shri Govinda Ram Deka	...	MNS-1808
4. Shri Krishna Ram Saikia	...	ASK-1246
5. Shri Devendra Nath Deka	...	ASK-370
6. Shri Lakhiprasad Medhi	...	MNS-842
7. Sri Teparo Ram Bora	...	ASK-2070
8. Sri Kirti Nath Choudhury	...	ASA-1268
9. Sri Ahmed Ali	...	ASA-755
10. Sri Mahanada Dutta	...	ASK-2408
11. Sri Matiram Deka	...	ASK-1458
12. Sri Nabin Chandra Deka	...	MNS-1622
13. Sri Rabiram Bora	...	ASK-921
14. Sri Barada Hazarika	...	ASK-2213
15. Srimati Bilayet Bai Seragi	...	ASK-594
16. Sri Sarat Chandra Roy Medhi	...	ASK-2452

(b)—(A) List of Casual Contract Carriages to attend Hat and Bazar in the South Bank of Gauhati Subdivision :—

1.	Md. Ali	...	...	ASK-1998
2.	Musstt. Hamida Begum	...	...	ASK-1814
3.	Md. Rafique	...	...	ASA-1166
4.	Sri Musahaque	...	...	ASK-1428
5.	Anwar Hussain & Amina Bibi	...	...	ASK-1415
6.	Mrs. Jogeswari Choudhury	...	...	ASK-1800
7.	Join and Barua	...	...	ASK-665
8.	Palasbari Tailor Society	...	...	MNS-1170
9.	Sri Rabindra Nath Das	...	...	ASK-1774
10.	Sri Azizur Rahman	...	...	ASK-942
11.	Ambika Goswami and Dhaneswar Das.	...	...	ASK-662
12.	Sri Aliram Namasudra	...	...	ASK-712
13.	Sri Samidra Narayan Das	...	...	ASK-806
14.	Sri Joyram Doloi	...	...	ASK-869

(B) List of Casual Contract Carriages to attend Hat and Bazar in the North Bank of Gauhati Subdivision :—

1. M/S. Pathak Goswami and Co. ... ASK-2040 to attend Hats and Bazars of Gauhati Subdivision to be stationed at Tihu.
2. Joygon Bibi and Sons ... ASK-1081 to attend Hats and Bazars in the North Bank of Gauhati Subdivision.

There are accordingly 14 Casual Contract Carriages to attend Hats and Bazars on the South Bank and 2 on the North Bank of Brahmaputra in the Gauhati Subdivision.

(c)—Government have reports to this effect that the State Transport earnings are being effected. The Mobile Courts have been introduced and were sent out to North Bank on 6th February, 1955 and 13th February, 1955 and fines amounting to Rs.545 and 827 respectively were imposed. After 13th February, 1955 till 22nd June, 1955 number of cases detected including Mobile Court is 216—Mobile Court accounting for 76 cases and realisation of Rs.1,275. It has been arranged to send Mobile Courts frequently to detect Motor Vehicle offences. Enforcement staff are being appointed to check these offence in co-operation with the Police.

(d)—Government will bring all such cases to the notice of the appropriate authorities (S.T.A. and R.T.A.) for necessary action.

(e)—The matter is receiving consideration.

Over-loading of Passengers in the taxis running from Pandu to Gauhati

Sriman PRAFULLA GOSWAMI asked :

173. Will the Minister-in-charge of Transport be pleased to state what steps Government have taken to prevent the overloading of passengers in the taxis running from Pandu to Gauhati and what is the result of the enquiry as assured in reply to Unstarred Question No.66 put by the Questioner in the Assembly on the 12th September, 1953 ?

174. (a) Will the Transport Minister be pleased to state what steps Government have taken to prevent overloading in buses running to and from North Gauhati, as has been assured in reply to Unstarred Question No. 67 put by the Questioner in the House on the 12th September, 1953 ?

(b) Do Government propose to take effective steps to control the traffic at North Gauhati ?

Shri SIDDHINATH SARMA (Minister) replied :

173.—Mobile Courts were held on Gauhati-Goalpara Route to check illegal traffic. 50 cases were tried summarily and the drivers and owners were convicted under the Motor Vehicles Act. Out of 706 cases detected from 1st January, 1954 to 22nd June, 1955 under various sections of Motor Vehicles Act, 468 were cases of overloading in the Gauhati-Pandu region of which 15 were acquitted, 63 otherwise disposed of, 133 pending and 257 cases ended in conviction. Effective Police check is being maintained against overloading as is evident from the statistics of cases furnished. With the introduction in office of Enforcement Inspectors of the Transport Department considerable improvement in the tightening up of administrative machinery is expected.

174. (a)—To prevent overloading in buses running from North Gauhati, a new Police outpost was established on 1st October, 1954 at North Gauhati. Since then about 50 cases of overloading under the Motor Vehicles Act were detected.

(b)—Yes, effective Police check is being maintained.

Permit for Taxis

Sriman PRAFULLA GOSWAMI asked :

175. Will the Minister-in-charge of Transport be pleased to state whether Government propose to issue some permit for taxis being run at Nalbari Municipality, North Gauhati and Rangiya for the convenience of local people and passengers ?

Shri SIDDHINATH SARMA (Minister) replied :

175.—Regional Transport Authority, Gauhati, consider that one taxi stationed at North Gauhati is sufficient to meet the requirements. The suggestion has been brought to the notice of Secretary, Regional Transport Authority for consideration of the Regional Transport Authority Board.

Land by the sides of the Umtru Project

Shri A. S. KHONGPHAI asked :

176. Will the Chief Minister be pleased to state—
- (a) Whether it is a fact that the Government proposes to reserve about 300 sq. miles of land by the sides of the Umtru Project ?
 - (b) Whether it is a fact that the land falls within the forests land which is under the District Council, United Khasi-Jaintia Hills ?
 - (c) Whether it is a fact that the District Council has not been asked about this ?
 - (d) Whether it is a fact that Government propose to occupy land in this area as a private Khasi individual without asking permission from any authority over land in this area ?
 - (e) Whether it is a fact that the Government is urging the Forest Department to occupy some more land and to make it a reserved forest, and to prevent the Khasis from working in those areas ?
 - (f) If so, whether Government have asked the District Council about this ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

176. (a)—A tentative proposal for examining the desirability and the need of reservation of area that may be found necessary to serve as a catchment area for the Umtru Project is under the consideration of the Government.

(b)—It has not been so far definitely ascertained what area of this proposal will fall within the forest reserve or within the Unclassed State Forest or any other area.

(c)—The District Council has not been consulted as no concrete proposal has so far emerged but preliminary survey has been undertaken in consultation with Chief Executive Member of the District Council.

(d)—No such question has so far arisen as the proposal has not reached any final stage. Government will take necessary steps according to law when the proposal is finalised.

(e)—No question of extending the area of any Reserve Forest has arisen.

(f)—Does not arise.

Shri A. S. KHONGPHAI: As regards (c), Sir, it is replied that "the District Council has not been consulted, etc., etc". May I know, Sir, if the District Council will be consulted?

Shri BISHNURAM MEDHI (Chief Minister): In the answer itself it has been made clear that "The District Council has not been consulted as no concrete proposal has so far emerged but preliminary survey has been undertaken in consultation with Chief Executive Member of the District Council". The proposal has not reached any final stage. Government will take necessary steps according to law when the proposal is finalised.

Number of persons sent out at Government expense or on study leave for higher education in U. K. and U. S. A.

Shri HARESWAR GOSWAMI asked :

177. Will the Minister of Development be pleased to state—

(a) How many persons were sent out at Government expense or on study leave for higher education in U. K. or U. S. A. during the last four years and what are their names?

(b) What are the subjects they have studied and what examination each one has passed?

(c) How many of them have been employed and in what jobs on their return?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

177. (a) to (c)—A statement giving the required information is placed on the Library table.

Grant under Article 275(1) of the Constitution

Shri A. S. KHONGPHAI asked :

178. Will the Chief Minister be pleased to state the amount of money spent for (I) Education, (II) Medical and (III) Public Health in each of the Autonomous Districts from the grant under Art.275(1) of the Constitution from 1950 to 1955 ?

179. Will the Chief Minister be pleased to state the amount which the Government of Assam has been getting from Government of India for the Autonomous Districts under clause (a) of the second proviso of Art.275(1) of the Constitution from 1950 to 1955 annually ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

178.—Grants under Art. 275 of the Constitution are sanctioned scheme-wise and not district-wise. The amounts spent for the Autonomous Districts under the heads in question from the Art. 275(1) (b) grants and from State Revenues are shown below :—

1950-51

		Amount spent out of Art. 275 grants	Amount spent by State Govern- ment
		Rs.	Rs.
1. Education ...	...	1,23,971	13,28,159
2. Medical ..	...	22,734	5,37,692
3. Public Health ..	..	2,118	1,59,992

1951-52

1. Education ...	...	1,39,738	14,04,262
2. Medical ...	...	1,16,677	6,17,323
3. Public Health ...	...	18,103	2,23,897

1952-53

1. Education ...	...	2,56,510	16,11,271
2. Medical ..	...	55,496	7,19,711
3. Public Health ...	...	37,527	2,59,983

1953-54

1. Education ...	...	3,76,366	17,79,387
2. Medical ...	...	98,472	9,10,198
3. Public Health ...	...	84,551	2,00,457

		Amount spent out of Art. 275 grants	Amount spent by State Govern- ment
		Rs.	Rs.
1954-55 (Revised estimate)			
1. Education	..	10,68,100	19,73,668
2. Medical	... ..	4,43,780	8,66,234
3. Public Health	..	2,08,799	2,91,401

179.—The grants under Art.275(1) (a) are given to help bridge the gap between the Revenue Receipts from Autonomous Districts and the excess of expenditure met from State Revenues for the administration of the Autonomous Districts. The figures showing grants under Art.275 of the Constitution.

Revenue Receipts from Autonomous Districts and the total expenditure incurred by the State Government in the Autonomous Districts showing the excess met out of the State revenues are given below :—

Grant under Art.275(1)	Grant under Art.275(1) (b)	Revenue Receipt	Total of columns 1 to 3	Total expenditure	Excess expenditure by State Government
(1)	(2)	(3)	(4)	(5)	(6)
1950-51 ..	30,00,000	..	..	..	..
1951-52 ..	50,00,000	30,07,000	99,07,000	1,24,18,000	25,11,000
1952-53 ..	40,00,000	40,76,000	1,08,19,000	1,48,23,000	40,04,000
1953-54 ..	40,00,000	62,52,000	1,50,08,595	2,03,20,000	53,11,405
(Revised estimate) 1954-55 ..	40,00,000	30,86,000	1,69,31,464	3,08,71,000	1,32,39,536

The Assam State Road Transport (Amendment) Bill, 1955

Shri HARESWAR GOSWAMI : Mr. Speaker, Sir, I want to raise a point of order regarding the Assam State Road Transport (Amendment) Bill, 1955. It appears that the House has treated this Bill as a Money Bill and, therefore, even for any Amendment, the recommendation of the Governor is required. This is a very important matter and so your Ruling is necessary whether this Bill is to be considered as a Money Bill. In this respect I have gone through the relevant Articles. I will first refer to Article 199(1) of the Constitution of India. This runs as—

“For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:—

(a) the imposition, abolition, remission, alteration or regulation of any tax ;”

This does not come here.

“(b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State ;”

This also does not come here.

“(c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such Fund ;”

This has some relevancy.

“(d) the appropriation of moneys out of the Consolidated Fund of the State ;”

Not applicable. Then again:—

“(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure ;”

It is not a charged expenditure in this case. Then next:—

“(f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money ;”

It also does not come in here. Then next:—

“(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).”

It is a big clause. It says “any matter incidental to any of the matters specified in sub-clauses (a) to (f).”

Then I come to Article No.207. Here a distinction has been made between No.207(1) and No.207(3). No.207(1) reads as: “A Bill or Amendment making provision for any of the

matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council :

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax." Then I read sub-clause (3) : "A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of a State shall not be passed by a House of the Legislature of the State unless the Governor has recommended to that House the consideration of the Bill."

Sir, if I am correct, the message of the Governor at the beginning when the Bill was introduced was received under Article 207(3) and not under Article 207(1). If it is considered that the present Bill is under Article 207(1) then for its introduction also a message under Article 207(1) was necessary. So far as (b) is concerned, the whole Bill is an enabling Bill only. It does not lay down definitely what will be spent from the Consolidated Fund. There is at present no financial obligation.

I shall also refer to May's Parliamentary Practice where Money Bill has been defined.

Shri BISHNURAM MEDHI (Chief Minister) : Is it your contention that Governor's recommendation is not necessary ?

Shri HARESWAR GOSWAMI : Yes.

Shri BISHNURAM MEDHI (Chief Minister) : We agree. In the case of the Zamindari Abolition Bill also, I think, there was no message from the Governor giving sanction.

Shri HARESWAR GOSWAMI : But on this point a ruling is necessary. It is not a question of your difference with me or my difference with you.

As I was saying, Sir, in May's Parliamentary Practice, a Money Bill has been defined. This will be of help to us. This is very important because very often Bills are unnecessarily treated as Money Bills. An enabling Bill cannot be a Money Bill immediately.

Mr. SPEAKER : Because there is no immediate obligation ?

Shri HARESWAR GOSWAMI : Yes, Sir.

Mr. SPEAKER : But you have put down certain criteria, for deciding whether a Bill is a Money Bill. If you undertake money obligation by a measure, should it not be treated as a Money Bill ?

Shri HARESWAR GOSWAMI : Not always, Sir. In May's book a money Bill is defined as "a public bill which in the opinion of the Speaker of the House of Commons contains only

provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation ; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament.....”

Mr. SPEAKER : Yes, payment of debt. You are legislating for payment of compensation which you may not pay immediately.

Shri HARESWAR GOSWAMI : Just because we express our desire to make payment, it does not become a Money Bill. When actually it is decided to be paid, it becomes a Money Bill.

Mr. SPEAKER : You mean to say that when we pass the Bill for payment, it is not a Money Bill, but when actually the cheque is drawn, it will become a Money Bill. The distinction is very fine.

Shri HARESWAR GOSWAMI : Actually a Money Bill is to be considered from the point of view more of taxation, *i.e.*, when there is a fresh taxation and also when there is a charge on the Consolidated Fund and charges are earmarked. As a matter of fact, in the Budget all these things are stated and that is why the Governor's recommendation is necessary for presenting the Budget. But this is only an enabling Bill.

Mr. SPEAKER : This is too fine a distinction, Mr. Goswami. You mean to say that when you provide for payment of debt or undertake some obligation, it is not a Money Bill, but as soon as you undertake to pay, it becomes a Money Bill. If your interpretation is correct, then we shall not require any sanction from the Governor with regard to any Bill.

Shri HARESWAR GOSWAMI : Article 199(1)(b) states, “the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State”.

Mr. SPEAKER : “Or to be undertaken”—not now but in future if the Act is passed.

Shri HARESWAR GOSWAMI : This will be giving a very enlarged meaning, in my opinion, Sir. That must have some relevancy with borrowing or giving of money. We cannot read this without its context. Article 199(1)(b) clearly states “or the amendment of the law with respect to any financial obligations undertaken or to be undertaken”. This is relevant here.

Mr. SPEAKER : But what about giving of any guarantee by the State ? Do you mean to say that the latter part is disconnected ? Here all the parts are connected by the word “or”, “or” and “or”.

Shri HARESWAR GOSWAMI: The first part says "regulation of the borrowing of money or the giving of any guarantee by the State" then it says "amendment of the law..."

Mr. SPEAKER: Amendment of which law?

Shri HARESWAR GOSWAMI: "Amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State". You cannot detach it from the former part.

Mr. SPEAKER: But you cannot detach it from the latter part also. That is not possible.

Shri HARESWAR GOSWAMI: This is my submission, Sir.

Mr. SPEAKER: Of course, I appreciate that you have made a fine distinction.

Has Mr. Umaruddin got to say anything on this?

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, the particular clause or sub-clause of Article 199(1) is (b), which we are now considering.

Mr. SPEAKER: You can take (g) as well.

Maulavi MUHAMMAD UMARUDDIN: That is too wide and vague. Here, the words "financial obligations undertaken or to be undertaken by the State" should be interpreted in the context of the subject matter of this particular clause because each of the sub-clauses deals with a specific subject. As for instance (a) deals with "imposition, abolition, remission, alteration or regulation of any tax". It does not come under that. Next comes borrowing of money. If the State borrows money or if any financial obligation is undertaken or to be undertaken in the shape of commercial undertakings or anything like that, this comes under (b). Each one of them envisages a separate subject. Here it is not an ordinary obligation. The ordinary obligation of this Government is to run the administration. But when we pass any law, a certain amount of obligation is put on the Government. Supposing we pass a law about education or certain other subject, in that case Government may have to take up an establishment to implement the law, which will mean expenditure by the State. Should we construe that as a financial obligation to the State under sub-clause (b) of Article 199(1)? I do not think, there will be any law which will not involve some expenditure to the State. Therefore, clause (b) has special and limited meaning, that is, it refers to borrowing money, floating companies and purchasing shares, etc. I maintain that such obligation is the financial obligation contemplated by clause (b) and not the general obligation regarding expenditure arising

from the enforcement of any ordinary Act or law. If Government has got specific liability by law to run a route.....

Mr. SPEAKER: You mean to say that compensation is to be paid in future.

Maulavi MUHAMMAD UMARUDDIN: Now, as regards Zamindari Acquisition Bill, there is the provision for compensation. Road Transport Bill and the Zamindari Abolition Bill stand on the same footing so far as compensation is concerned. Now, I am comparing these two Bills.

Mr. SPEAKER: You are advancing the argument that compensation paid under the Act will not come under the definition.

Maulavi MUHAMMAD UMARUDDIN: It does not come.

Mr. SPEAKER: According to you the things provided in the Transport Act will not come under this definition.

Maulavi MUHAMMAD UMARUDDIN: No, Sir, but it comes under Article 207 (3) for the purpose of introducing this Bill.

My contention is that if the Zamindari Acquisition Bill is not a Money Bill, there is no reason why this particular Bill should not be treated on the same footing and, I think, the recommendation of the Governor is not necessary to move an amendment to the Bill.

Shri BISHNURAM MEDHI (Chief Minister): Sir, the whole idea of this amending Bill is to authorise the State Government to nationalise Road Transport. Whether Government will nationalise or not will depend on policies the Government may pursue in future. The Bill itself does not impose any obligation on the part of the Government involving any finance of the State. Now, the amending Bill only authorises Government to nationalise Road Transport but lays down certain principles of compensation when a route may be nationalised in future by the Government. The contingency may not arise at all if Government change their mind and do not nationalise any route, it is only conferring authority on Government. If Government decide to nationalise just like the Zamindari Acquisition Bill, the principles of compensation will be applicable, but this also may not arise if the permit-holders are given alternative routes in case a route is nationalised. When we find that compensation is to be paid, in that case we will come with a demand to the Legislature for a fund, but this cannot be treated as a Money Bill.

Mr. SPEAKER: But the Statement of Objects and Reasons does not say so.

Shri BISHNURAM MEDHI (Chief Minister): In case Government decide to nationalise a certain route, the Government may have to pay compensation in accordance to the principle laid down in the Bill, Government will then have to come before the Legislature with a demand of a particular sum out of the Consolidated Fund for the purpose.

In view of sub-clause (b), which reads, "the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaking or to be undertaken by the State." This is in reference to law, with respect to 'any financial obligations undertaken or to be undertaken'.

Mr. SPEAKER: Before getting the sanction of the Legislature, you will spend the money for compensation from the Contingency Fund.

Shri BISHNURAM MEDHI (Chief Minister): Contingency Fund is created by the vote of the Legislature. It is to meet emergency matters. In anticipation of getting approval of the Legislature, the Government has sometimes to spend money out of the Contingency Fund but they will have to come to the House for voting the demand for the required amount of money. Mere passing of the Act does not fix legal obligations on the Government to nationalise Road Transport as there is no mention of any definite route in this amending Bill.

Mr. SPEAKER: This will stand over for the time being ; after lunch I shall give my ruling. We will go to the next item.

The Assam Appropriation (No. III) Bill, 1955

Mr. SPEAKER: I will first read the message, dated 21st June, 1955 received from the Governor :

"Under the provision of Article 207 of the Constitution of India, I, Jairamdas Doulatram, Governor of Assam, recommend the introduction in the Legislative Assembly of Assam, the Assam Appropriation (No.III) Bill, 1955 and also consideration of the said Bill by the said Assembly".

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to introduce the Assam Appropriation (No. III) Bill, 1955.

Mr. SPEAKER: The Motion moved is that the Assam Appropriation (No. III) Bill, 1955, be introduced.

(The Bill was introduced.)

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that the Assam Appropriation (No. III) Bill, 1955, be taken into consideration.

Mr. SPEAKER: The Motion moved is that the Assam Appropriation (No. III) Bill, 1955, be taken into consideration.
(The Motion was put and adopted.)

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that the Assam Appropriation (No. III) Bill, 1955, be passed.

Mr. SPEAKER: The Motion moved is that the Assam Appropriation (No. III) Bill, 1955, be passed.

Shri HARESWAR GOSWAMI: Sir, I want to make a few observations at the third reading stage of this Bill. These are of a general nature only. Sir, we have seen that in every Session of this Assembly whether in the adjourned Session or in regular Session we are confronted with a supplementary budget. It is not denied that at times it becomes necessary to come forward with supplementary demands. We have been speaking from this side of the House that when coming forward with supplementary demands we should meticulously follow the rules relating to supplementary demands as laid down in the Assembly Rules 125 and 126. But very often it is found that these rules are given very elastic and wide interpretation and we try to include any and everything in supplementary demands. That should not be the case, Sir.

Secondly, in giving details about any scheme, the details should be full and adequate. But at times the details of a particular scheme are given which cannot be sufficiently understood with the result that when such demands are put forward, it becomes very difficult to understand the real implications of such demands. Thirdly, no demand should be brought forward which involves policy. But at times we find that supplementary demands which involve policy are brought forward and then it is difficult for us to discuss policy. These things should not be brought forward. Lastly, Sir, in the course of discussion on supplementary demands, we do not want to discuss such matters as relating to Home Guards, Assam transport, etc., which are already dead and gone but when these things are brought forward, it provokes a discussion. Further, when we decide a thing, as for instance, when we decide to purchase a house or a car then the ancillary things connected therewith should also be thought over. When we purchase a house, we should also think of furniture at the same time or when we purchase a car, we should also think about a garage or driver and so on. These things should not be brought forward piece-meal, but they should be brought forward at a time. This

should be done so that when any supplementary demand comes forward we can get a true perspective of the same. These are my observations, Sir.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, Mr. Goswami observes that when we bring forward supplementary demands we do not observe the rules and he wants us to meticulously follow the rules. I cannot agree to that observation, Sir, that we do not follow the rules in this matter. As a matter of fact, these supplementary demands are brought forward under the rules. It is only when the rules permit us to do so that we bring in these supplementary demands, otherwise we will not do so. So I cannot agree with Mr. Goswami, Sir, when he says that we are ignoring the rules in this regard.

The second point he has raised is that there should be more details given in bringing forward any supplementary demand. So far that is concerned, we are trying to give as much details as possible. Of course it may not be possible often to expect that what is understood by some Members may also be understood in the same way by others. But we are trying our best to help all hon. Members by giving details as fully as possible. If, however, these details are not sufficient or are not giving sufficient light in the matter to enable the hon. Members to fully comprehend the matters they may bring them to our notice in the course of their discussion and we are always prepared to give them as much details as possible.

Then, Sir, my Friend also mentions about policy. Now, so far as policy is concerned, it is not allowed that we should discuss about policy matters in discussing supplementary demands, and that is why we do not introduce any matter that pertains to policy matters, but it is the hon. Members on the other side of the House who bring in policy matters when any supplementary demand is brought into the House. With these observations, I commend my Motion for acceptance of the House.

Mr. SPEAKER: The question is that the Assam Appropriation (No. III) Bill, 1955 be passed.

(The Motion was adopted.)

Government Resolution re: the approval of an expenditure of Rs.83,614 under the head "18-B and 68-B.—Navigation, Embankment and Drainage Works".

Shri SIDDHINATH SARMA (Minister) : Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.83,614 under the head "18-B and 68-B.—Navigation, Embankment and Drainage Works" for the items below. The amount involved will be met from the sanctioned grant.

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly	4,96,85,000	11,51,400	5,08,36,400
II.—Supplementary Grant voted by the Assembly during the year.			
III.—Sub-head under which the appropriation will be accounted for—			
68-B.—Navigation, Embankment and Drainage Works financed from Capital Revenues—Development Scheme—(Five-Year Plan)—			
(i) G.-M.F. Schemes—Major Irrigation Schemes.	...	80,000	80,000
(ii) Development Schemes (Five Year Plan—Central)—Un-productive Works.	3,614	...	3,614
Total	3,614	80,000	83,614

EXPLANATORY NOTES

(i) & (ii) For details please see Appendix 'A'. *

In the current year's Budget there is a total lump provision to the extent of Rs.6,50,000 for incomplete and unforeseen works. These works have cropped up after the preparation of budget and as such expenditure on these will be made from this lump provision. As these are major works vote of the Assembly is necessary to finance the works.

Mr. SPEAKER: The Motion moved is that this Assembly do approve of an expenditure of Rs.83,614 under the head "18-B and 68-B.—Navigation, Embankment and Drainage Works" for the items below. The amount involved will be met from the sanctioned grant.

	General	Sixth Schedule (Part A) Arcas	Total
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly.	4,96,85,000	11,51,400	5,08,36,400
II.—Supplementary Grant voted by the Assembly during the year.			
III.—Sub-head under which the appropriation will be accounted for—			
68-B.—Navigation, Embankment and Drainage Works financed from Capital Revenues—Development Schemes—(Five Year Plan)—			
(i) G.-M.F. Schemes—Major Irrigation Schemes.	...	80,000	80,000
(ii) Development Schemes (Five Year Plan—Central)—Un-productive Works.	3,614	...	3,614
Total	...	...	...
	3,614	80,000	83,614

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, the Hon'ble Minister-in-charge while moving his Motion has referred the House to the explanatory notes and Appendix 'A' to look for the details as to why this grant is necessary. Now, Sir, under remarks column of Appendix 'A' we find "The first phase of the scheme which has been sanctioned irrigates an area of about 500 acres on the right bank of the Mahur river in Kalachand. Due to want of irrigation facilities in the left bank in Solikantipur area, the implementation of Phase II of this Scheme is essentially necessary for the purpose of irrigating additional acres of land which has, so far, been lying uncultivated. Hence the necessity of the Scheme." (At this stage the Speaker left the Chamber and the Deputy Speaker occupies the Chair).

Now, Sir, it is not clear from this explanation whether both the phases together go to make one whole scheme or they are two different schemes altogether. If the scheme is one and the same having different phases, then admittedly there is no justification to bring money from different heads. But if they are two different schemes, if this scheme is in addition to the first one, then there is some justification for spending money from different heads. Then again, it is not clear from which head the amount has been brought. It has been said that 'a saving has occurred', but it has not been explained why and how this particular saving has occurred and from which particular project the money has been diverted. It is not clear whether the second phase is a part of the former scheme or altogether a different scheme and if the scheme is the same why the amount provided for the purpose is not sufficient and that money had to be diverted from some other heads.

I seek an explanation on this points from the Hon'ble Minister-in-charge.

Shri SIDDHINATH SARMA (Minister) : Mr Deputy Speaker, Sir, details have been explained in the Explanatory Notes. In the current year's budget there is a total lump provision to the extent of Rs.6,50,000 for incomplete and unforeseen works. These works have cropped up after the preparation of budget and as such expenditure on these will be made from this lump provision. As these are major works, vote of the Assembly is necessary to finance the works. For want of necessary plans and estimates in time, necessary schedule could not be submitted before the Budget was prepared. This is again due to want of necessary personnel to carry out the work. Therefore at first the Public Works Department has taken up works on the right bank only in the first phase. Now plans and estimates for the left bank also are ready. That is why this Resolution is moved to make provision for the 2nd phase. Public Works Department's hands are so much full that it was not possible to take up works of both the phases of work together. It has already been mentioned that the work of the second phase will be taken up as soon as the plans and estimates are prepared for funds are available. So this is the second phase. First phase has already been completed.

Maulavi MUHAMMAD UMARUDDIN: Do both the phases belong to the same scheme ?

Shri SIDDHINATH SARMA (Minister) : The scheme is the same, but the work of the right bank was taken up first as

plan and estimates of the 1st were ready first but the same for the 2nd phase was prepared afterwards. "The first phase of the scheme which has been sanctioned irrigates an area of 500 acres on the right bank of the Mahur river in Kalachand. Due to want of irrigation facilities in the left bank in Solikantipur area, the implementation of Phase II of this scheme is essentially necessary for the purpose of irrigating additional acres of land which has, so far, been lying uncultivated. Hence the necessity of this work." As the entire work could not be taken up in one phase, it was divided into two phases, 1st and 2nd.

Mr. DEPUTY SPEAKER : The question is that this Assembly do approve of an expenditure of Rs.83,614 under the head "18-B. and 68-B.—Navigation, Embankment and Drainage Works" for the items stated in the Resolution. The amount involved will be met from the sanctioned grant.

(The Motion was adopted).

Government Resolution re : the approval of an expenditure of Rs.15,000 under the head "50.—Civil Works—State (Excluding Establishment and Tools and Plant)".

Shri SIDDHINATH SARMA (Minister) : Mr. Deputy Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.15,000 under the head "50.—Civil Works—State (Excluding Establishment and Tools and Plant)" for the items below. The amount involved will be met from the sanctioned grant.

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I—Grant originally voted by the Assembly.	3,52,01,200	2,97,94,300	6,49,95,500
II. —Sub-head under which the appropriation will be accounted for—			
A.—Original Works—			
(a) Buildings—			
Medical	15,000	...	15,000
Total	15,000	...	15,000

EXPLANATORY NOTES

(i) Necessity of the scheme has been explained in Appendix 'A'*

(ii) It is expected that there will be savings due to delay in getting possession of lands as expenditure on some of the works provided in the Budget will not be incurred to the extent of the amount provided. Savings will also accrue due to inadequate supply of materials indented from outside the State and also due to dearth of labour.

Mr. DEPUTY SPEAKER : The Motion moved is that this Assembly do approve of an expenditure of Rs.15,000 under the head '50.—Civil Works—State (Excluding Establishment and Tools and Plant) for the items below. The amount involved will be met from the sanctioned grant.

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly.	3,52,01,200	2,97,94,300	6,49,95,500
II.—Sub-head under which the appropriation will be accounted for—			
A.—Original Works—			
(a) Buildings—			
Medical	15,000	...	15,000
'Total	15,000	...	15,000

(The Motion was then put by the Chair in the form of a question before the House and was adopted).

Government Resolution re: the approval of an expenditure of Rs. 5,000 under the head "39.—Public Health".

Shri RUPNATH BRAHMA (Minister): Mr. Deputy Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.5,000 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
	Rs.	Rs.	Rs.
1. Grant originally voted by the Assembly.	48,85,700	10,65,500	59,51,200
2. Sub-head under which the re-appropriation will be accounted for—			
(1) "39.—Public Health (General) —B—Grants for Public Health purposes—Grants to Local Bodies for Public Health purposes—non-recurring grant to the Panikora Dispensary Committee.	5,000	...	5,000
Sub-head from which the amount is to be re-appropriated—			
(1) "39.—Public Health (General)— G. Works— (a) Original Works—			
3. In-charge of Civil Officers	5,000	...	5,000

EXPLANATORY NOTES

2. (1) The amount is required for construction of Panikora Public Health Dispensary buildings.

3. (1) The saving is due to omission of some items of works of lesser importance.

Sir, as the public could not complete construction of the building the amount could not be spent last year. Instead of a supplementary demand I have brought this Resolution to have the approval of the House.

The explanatory notes will explain the need of the money.

Mr. DEPUTY SPEAKER: The Motion moved is that this Assembly do approve of an expenditure of Rs.5,000 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
	Rs.	Rs.	Rs.
1. Grant originally voted by the Assembly.	48,85,700	10,65,500	59,51,200
2. Sub-head under which the re-appropriation will be accounted for—			
(1) "39.—Public Health (General)—B Grants for Public Health purposes Grants to Local Bodies for Public Health purposes—non-recurring grant to the Panikora Dispensary Committee.	5,000	...	5,000
Sub-head from which the amount is to be re-appropriated —			
(1) "39.—Public Health (General)—			
G. Works—			
(a) Original Works—			
3. In-charge of Civil Officers	5,000	...	5,000

The question is that this Assembly do approve of an expenditure of Rs.5,000 under the head "39.—Public Health" by re-appropriation from Savings from the sanctioned grant as indicated in the Resolution.

(The Motion was adopted.)

Government Resolution *re:* the approval of an expenditure of Rs.2,500 under the head, "39—Public Health".

Shri RUPNATH BRAHMA (Minister): Mr. Deputy Speaker, Sir, I beg to move that this Assembly do approve of an

expenditure of Rs.2,500 under the head "39.—Public Health" by re-appropriation from savings from the sanctioned grant as indicated below:—

	General Rs.	Sixth Schedule (Part A) Areas Rs.	Total Rs.
"39.—Public Health"—			
1. Grant originally voted by the Assembly.	48,85,700	10,65,500	59,51,200
2. Sub-head under which the appropriation will be accounted for.—			
(i) 39.—Public Health—B—Grants for Public Health purposes.—Grants to Local Bodies for Public Health purposes.	2,500	.	2,500
3. Sub-head from which the amount is to be re-appropriated—			
(i) 39.—Public Health (General)—G. Works—(a)—Original Works—3—In charge of Civil Officers.	2,500	...	2,500

EXPLANATORY NOTES

(2) (i) The amount is required for completion of incomplete works for Tangla Public Health Dispensary in Darrang District. The amount was sanctioned during 1954-55 but due to non-receipt of authority slip from Accountant General, Assam, the amount could not be utilised.

(3) (i) Saving is due to omission of one item of work of lesser importance.

Mr. DEPUTY SPEAKER: The Motion moved is that this Assembly do approve of an expenditure of Rs.2,500 under the

head "39.—Public Health" by re-appropriation from savings from the sanctioned grant as indicated below :—

	General Rs.	Sixth Schedule (Part A) Areas Rs.	Total Rs
"39.—Public Health"—			
1. Grant originally voted by the Assembly.	48,85,700	10,65,500	59,51,200
2. Sub-head under which the appropriation will be accounted for—			
(i) 39.—Public Health—B.— Grants for Public Health purposes—Grants to Local Bodies for Public Health purposes.	2,500	..	2,500
3. Sub-head from which the amount is to be re-appropriated—			
(i) 39.— Public Health— (General)—G. Works— (a)—Original Works—3— In charge of Civil Officers	2,500	...	2,500

The question is that this Assembly do approve of an expenditure of Rs.2,500 under the head "39.—Public Health" by re-appropriation from savings from the sanctioned grant as indicated in the Resolution.

(The Motion was adopted).

Message regarding assent to Bills

Mr. DEPUTY SPEAKER : Information has been received from the Secretary, Legislative Department, that, under the provisions of Article 200 of the Constitution of India, the Governor has assented to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in the Budget 1955 Session.

1. The Assam Stamp (Amendment) Bill, 1955.
2. The Assam Appropriation (No.I) Bill, 1955.

3. The Assam Finance Bill, 1955.
4. The Assam Appropriation (No.II) Bill, 1955.
5. The Assam Acquisition of Land for Flood Control and Prevention of Erosion Bill, 1955.
6. The Criminal Law Amendment (Extension to Autonomous Districts) Bill, 1955.
7. The Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1955.
8. The Assam Adoption of Standard Weights Bill, 1954.
9. The Assam Homeopathic Medicine Bill, 1953.

2. Intimation has also been received from the Secretary, Legislative Department, that the President of India has also assented under the provisions of Article 201 of the Constitution of India the following Bill which was passed by the Assam Legislative Assembly in its meetings held in the Budget 1955 Session.

1. The Assam Tea Plantation Provident Fund Scheme Bill, 1955.

Private Member's Resolution *re*: Temple Administration Bill for better management of temple affairs and properties.

Shri GAURISANKAR BHATTACHARYYA: Mr. Deputy Speaker, Sir, the other day I was speaking on my Resolution requesting the Government to bring a Temple Administration Bill early in the House, and in that connection, I was discussing how in different temples in the State the Deities were neglected and also the properties attached to them were not properly looked after—in particular—I discussed about the 'Hoygrib Madhab' Temple at Hajo which has under its management about 54,000 bighas of land. In addition to lands for paddy cultivation there are also fisheries and forests and yet the administration of the temple and the property is in a hopelessness. The 'pujahs' are not properly offered because the pujaries are not taking proper care for due performance of the pujahs. But there is every possible luxury for the Doloi. The present Doloi has not only a house at Hajo itself, but he has a house at Gerua and also a city-house at Gauhati. In one single instance

the Doloi had spent rupees one thousand in the name of realisation of revenue. We find from some time past that litigation has been going on such an extent that large sums of money have been spent by the Doloi in the name of realisation of revenue. We know, that there is not only the Doloi but there are also some intermediaries who are enjoying unearned profit from the temples. The Government had stopped the system of taking salami from the tenants. But informally, the Doloi and the intermediaries even now take salami from the tenants and sometimes it is more than the market price of the land in question. When the tenants come to pay land revenue the Doloi and his staff are found absent and then revenue is sent by money orders. The Doloi and his staff are making such an arrangement that the money orders are sent back with ridiculous remarks like "the addressee is not found", and ultimately the blame is thrown on the tenants that they are not paying the land revenue and some new tenants are brought in their places and in this way large sums of money are again realised as salami and the poor people have thus been exploited. The Doloi who resides in the town looks after the litigations as though the Doloi has got nothing to do with the religious functions of the Temple and offering of pujahs to the Deities. This state of affairs is not only going on in the Hajo Temple but also in other temples of the State. For example, in the Kamakhya Temple litigation is going on. There are pujaries and Paiks who are not properly looking after the Deities and the properties of the temple; rather they are selling and mortgaging these properties. There are instances that the land of the Temple has been given on 99 years' lease as though the temple land is their personal property. This is what is happening at Kamakhya Temple. Same thing is prevailing in the temples like Umananda, Sukleswar and Janardan. Management of the lands of as many as 7 temples including Poa-Mecca had to be taken by the Government in its own hand in the district of Kamrup alone. Since the management of the lands of these temples has been taken by the Government in their own hands the realisation of revenue appears to have improved. I think, the House will agree with my view that that the temple management in the State of Assam is far from satisfactory. Let us not forget that in our State probably about 10 lakhs bighas of land are under the Temple administration and if these vast areas are under this sort of feudal exploitation and mismanagement then not only the vast section of the people will suffer, but there will be losses and disadvantages to the State. Therefore, Sir, it is only meet and proper that Government should be alert to all these things and should come up shortly with the Temple

Administration Bill. Government had promised that they would bring such a Bill and also Government had said that they were considering to bring up certain reform in this matter. In this connection, Sir, we can take guidance and help from the experience of some other sister States. For example, the State of Madras was notorious in certain respects. There the lot of the Temple damsels—the Devadashis was horrible. Many foreigners who came to visit the Madras temples had given very devastating remarks about Hindu religion and social customs, etc. due to ugly things in connection with the Devadashis. Having seen all these things the State of Madras came up with a Temple Administration Bill and they have enacted it now. Things in Madras now are quite different. Sir, in Hajo also we have some 'দেবদাসী' and in Kamakhya there is "দেওবনী"। Our Government should look to the interest and well being of these people also and bring up a Bill as was done in Madras.

Sir, I quite appreciate that conditions differ from temple to temple and therefore different schemes may have to be made for different temples. There may be a specific scheme for every temple. Although a general legislation may not be all comprehensive to all the different temples, such schemes will definitely go to improve the temple administration to a great extent. Let me hope that the Government is considering all these matters. This is not a new matter on the floor of the House. This matter is long agitated and discussed on the floor of the House. So, Sir, I would request the Government that they would come forward with an appropriate Bill at the earliest opportunity and save the tenants as well as the temples. I hope Government will look into all these things. With these few words, Sir, I commend my Resolution to the acceptance of the House.

Maulavi MUHAMMAD UMARUDDIN: Mr. Deputy Speaker, Sir, I rise to support the Resolution moved by my Friend Shri Gaurisankar Bhattacharyya. Now Sir, he has explained in detail the necessity for a Bill for the administration of temple lands and he has also explained the various forms of malpractice that are prevailing at present in the administration of temple lands. Apart from temple lands Sir, we have got various other types of religious endowments in the State. As the Hindus have got some lands for the maintenance of temples and other religious purposes, similarly there are also other communities where lands have been bequeathed or dedicated for similar purposes. I can say Sir, from my experience that these lands which are donated or bequeathed have not been utilised in the manner as desired by the donors and in such cases also corruptions are rampant everywhere. So Sir, presence of such

corruption in the administration of the lands dedicated for religious or charitable purposes needs special attention of the State. Apart from temple lands or, lands dedicated for religious or charitable purposes by Hindus many Muslims have made wakf of these properties for such purposes. The Central Government has recently enacted a comprehensive peice of legislation for the administration of all wakf property. As far as I know this act has been applied in Assam and an officer has been appointed for the proper administration of all wakf property. Such a measure is to be welcomed. So far as temple lands are concerned I have my own personal experience as an officer. In the days of depression the Dolois found it hard to realise rent from the tenants and for that the temple property fell into arrears and in some cases sold in auction. There was practically no control over the Dolois as to the appropriation of the income from temple lands. It is true management of some temple lands has been taken over by Government but we must go a step further. Mr. Das has said that Government is going to bring forward a comprehensive Bill on Land Reforms, and I think Sir, the question of temple lands and other endowments should also come within the scope of that Bill, or if it is not possible to do so, then a separate single Bill, may be brought as desired by Mr. Bhattacharyya. Sir, Mr. Bhattacharyya has said that ten lakh bighas of land are held under temples in the State. So taking one rupee per bigha from these temple lands as rent, there will be several lakhs of rupees and even after meeting the cost of establishment a large amount will be available for expenditure on temples. It is the duty of the State to see that this amount is properly utilised by the Dolois for purposes for which these temple lands were originally endowed. In view of the prevalent abuse of the proceeds from such lands it is the duty of Government to make law to administer these lands according to certain principles which will ensure not only observance of the religious rites, but also advance moral and cultural interests of the people. Mr. Phookan has said that we must build up certain cultural institutions around movements but here we have certain existing institutions of which much greater use may be made to advance the cause of culture. Sir, if a temple gets an income of Rs.10,000 from lands attached to it after setting apart Rs.5,000 or Rs.8,000 towards the cost of administration, the balance may be usefully utilised for matters pertaining to social and religious purposes. We can also Sir, with the income from the temples lands build up certain institutions connected also with art culture and thereby the money will be properly and usefully utilised to promote the moral and social well-being of the people. We can also help the educational

and cultural side of the people concerned. It is thus essential that, when there are certain institutions in existence, the amounts which may be available by proper administration of temple lands, should be utilised in the interest of the public. We cannot allow the old, outmoded method to continue any more. Therefore, Sir, unless the existing conditions in this respect are thoroughly examined and then certain new legislative measures are taken in hand by Government, I think, the very purpose for which these temple lands were endowed will be completely frustrated. Therefore, in my opinion there is some obligation on the part of Government to come forward with such measures as early as possible.

With these words, Sir, I support the Motion moved by my Friend Mr. Bhattacharyya.

Shri HARESWAR DAS (Deputy Minister): Mr. Deputy Speaker, Sir, this Resolution is redundant. Government already accepted the principle of bringing in an enactment for better management of temples. About two years ago, as pointed out by my Friend Shri Goswami, Shri Radhika Ram Das tabled a similar Resolution and Government gave the assurance that Government would bring in a legislation for better management of temples. We consulted the Orissa Act and Madras Act in this respect. The Orissa Act did not help us at all, but Madras Act rendered us some help at least. And so we may take help of the Madras Act. But while drafting our Bill some difficulties cropped up. Question arose whether all these temple properties would be taken over by the Government or would be allowed to remain with the temples and their management only would be improved. There is an opinion that if these properties are allowed to continue under the management of the temples then it will mean maintaining zamindari system in one form while abolishing it in another form because some of those temples own very large areas of land. Mr. Bhattacharyya has pointed out about this. The temple of Hoyagriba Madhab at Hajo holds an area of about 39,000 bighas of Lakheraj and about 15,000 bighas of Nisfkheraj lands. The Kamakhya temple at Gauhati hold about 25,000 bighas of lakheraj and about 1,800 bighas of Nisfkheraj lands. The Auniati Satra has about 59,000 bighas of lakheraj and about 2,800 bighas of Nisfkheraj and about 900 bighas of kheraj lands. In this way large areas of lands are owned by those temples. For this reason public opinion has got to be ascertained. The opinion of the Dewris, Pikes, etc, has also got to be ascertained. Besides that, some data have got to be collected. For this purpose Government appointed a special officer and asked him to submit his report. This Special officer has just completed his work

and we expect to get his report within a week or 10 days. After receipt of the report, drafting will be made. Till then my Friend is to wait.

I therefore request my Friend to withdraw his Resolution.

Shri GAURISANKAR BHATTACHARYA: Sir, I beg leave of the House to withdraw my Resolution.

Mr. DEPUTY SPEAKER: Has the hon. Member leave of the House to withdraw his Resolution.

(*Voices—yes, yes*)

(The Resolution was, leave of the House, withdrawn.)

Resolution for making a provision of one lakh of rupees for awarding scholarships to the deserving students of the backward communities

Shri GIRINDRANATH GOGOI: Mr. Deputy Speaker, Sir, I beg to move that this Assembly is of opinion that a provision of one lakh of rupees be made annually by the Government of Assam for according special scholarships to the deserving students belonging to the backward communities and classes.

Sir, it is a very simple proposition. I think all the hon. Members have understood what I mean by "backward communities and classes", and so I think I need not elucidate much on this point. There are communities like Cooches Chutia, Ahoms, and so on who come within the fold of backward classes. The Backward Commission came here to make enquiries into the matter and the matter is now under their consideration. But till the Backward Commission give its results and India accepts its proposal the State Government should do something for the students from these backward communities and classes so that they can be brought to the level of those classes whom we call higher or upper classes. When it is intended that there should be a classless society in our country and when all the backward communities and classes are to be brought to the common level, I hope my Resolution will be accepted by the Government.

I do not like to take more time of the House because there are so many Resolutions to be taken up today. Therefore with these words, Sir, I commend my Resolution to the acceptance of the House.

Mr. DEPUTY SPEAKER: The Resolution moved is that the Assembly is of opinion that a provision of one lakh of rupees be made annually by the Government of Assam for according special scholarships to the deserving students belonging to the backward communities and classes.

Shri DALBIRSING LOHAR: মাননীয় উপাধ্যক্ষ মহোদয়, মোৰ বন্ধু শ্ৰীগগৈ ডাঙৰীয়াই ১ লাখ টকা পিছ পৰা সম্প্ৰদায়ৰ ছাত্ৰ ছাত্ৰী সকলক বৃত্তি দিবৰ কাৰণে যি প্ৰস্তাৱটি আজি সদনত দাঙি ধৰিছে তাক মই সৰ্বসাধাৰণে সমৰ্থন কৰিছো। এই বিষয়ে যে, চৰকাৰে একো কৰা নাই তেনে নহয়, চৰকাৰে এই বিষয়ে যিমান পাৰে পিছ পৰা সম্প্ৰদায়ৰ ছাত্ৰ ছাত্ৰী সকলক সুবিধা দিছে। পিছে যি থিনি দিছে সি যথেষ্ট নহয় বুলি ভাৱিয়েই বোধকৰো মোৰ বন্ধু শ্ৰীগগৈ ডাঙৰীয়াই এই প্ৰস্তাৱটো দাঙি ধৰিছে। মোৰ মনেৰেও বৰ্তমান যি থিনি দিছে সি যথেষ্ট নহয়; কাজেই এই একলাখ টকা যদি দিয়ে তেন্তে দুখীয়া পিচপৰা ছাত্ৰ ছাত্ৰীৰ কিছু সুবিধা হ'ব। সেই বাবেহে মই শ্ৰীগগৈ ডাঙৰীয়াই দাঙি ধৰা প্ৰস্তাৱটো অতি আনন্দেৰে সমৰ্থন কৰিছো। এই সম্বন্ধে মই এঘাৰি কথা নকলে বৰ অন্যায় কৰা হ'ব বুলি ভাবো। আৰু সেইবাবেই সদনত মই নিবেদন জনাই কও যে, অসমত বসবাস কৰি থকা অতি পিচপৰা নেপালী সম্প্ৰদায়ৰ ছাত্ৰ ছাত্ৰী সকলৰ বাবেও যেন বিবেচনা কৰে। এই গোৰ্খা সম্প্ৰদায়ৰ লোকসকল অতি পিচপৰা আৰু দুখীয়া। বৃত্তি দিবৰ সময়ত যেন এও লোকৰ প্ৰতি লক্ষ্য ৰাখে। লগতে মটক, মৰাণ, খামটি আদি সম্প্ৰদায়ৰ প্ৰতিও যেন বিবেচনা কৰে। মোৰ বন্ধু শ্ৰীগগৈ ডাঙৰীয়াই আহোম, চুতীয়া আদিৰ নাম উল্লেখ কৰাতহে ওপৰোক্ত সম্প্ৰদায়ৰ নাম বিলাক উল্লেখ কৰিছো। মোৰ আৰু এই বিষয়ে বেচি কবলৈ নাই—মাত্ৰ মই ইয়াকে কবলৈ বিচাৰো যে বৃত্তি দিয়াৰ সময়ত ex-tea garden labourer, মটক, মৰাণ, খামটি, নেপালী আদি সম্প্ৰদায়ৰ ছাত্ৰ ছাত্ৰী সকলক বাতৰি দিয়াৰ বাবে বাদ পৰি নাযায়। গতিকে বৃত্তি দিয়াৰ সময়ত সকলো পিচপৰা সম্প্ৰদায়ৰ কথা বিবেচনা কৰি চাই সকলো পিচপৰা সম্প্ৰদায়ৰ ছাত্ৰ ছাত্ৰীকে বাতৰি list ৰ ভিতৰত লয় এয়ে মোৰ চৰকাৰৰ ওচৰত নিবেদন।

Shri DHARANIDHAR BASUMATARI: উপাধ্যক্ষ মহোদয় এই সম্পৰ্কে মাত্ৰ এটা বিষয়ে মোৰ কব লগা আছে। গগৈ ডাঙৰীয়াৰ প্ৰস্তাৱৰ লগত মই একমত, প্ৰস্তাৱটোৰ মূল উদ্দেশ্য হৈছে যে পিচপৰা সম্প্ৰদায়ক পঢ়িবৰ বা শিক্ষাৰ সুবিধাৰে বৃত্তি দিব লাগে। কিন্তু শ্ৰীদলবীৰ সিং লোহাৰ ডাঙৰীয়াই নেপালী সকলৰ ল'ৰা ছোৱালীকো বৃত্তি দিব লাগে বুলি কৈছে। কিন্তু মহাশয় নেপালী বা গোৰ্খা বুলি কলে তেওঁ-লোকৰ সকলো সম্প্ৰদায়কে সামৰি লোৱা হয়। কাৰণ তেওঁলোকৰ ভিতৰত উপাধ্যায়, মোচি, চেত্ৰী, নেওৱাৰ, বহুত সম্প্ৰদায়ৰ লোক আছে তেওঁলোকৰ উল্লেখিত আটায়ে উন্নত সম্প্ৰদায়, গতিকে মই কও যে নেপালী সকলৰ ভিতৰত কোন কোন সম্প্ৰদায় পিচপৰা সেই সকলৰ তালিকা উলিয়াই ল'ব লাগিব সেইতো লোহাৰ ডাঙৰীয়াই উল্লেখ কৰি দিব লাগিছিল নহলে গোৰ্খা বা নেপালী বুলি কলে সকলো খাপৰে লোকক সামৰি লোৱা হ'ব। কাজেই গগৈ ডাঙৰীয়াৰ প্ৰস্তাৱটোৰ যিটো মূল উদ্দেশ্য সেইতো নষ্ট হৈ যাব। গতিকে মোৰ কথা হল যে বাতৰি প্ৰথমে কোন সম্প্ৰদায় বোৰ পিচপৰা সেইতো পোনতে স্থিৰ কৰি লোৱা উচিত। যেনে কাৰী, সুনাৰ, লামা, লেন্থু আদি বহুতো পিচপৰা সম্প্ৰদায়ক প্ৰথমে চাব লাগিব। নহলে ইয়াৰ সুবিধালৈ আন বহুতো উন্নত সম্প্ৰদায়ৰ মানুহে সুবিধা ল'ব পাৰে এই থিনি মোৰ কব লগীয়া আছিল।

Shri GAURISANKAR BHATTACHARYYA: মাননীয় উপাধ্যক্ষ মহোদয়, মাননীয় সদস্য শ্ৰীযুত গিৰীন্দ্ৰ নাথ গগৈ দেৱে, আজিৰ এই সদনত যি প্ৰস্তাৱৰ অৱতাৰণা কৰিছে তাত অংশ গ্ৰহণ কৰিবলৈ মোৰ ইচ্ছা

নাছিল যদিও, আমাৰ মাননীয় শ্ৰীযুত ধৰণাধৰ বসুমতাৰী ডাঙৰীয়াই যেতিয়া ইতিহাস ভূগোল আৰু নৃত্য বিষয়ত নতুন তথ্য অৱতৰনা কৰিছে ময়ো দু আঘাৰ মান কবলৈ বাধ্য হ'লোঁ।

শ্ৰীযুত বসুমতাৰীয়ে কৈছে গোৰ্খা এটা জাত বা সম্প্ৰদায়। আচলতে সেইতো নহয়। আপোনালোকে নেপালৰ মেপত চকুদিলে দেখা পাব তাত গোৰ্খা বুলি এখন জিলা অথবা অঞ্চল আছে আৰু সেই অঞ্চলৰ মানুহবিলাকক সচাৰাচৰ গোৰ্খা বুলি কোৱা হয় আৰু ইয়াৰে পৰাই নেপালৰ পৰা অহা আটাইবোৰ মানুহকে গোৰ্খা বা নেপালী বোলে ইয়াৰ কাৰণ হৈছে ইংৰাজবিলাক প্ৰথমতে এই গোৰ্খা অঞ্চলটোৰ মানুহৰ সংস্পৰ্শতহে আহিছিল আৰু তাৰ পিচত নেপালৰ সকলো মানুহকে গোৰ্খা বুলি কৈছিল। এই গোৰ্খা শব্দই পাচত সকলো নেপালীকে বুজাবলৈ ধৰিলে।

তাৰ পিচত কথাহৈছে গোৰ্খা বা নেপালী সকলৰ ভিতৰতো নানা বৰমৰ জাতি ভেদ আছে—যেনে উপাধ্যায় মানে বামুণ, শম্ভা, মৈচি, লোহাৰ আদি। কিন্তু এটা কথা ঠিক যে যি কোনো স্তৰৰেই নহওক, খৰিকটীয়াই হওক বা গোঁ-পালকেই হওক—এই মানুহবিলাক অৰ্থাৎ প্ৰায় ১ লাখৰো অধিক পৰিমাণৰ অসমত বাস কৰা নেপালী বিলাক স্থায়ী মানুহ আৰু তেওঁবিলাক অন্যান্য বাহিৰাগত সকলৰ দৰে চাৰি পয়সা দামদি এটা বস্ত্ৰ কিম্বা পাচ পয়চাত বিক্ৰি কৰা মানুহৰ দৰে নহয়। তেওঁবিলাক প্ৰকৃততে কাম কাৰ জীৱিকা নিব্বাহ কৰা শ্ৰেণীৰ মানুহ আৰু এওঁবিলাক দেশৰ এটা দৰ্কাৰী অঙ্গ। কাজেই এতিয়া চাব লাগিব এই শ্ৰেণীৰ মানুহৰপ্ৰতি ৰাষ্ট্ৰৰ কৰ্তব্য আছেনে নাই? নিশ্চয় আছে। কেৱল জাতত উচ্চতাৰ ফালে চকুনিদি আচলতে দুখীয়া হয়নে নহয়, শিক্ষা সংস্কৃতিত এই মানুহবিলাক আগবাঢ়িব পাৰিছেনে নাই—এই বিলাকলৈ চকুদিলে বুজিব পাৰিযে সচাকৈ এই মানুহ বিলাক পিচপৰা। কি অৰ্থনৈতিক ক্ষেত্ৰত, কি শিক্ষা, বিষয়ত কি স্বাস্থ্য বিষয়ত সকলো ফালে এওলোক পিচপৰা তেওঁবিলাক নিজৰ বাসভূমি পাহাৰ অঞ্চলত বাসকৰা সুন্দৰ সুঠাম চেহেৰা আজি নোহোৱা হৈছে। প্ৰমাণ স্বৰূপে আমাৰ শ্ৰীযুত লোহাৰ ডাঙৰীয়া— কি খবৰ মিঃ লোহাৰ বুলি প্ৰশ্ন কৰিলেই, উত্তৰ পোৱা যায় 'নকব আৰু, গাৰ বিষত তত নাই' আদি। গতিকে এই পিচপৰা মানুহ বিলাকৰ প্ৰতি চৰকাৰে চকুদিয়া একান্ত দৰকাৰ। মোটামুঠি ভাবে সকলো পিচপৰি যোৱা মানুহকে এটা ষ্টেণ্ডাৰ্ড অৰ্থাৎ জীৱণৰ মানদণ্ড দিয়া আৰু দিবলৈ চেষ্টা কৰা চৰকাৰৰ কৰ্তব্য বুলি মই ভাবোঁ সেই কাৰণে মই এইটোকে কব খুজিছোঁ যে কোনো জাতিৰ বা জাতৰ কথা নাভাবি—সকলো পিচপৰি ৰোৱা লোকৰে উন্নতি আৰু কল্যাণ কামনা কৰা বিশেষ ব্যৱস্থাৰ প্ৰতিহে সকলোৱে সৰ্বসন্মতিক্ৰমে সম্মত ন কৰা উচিত আৰু মই কব খুজিছোঁ যে শ্ৰীযুত বসুমতাৰী ডাঙৰীয়াৰ এই বিষয়ত বুজাত অলপ ভুল হৈছে।

এই প্ৰসঙ্গতে মই এইটো কথা নকৈ নোৱাৰোঁ—কাৰণ, গুৱাহাটীত আমি এই কথাও শুনো যে, শ্ৰীযুত বসুমতাৰী ডাঙৰীয়া হতে 'কনষ্টিটিউচন' আৰ্টিকল ২০৫ ইত্যাদিৰ দ্বাৰাই লাখে লাখে টকা লৈ গৈছে—আৰু তথাকথিত উচ্চ সম্প্ৰদায় বিলাক আজি উৎপীড়িত (oppressed) হৈ গৈছে। তাৰোপৰি ট্ৰাইবেল সকলৰ ভিতৰতে আৰু সামাজিক অৰ্থ-নৈতিকভাৱে বহুতো শ্ৰেণীভেদ হৈছে যেনে শৰণীয়া—অশৰণীয়া, ব্ৰাহ্ম—বসুমতাৰী, ধনী-গৰীব ইত্যাদি। সেইবিলাকৰ ভিতৰতো Haves অৰ্থাৎ অবস্থাবান আৰু Have nots অৰ্থাৎ অবস্থাহীন দুভাগ হৈ পৰিছে। সেইদেখি মই কব খুজিছোঁ যে জাত-পাতৰ কথা বাদদি—সৰ্বসাধাৰণ ৰাইজক যাতে মোটামুঠি ভাবে—এটা উন্নত জীৱনৰ মানদণ্ড দিব পৰা যায় তালৈহে আজি আমি সৰ্ব প্ৰথমে চকুদিয়া উচিত। এই উদ্দেশ্য লৈয়েই—মোৰ বিশ্বাস শ্ৰীযুত গগৈ ডাঙৰীয়াই এই প্ৰস্তাৱটো আনিছে।

Shri DHARANIDHAR BASUMATARI: উপাধ্যক্ষ মহোদয়
আজিৰ প্ৰস্তাৱটো এনেকৈ আনিছে যে Backward Community

Shri GAURISANKAR BHATTACHARYYA: “and class”
বোৰ হয় “Community and class” ৰ পাৰ্থক্য তেখেতে বেলেগে বুজিছে।
কিনো বুজিছে বুজাইদিলে ভাল হয়। (A voice হী হী উনহোঁনে আছী তবহ নহী
সমৰা। হয়।

Shri DHARANIDHAR BASUMATARI: সেই কাৰণে যি
Community.....

Mr. Deputy SPEAKER: হৈছে আৰু বহক !

Shri NILMANI PHOOKAN: Mr. Deputy Speaker, Sir,
I think the resolution which has been moved by my Friend
Mr. Gogoi covers all the points that have been raised by
different speakers from different angle of vision. Backward
community and classes mean here those who are considered
backward as regards community and those who are regarded
as backward as a class might also be included, all the Napalis,
all the Brahmins, even all the Kayasthos, all the Buragohains,
all the Borgohains (A voice-- All the Phukans) ! We actually
find that the sons of Buragohains and Borgohains, who are the
aristocratic families in Assam, are applying for these backward
scholarships. That does not mean that their social status is
lower. Can anybody say that the social status of the sons of
Buragohain is lower than the sons of Brahmin ? Therefore,
what this resolution means is this backward in education,
backward economically and backward in other ways. This
may include the so-called highest class and also the lowest
class. Therefore, my Friend Shri Dalbir Singh Lohar wanted
the Gurkhas and Napalis also to be included there.

I think, if Shri Gogoi can claim the scholarships for sons
of a backward Borgohain family that means, that family is
backward educationally, if that is so, why not sons of an
Upadhyaya they are also economically poor and educationally
backward. They should also get the same privilege.

Sir, as my Friend, Shri Basumatari, has made a distinction
that does not hold good in this matter. He was thinking
of caste, he was thinking of class, but the resolution does not
contemplate anything for our caste notion or class notion,
only it is a question of economy. Those who are economically
unable to give education to their children, generally they are
within the scope of this resolution and actually, a Backward
Commission was appointed only to find out the number of

children who are not getting proper education due to their social environment, economic condition, educational backwardness, etc. Therefore, I think, this resolution which has been moved, if I am personally be allowed to say so in that case I would have it to mean for all the communities, if any one be found backward educationally he should be given free-studentship and other facilities for education.

Shri HARESWAR GOSWAMI: Why not move an amendment ?

Shri NILMANI PHOOKAN: Amendment is not possible, I believe ?

Shri HARESWAR GOSWAMI: It is possible.

Shri NILMANI PHOOKAN: In that case, I would be inclined to put forward an amending resolution in this way, "That in the backward areas where the people are economically poor, educationally not advanced and other amenities of life they have very few, in those backward regions, all the children who do not get higher education, they should be treated specially and larger number of special scholarships should be given to them." This is what I always feel and even now I feel it and, I think, a time will come when all differences among communities will disappear and the children of the society of all communities will be economically and educationally forward and they will be really proud to call themselves as free citizens of a free country. As an intermediary step we can adopt this amending resolution of mine, as we cannot reach the summit by one jump and we will have to go to reach it, in such circumstances, by a circuitous route.

Sriman PROFULLA GOSWAMI: মাননীয় উপাধ্যক্ষ মহোদয়, মোৰ বন্ধু শ্ৰীযুত গিৰীজনাথ গগৈ ডাঙৰীয়াই যিটো প্ৰস্তাৱ আনিছে মই সেই প্ৰস্তাৱটোৰ নীতি সমৰ্থন কৰিবলৈ থিয় দিছো। শ্ৰীযুত নীলমনি ফুকন ডাঙৰীয়াই যি কথা কৈছে তাৰ পৰিবৰ্তে মই শ্ৰীযুত গগৈ ডাঙৰীয়াৰ প্ৰস্তাৱটো সমৰ্থন কৰো। কাৰণ তেখেতৰ প্ৰস্তাৱটো হৈছে backward Community আৰু backward class সম্বন্ধে। বৰ্তমান আমাৰ সমাজত পিচপাৰ থকা সম্প্ৰদায় আৰু শ্ৰেণী সম্বন্ধে চৰকাৰৰ ওচৰত নিৰ্দিষ্ট তালিকা আছে আৰু সেই তালিকাত অনুসূচিত জাতি আৰু জনজাতি সকলকো অন্তৰ্ভুক্ত কৰা আছে। এইটো আমি স্বীকাৰ কৰিব লাগিব যে আমাৰ ভৱিষ্যত সমাজ ব্যৱস্থাত কোনো মানুহ জাতি হিচাপে পিচ পৰি নেথাকিব যেহেতু শ্ৰেণী হীন সমাজ ব্যৱস্থাৰ এখন আঁচনি আমাৰ হাতত আছে। জাতিগত হিচাবে হয়তো গোঁসাঁই, বামুন, কলিতা আদি ওখ শ্ৰেণীৰ মানুহ হ'ব পাৰে কিন্তু তেওঁলোকৰ ভিতৰতো নিম্ন স্তৰৰ মানুহ আছে। কিছুমান মানুহ জাতি হিচাবেও পিচপৰা আৰু তেওঁলোকক আন কিছুমান মানুহে ধিন কৰে। সেই কাৰণেই মহাত্মা গান্ধীয়ে আন্দোলন কৰিব লগীয়া হৈছিল। এই বিলাক জাতি আৰু সম্প্ৰদায় যাতে আগ বাঢ়ি যাব পাৰে-যিসকল তথা কথিত জাতি আছে আৰু যি সকলক আন কিছুমান মানুহে অৱহেলা কৰি আছে, সেইসকলৰ উন্নতিৰ কাৰণে মহাত্মাগান্ধীয়ে যি আন্দোলন কৰিছিল সেই আন্দোলনত কৃতকাৰ্য্যও হৈছিল।

আমাৰ সকলোৱে এইটো স্বীকাৰ কৰিব যে আমাৰ দেশত জাতি ভেদ সম্প্ৰদায় বা জাতি হিচাবে হ'ব নোৱাৰে, আৰু সংবিধানতো ব্যৱস্থা আছে যে মানুহে মানুহক জাতি হিচাবে ধিন কৰিব নোৱাৰে। আমি দেখিছো যে কিছুমান জাতি পিচপৰি আছে কাৰণ তেওঁলোক বহুত অনুবিধাত পৰি আছে। সেই পিচপৰি থকা সম্প্ৰদায়ৰ বা শ্ৰেণীৰ মানুহক আগ বাঢ়ি যাবৰ কাৰণে বৃত্তি আদি দিয়াৰ প্ৰয়োজন হৈছে। কিন্তু কিছুমান সম্প্ৰদায়ৰ লৰাই সেই প্ৰতিযোগিতামূলক বৃত্তিৰ সুবিধা গ্ৰহণ কৰিব নোৱাৰে যদিও তেওঁ লোকক যথেষ্ট বেহাই দিয়া হৈছে। কাৰণ তেওঁ লোকৰ আৰ্থিক অৱস্থা অতি শোচনীয়। সেই কাৰণে শ্ৰীযুত গগৈ ডাঙৰীয়াই যি অনুভূতিৰ প্ৰকাশ কৰিছে সি নিতান্ত সমৰ্থন যোগ্য। প্ৰতিযোগিতাৰ বৃত্তি হয়তো গোঁসাঁই, বামুন আদিৰ লৰাই পাব কাৰণ তেওঁলোক শিক্ষা আৰু চৰ্চা বিষয়ত বহুত আগবাঢ়া আৰু অভিজ্ঞ। সেইকাৰণে পিচপৰা সম্প্ৰদায় আৰু শ্ৰেণীৰ কাৰণে কিছুমান বিশেষ বৃত্তিৰ ব্যৱস্থা কৰা আৱশ্যক। কিন্তু শ্ৰীযুত গগৈ ডাঙৰীয়াই কৈছে যে সেই সুবিধা দিয়া স্বভেদে সেই লৰাবিলাকে ভোগ কৰিব নোৱাৰে।

মহাত্মা গান্ধীয়ে এই পিচপৰা সম্প্ৰদায় আৰু শ্ৰেণীৰ মানুহক আগবাঢ়ি যাবলৈ যি উদ্দিপনা আৰু প্ৰেৰণা দিছে তাত অনুপ্ৰাণিত হৈ তেওঁলোক আগবাঢ়ি যাবলৈ অগ্ৰসৰ হ'বৰ কাৰণে আমিও তেওঁলোকক মাচুল মাফ আৰু বিশেষ বৃত্তি আদিৰ সুবিধা দি অনুপ্ৰাণিত কৰা উচিত। অৱশ্যে আমি আমাৰ ভৱিষ্যতে সমাজৰ যি সমাজতান্ত্ৰিক সমাজ ব্যৱস্থাৰ চিন্তা কৰিছোঁক তেতিয়া হয়তো চৰকাৰ আৰু সমাজৰ ৰূপ এনে হ'ব যে লৰা ছোৱালীৰোৰ বাপুৰ সম্পত্তি হ'ব আৰু তেওঁলোকৰ ভৱনপোষণ আৰু শিক্ষাৰ ভাৰ চৰকাৰে বহন কৰিব। আজি আমি দেখিছো যি বিলাক মানুহৰ হেজাৰ হেজাৰ টকা জমা আছে তেওঁলোকে লৰা-ছোৱালী বিলাতত পঢ়িবলৈ পঠাইছে কিন্তু আন কিছুমান মানুহৰ লৰা-ছোৱালীক বিদ্যাৰসূকে কৰিব পৰা নাই। কচিয়া, চীন আদি দেশত তেনে ব্যৱস্থা নহয়।

উদাহৰণ স্বৰূপে বৰ্তমানৰ কেৰাণীসকলৰ কথা কওঁ। হয়তো এজন কেৰাণীৰ লৰা-ছোৱালীৰ সংখ্যা ৫১৬ টা হ'ব। তেওঁৰ তাকৰীয়া উপাৰ্জজনেৰে গোটেই কেইটাৰ শিক্ষা উপযুক্ত পৰিমাণে দিব নোৱাৰাৰ ফলত লাহে লাহে পৰিয়ালটো অনুন্নত পিচপৰা সকলোৱে পিচপৰি নাথাকে। কিছুদিন পিচত দেখা যাব যে আজিৰ উন্নতও কিছুমান অনুন্নত হৈ অনুন্নত শ্ৰেণীত ভুক্ত হ'ব।

গতিকে এই বৃত্তিবিলাক দিওতে ভালকৈ গমি চাব লাগিব। আজি চৰকাৰে আমাৰ জাতিৰ পিচপৰি থকা লোকসকলক সমান পৰ্যায়লৈ আনিবলৈ যি বৃত্তি দিছে সি বৰ সন্তোষৰ কথা। অনুন্নত হিচাবে আখ্যা পোৱা সম্প্ৰদায়ৰ লোকসকলৰ কাৰণ পিচপৰা সম্প্ৰদায়ৰো বহুতে মাহে ১,০০০ টকাৰো বেছি উপাৰ্জজন কৰে। তেনে পৰা লৰা এটাই হয়তো পঞ্চদশ স্থান অধিকাৰ কৰিছে কিন্তু আন দুখীয়া পিছ-হে বৃত্তি পোৱা উচিত।

উদাহৰণ স্বৰূপে আমাৰ Revenue Nichols Roy ৰ কথা কও, তেখেত কোনো গুণে এজন দুখীয়া আনকি বামুনৰ লৰাতকৈও পিচপৰা নহয়। তেনেকৈ আমাৰ শ্ৰীকপনাথ বসু বা শ্ৰীৰামনাথ দাস বৰ্তমান পিচপৰা নহয়। গতিকে তেখেত সকলৰ নিচিনা অধিকাৰৰ লৰাবিলাকে কেতিয়াও বৃত্তি পোৱা উচিত নহয়। এনে ক্ষেত্ৰতো চৰকাৰ সাবধান হ'ব লাগিব। বৰ্তমান আমাৰ শ্ৰীৰামসুতাৰীও ধনী শ্ৰেণীতে পৰে (হাহি)। তেখেতৰ লৰায়ে সেই সুবিধা পাব নোৱাৰে।

সেইকাৰণেই মই কও যে বৰ্তমানে আৰ্থিক অৱস্থা হিচাবে শ্ৰেণী কৰি ল'ব লাগে।

আৰু সেই মতে পিচ পৰা সকলক বৃত্তি দিয়াৰ ব্যৱস্থা থাকিব লাগে। এই ক্ষেত্ৰত দেখা গৈছে যে কিছুমান পিচপৰা সম্প্ৰদায় থকা অঞ্চলত শিক্ষাৰ কোনো ব্যৱস্থাই নাই। তাত শিক্ষক পাবলৈ নাই। অইন ঠাইৰ পৰাও শিক্ষক যাবলৈ ইচ্ছা নকৰে। সেইঠাইবিলাক উন্নত কৰিবলৈ কিছুমান বিশেষ সুবিধা দিব লাগিব তাকে কৰিবলৈ অকল অনুন্নত সম্প্ৰদায়ৰে এটা অঞ্চল নকৰি বৰ্তমান উন্নত আৰু অনুন্নত সম্প্ৰদায়ক নিহলাই ৰাখিব লাগিব।

এই কথাখিনি এই প্ৰস্তাৱৰ অন্তৰ্ভুক্ত কৰি মই গৈগৈ ডাঙৰীয়াৰ প্ৰস্তাৱটো সমৰ্থন কৰিলো। মোৰ বোধেৰে উন্নত অশুন্নত বাচিব লাগিব আখিক ক্ষেত্ৰত হে।

Shri GOGA KANTA BARUA: মাননীয় উপাধ্যক্ষ মহোদয়, গৈগৈ ডাঙৰীয়াৰ প্ৰস্তাৱটোত পিচপৰা সম্প্ৰদায়ৰ মানুহ কোন হ'ব লাগে কোন হ'ব নোলাগে, সেইবিষয়ে তাত কোনো উল্লেখ নাই। এই প্ৰস্তাৱৰ গুৰুত্ব এই যে পিচপৰা সম্প্ৰদায়ৰ লব-ছোৱালী বিলাকৰ বৃত্তিৰ কাৰণে যি টকা দিয়া হৈছে সি যথেষ্ট নহয়। তাৰ পৰিমাণ কিছু বৰ্দ্ধিত কৰিব লাগে।

ট্ৰাইবেল আদিৰ কাৰণে চৰকাৰে যথেষ্ট কৰিছে ই বৰ সন্তোষৰ কথা সেই অনুসাৰে পিচপৰা সম্প্ৰদায়ৰ কাৰণেও কৰিব লাগে।

ইয়াতে আৰু এটা কথা আছে যে পৰ্ব্বতীয়া ট্ৰাইবেল সকল ভৈয়ামত বসবাস কৰিলে বা ভৈয়ামৰ ট্ৰাইবেল সকল পৰ্ব্বতত বাস কৰিলে তেওলোকক ট্ৰাইবেল বুলি নধৰি পিচপৰা বুলিহে ধৰে পিচপৰা সকলৰ সুবিধাহে দিয়া হয়। এই দৰে পিচ পৰা সকলৰ সংখ্যা বেছি কৰি সুবিধাৰ ভাগ কম কৰা হয়।

এই বিষয়ে তেখেতে যিটো প্ৰস্তাৱ কৰিছে তাক গভৰ্ণমেণ্টে ভালকৈ ভাবি চাব বুলি মই আশাকৰি গৈগৈ ডাঙৰীয়াৰ প্ৰস্তাৱটো সমৰ্থন কৰিলো।

Shri MAHENDRA HAZARIKA: মাননীয় উপাধ্যক্ষ মহোদয় মাননীয় সদস্য শ্ৰীগৈগৈ ডাঙৰীয়াই আজি যি প্ৰস্তাৱটো সদনত দাঙি ধৰিছে, তাক মই সম্পূৰ্ণ সমৰ্থন কৰিছো।

মহাশয় আমাৰ ভাৰতবৰ্ষত যি সমাজ ব্যৱস্থা চলি আছে তাৰ ভিতৰত কিছুমান জাতি সচাকৈয়ে পিছ পৰি আছে বা তেওলোকক পিছ পেলাই থোৱা হৈছে। আমি স্বাধীনতা পোৱাৰ পিছত ভাৰতবৰ্ষৰ আটাইবোৰ নাগৰীককে যদি এটা নিৰ্দিষ্ট স্তৰলৈ উঠাই আনিব নোৱাৰো তেনেহলে ভাৰতবৰ্ষৰো উন্নতি হ'ব নোৱাৰে। এতিয়াই ইয়াত আমি ঠাৱৰাৰ নোৱাৰো কোন কোন সম্প্ৰদায় প্ৰকৃততে পিছপৰা সেই কাৰণে এই বিষয়টো লৈ আমি বেচি সমালোচনা কৰাৰো কোনো প্ৰয়োজন নাই। কাৰণ Backward Enquiry Commission আজি কেইমাহমানৰ আগেয়ে আহি গৈছে, সেই কমিশ্যনে অসমৰ কোন কোন সম্প্ৰদায় প্ৰকৃততে পিছপৰা সেইটো নিৰ্দ্ধাৰণ কৰি দিব। আৰু সেই মতে ৰাজ্যিক চৰকাৰে বিবেচনা কৰিব। অবশ্যে শ্ৰীমান প্ৰফুল্ল গোস্বামী ডাঙৰীয়াই সমাজ ব্যৱস্থাৰ কথা কৈছে। আৰু তাকে ভট্টাচাৰ্যী ডাঙৰীয়া আৰু ফুকন ডাঙৰীয়াইও কৈছে তেখেত সকলে কৈছে যে প্ৰকৃত পিছপৰা সম্প্ৰদায় জাতিৰ ওপৰত ভিত্তি কৰি সাহায্য নিৰূপণ কৰা উচিত নহয়। যদি বৰ্তমান সমাজ ব্যৱস্থা অনুযায়ী পিছপৰা জাতি বুলি থাকে ধৰা হয়, তেওলোক যদি ধনী হয় আৰু ল'ৰা ছোৱালীক শিক্ষা দিবৰ কাৰণে ক্ষমতা আছে তেওলোকক পিচপৰা সম্প্ৰদায় বুলি গণ্য কৰা উচিত নহ'ব। যি জাতিয়েই নহওক শিক্ষা ক্ষেত্ৰত, অৰ্থনৈতিক ক্ষেত্ৰত বা আন আন ক্ষেত্ৰত পিছপৰি আছে, তেওঁলোককহে পিছপৰা সম্প্ৰদায় বুলি ধৰা উচিত। সচাকৈয়ে এইটো ভাল কথা। কাৰণ আমাৰ ভাৰত চৰকাৰৰ ইচ্ছা যে পাহাৰ আৰু ভৈয়ামৰ চুকে কোনে এটাইতকৈ পিছ পৰি থকা সকলো সম্প্ৰদায়কে উন্নত কৰি এটা নিৰ্দিষ্ট ঠাপলৈ উঠাই অনা। গতিকে এই কামটোৰ কাৰণে আমাৰ যথেষ্ট অৰ্থৰ প্ৰয়োজন হ'ব। আমি এই বিষয়টোৰ গভীৰতালৈ চাই টকাৰ নিমিত্তে চিন্তা কৰি থাকিলে নহ'ব। গতিকে চৰকাৰে চিন্তা

কবিৰ লাগিব আৰু আয় বঢ়াই উক্ত পিছপৰা সম্প্ৰদায় সমূহক কেনেকৈ উন্নতিৰ পথত আগ বঢ়োৱা যায়। গতিকে গগৈ ডাঙৰীয়াৰ প্ৰস্তাৱটো মই সৰ্বসন্মতিক্ৰমে সমৰ্থন কৰিছোঁ, আৰু আশা কৰিছোঁ চৰকাৰেও যাতে প্ৰস্তাৱটিৰ প্ৰতি বিশেষ দৃষ্টি দিব।

Shri GIRINDRA NATH GOGOI: মাননীয় উপাধ্যক্ষ মহোদয় মোৰ এই ক্ষুদ্ৰ প্ৰস্তাৱটিয়ে যে এই সদনত ইমান খিনি সমালোচনাৰ দৃষ্টি কৰিব মই ভবাই নাছিলো। দৰ্শন, সমাজবাদ, সমাচলবাদ সকলোবাদৰ দৃষ্টিভঙ্গিত এই প্ৰস্তাৱৰ সমালোচনা হৈছে। যি হওক মোৰ প্ৰস্তাৱটোত অংশ গ্ৰহণ কৰাৰ বাবে সদস্য সকলক বন্যবাদ জনাইছে। শ্ৰী বসুমতাৰী ডাঙৰীয়াই গুৰা সম্প্ৰদায়ৰ বি অভিযোগ আনিছে সেইটো অবশ্যে মোৰ মূল প্ৰস্তাৱটোৰ পৰা আতৰি গৈছে। মোৰ প্ৰস্তাৱৰ আচল উদ্দেশ্য হৈছে সকলো জাতিৰে পিছপৰা সম্প্ৰদায় সকলে শিক্ষাৰ সুবিধা লোৱা উচিত। অবশ্যে এক লাখ টকা এই কামৰ কাৰণে একেবাৰে নগণ্য। তথাপিও যি নহওক বহুতো সদস্যই মোৰ প্ৰস্তাৱটো সমৰ্থন কৰাত সন্তোষ পাইছে।

আমি সকলো সম্প্ৰদায়ৰ বিষয়ে জনা সম্ভৱ নহয়। আহোম সম্প্ৰদায়ৰ আচল অবস্থাৰ বিষয়ে মাননীয় সভ্যসকলে নাজানিব পাৰে। আহোম সম্প্ৰদায়ত বঢ়াগোহাই, বঢ়াগোহাই, বৰপাত্ৰ-গোহাই, চেতিয়াকে আদি কৰি নানা বৰক উপকূল আছে সেই দৰে বসুমতাৰী ডাঙৰীয়াও গুৰা বা নেপালী সম্প্ৰদায়ৰ বিষয়ে সকলো কথা নাজানিব পাৰে। গতিকে এইবোৰৰ কথা আমি বীৰে স্তম্ভিৰে ভাবি চাব লাগিব। যিহওক মই মোৰ প্ৰস্তাৱটোত সদনে বিশেষ দৃষ্টি কোণৰ পৰা সমালোচনা কৰি সমৰ্থন কৰাৰ বাবে সদনৰ মাননীয় সভ্য সকলৰ শীলাগ লৈছোঁ।

Shri OMEO KUMAR DAS (Minister): Mr. Deputy Speaker, Sir, I have listened to the discussions in connection with the resolution moved by my friend Shri Girindra Nath Gogoi. I find there has been some controversy over some of the points raised in this connection. I do not propose to go into controversial points, but to confine myself to clarification of the policy which has been followed by the Government in this matter. The House is aware, there is a constitutional provision for the Backward Classes and Backward Communities. This Government cannot deviate from the policy as enunciated by the great Congress Organisation. As such, the Government on its own initiative classified a few communities as backward in spite of the fact that Backward classes Commission had not yet made any recommendation as to which the communities were to be included as Backward Classes. The House is aware that the Central Government has been allotting special grants for the advancement of the backward classes, e.g., Schedule Tribes. Since last year a similar provision has been made also for the Scheduled Castes by the Central Government. Besides this, the State Government has been compensating losses of fee income by granting remission of fees. All these amounts taken together come to more than one lakh of rupees. This State Government had also provided a further sum of Rs.25,000 for granting special stipends to poor and deserving students. Students of Backward communities are also included for this. During

these years it is found we had to exceed the Budget provision in meeting all demands. This had to be met by re-appropriation. The Backward Classes Commission has not yet submitted their recommendations. Therefore we are not in a position to know which of the communities are to be included as backward. Estimates of expenses would depend on the number of pupils. On the other hand, the State Government has provided an amount of Rs.25 thousand. It may be that we may require a higher sum of money for this purpose. The Government is already committed to a policy of providing for educational facilities of the pupils belonging to Backward Communities. After the Backward Classes Commission submit their report, we would be in a position to know which are the communities to be treated as backward. It is then we would be able to assess the demands for this purpose and submit our proposal accordingly. In view of these facts, I hope the mover would be pleased to withdraw his resolution.

Shri GIRINDRA NATH GOGOI : In view of what the Hon'ble Minister has said, I beg leave of the House to withdraw my Resolution.

Mr. DEPUTY SPEAKER : Has the hon. Member leave of the House to withdraw his Resolution ?

(Voices—Yes, yes.)

(The Resolution was, by leave of the House withdrawn.)

Sriman PROFULLA GOSWAMI : Sir, I am not moving my Resolution.

Resolution re : the exemption of Amusement and Betting Tax to all amateur and non-professional sports, theatres and dramatic, artistic and variety shows to encourage the development of sports, arts and culture

Shri GAURISANKAR BHATTACHARYYA : Mr. Deputy Speaker, Sir, I beg to move that this Assembly is of opinion that with a view to encourage development of sports, arts and culture in this State all amateurs and non-professional sports, theatres and dramatic, artistic and variety shows should be exempted from the scope of the Assam Amusement and Betting Tax Act.

Sir, this is a subject of great importance to which the attention of the Government has been drawn both inside and outside the House for several years past. As a matter of fact, soon after the Assam Amusement and Betting Tax Act was enacted, members belonging to different parties had in the past tabled resolutions. In the present session itself, we find that there stands a resolution in the name of Shri Dharanidhar Basumatari—Resolution No.67 where he says that at least a sum of rupees one crore is necessary for development and expansion of various sports in Assam. My resolution is not only with regard to sports but also covers spheres like theatres, dramatic, artistic and variety shows. But then I have not made any specific demand for money. If the Government accepts the resolution, the financial implication will not be as much as Sri Basumatari demanded; rather it would be less than half the amount demanded by Sri Basumatari, and yet I think my resolution is very important one. Government may be involved to a sum not exceeding Rs.20 to 25 thousand which may be the most collected from amateur bodies. As a matter of fact, for the Government it is not at all a big sum. So far as national organisations are concerned we have seen that recently there has been developing a healthy tendency in our State in all different spheres to encourage our young folk to develop in the matter of sports, games and other pursuits. This is very good indeed. We have also seen that Government sometimes take the initiative in matters like Hills and Plains festival, Sangeet Natak Academy, etc. and give donation and subscription to Musical festivals like Bihu Sanmilani and inter-college sports. We appreciate the measures taken by the Government. The approach visualised in my resolution is more comprehensive. My resolution visualises that our young men and women will take the initiative and that they will collect the money necessary for the purpose. My resolution does not call upon the Government to give some money of a donation to the organisation. The initiative is left with the organisers themselves. My resolution should get special consideration and approval of the House, because what we today need most is the initiative of the people in all spheres. Even without imputing any motive to any body it may be said that it is only a human weakness that while giving some donation or contribution a man is likely to be partial and he is likely to be discriminatory. We have, Sir, instances of discriminatory behaviour and treatment by this Government. For example, I cite my instance. There was a music

Conference at Gauhati where several Ministers of this Government went in different shifts in different nights they addressed the Conference as Guests-in-Chief. This show was primarily confined to classical songs, dances, etc., and a handsome donation was offered to it by the Government. But there was also another conference at Gauhati. That Conference was held by the Indian People Theatre Association, Assam Branch. The organisers of the conference approached the Finance Minister to request him to exempt the cultural shows organised by the Indian People Theatre Association from the scope of the Assam Amusement and Betting Tax Act, and the Minister gave verbal Assurance that the cultural shows so organised would be exempted from Amusement and Betting Taxes. But ultimately when a formal petition was submitted, the organisers had to run from door to door—from the Minister to the Deputy Secretary, Finance Department, and ultimately it so happened that the organisers were not exempted from the Amusement and Betting Taxes. As a result of the last moment steps taken by the Government on their petition for exemption from paying the Amusement and Betting Taxes the Association had to face tremendous difficulties. The proposed cultural shows had to be curtailed to the minimum. Apart from discrimination, even in those cases where exemptions are granted organisers of shows are put to immense difficulties in making payment of their bills, etc., as our Government files move too slow.

Adjournment

The Assembly was then adjourned till 2 p. m. for lunch.

After lunch

Shri GAURISANKAR BHATTACHARYYA: Sir, I was saying that apart from the probability of discrimination, there is also the difficulty due to red tape. Files take a long time to be disposed of and, therefore, we find that even in those cases where some associations are granted exemption they in the meantime have to suffer a lot and find it difficult to do anything because of red tapism in the Secretariat, Sir, it is not only our State but throughout the whole country, and as a matter of fact throughout the whole world that we have been an enthusiasm for the development of cultural aspects of human life. As civilisation is growing, and as man instead of being victim of nature has been conquering nature, man is

getting more time for enjoyment in such cultural development. And in this matter we see that the sports and games, for example the Marathon games the Olympic games and others are being revived throughout the whole world, and we have seen that there are competitors, there are visiting teams, etc. Now Sir, it is unfortunate that our young and healthy boys have not been able to show their mark in the matter of sports except a few. For example our friend Ao of Naga Hills and a few like Sarat Das of Gauhati had reached their mark only when they could go to Calcutta with the patronage of Mohan Bagan or some other Calcutta clubs. In Assam although we have some persons of high calibre, they have not been able to show their marks, because we have not been able yet to develop sports and games and it is also a matter of great regret that such persons in Assam will have to show their marks without the help of the Government rather in spite of it.

We have also not been able to invite some teams to come to Assam and teach our young men. All these things have happened because of the apathy if not anti-pathology of the Government towards these activities. Sir, so far as actual operation or actual implementation of this Amusement and Betting Tax Act is concerned, it acts as a hindrance instead of help to the young men in the matter of sports and cultural activities. The Amusement and Betting Tax Act comes as a hindrance, and, therefore, we see here in our State our people cannot freely organise cultural bodies and clubs or associations for some sort of sports and games. Cultural activities, therefore, are not developing in our State as in other States. Our Finance Minister said the other day that while he was on his way from Delhi he visited Calcutta. Let me hope that it did not escape his notice that in Calcutta there are sports associations, clubs, athletic bodies and etc. Our Finance Minister must be knowing that in West Bengal there is provision in their Act to give a general exemption to all these organisations. In other sister States also they give more patronage to all these organisations. I don't understand why our State do not exempt our cultural activities from payment of this amusement and betting tax. Therefore, in view of the urgent necessity of developing our cultural activities in our State and in view of that there can be close understanding better harmony and co-operation and better unity among the different sections of the people. Government should give all possible encouragement for the development of such cultural organisations, and Government, I hope can do this by

making necessary amendment of the Amusement and Betting Tax Act, whereby these sports and cultural activities and organisations may be exempted from the operation of this Act.

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

Mr. SPEAKER : The Resolution is that this Assembly is of opinion that with a view to encourage development of sports, arts and culture in this State all amateur and non-professional sports, theatres, dramatic, artistic and variety shows should be exempted from the scope of the Assam Amusement and Betting Tax Act.

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir this matter has been discussed on the floor of this House on several occasions either in connection with the general discussion of the Budget or in some other times. Sir, the point of view of Government has also been made known to the hon. Members of this House by me on several occasions. Sir, the resolution that has been brought forward by my friend, Mr. Bhattacharyya is to encourage development of sports, arts and culture in our State, but I feel Sir, the purpose and the intention behind the resolution can better be served by making liberal exemption than by abolishing the tax altogether. If the tax is altogether done away with, it may only bring various complications and also may lead to some other irregularities. Therefore, Sir, it has been decided by Government to give liberal exemption as far as possible. With this end in view some directions have already been given to our taxing authority to grant liberal exemption as far as possible. This shows that instead of becoming stringent in this matter we have directed them to be liberal by granting exemption so that we can encourage sports, arts, theatrical performances and such other things in our State. It is not unknown to the hon. Members of the House that with this end in view not only we issued circulars to the Department concerned but we asked them to take other measures by which we can encourage development of sports, arts, culture, etc., in the State. Hon. Members know that certain festival days in the year have been declared to be days when no amusement tax is levied under the Amusement and Betting Tax Act. Those days are generally the Puja days like Durga Puja, Kali Puja and Bihu days and some other such festival days. There has been provision for exemption of tax in shows in the tea gardens for the benefit of the labour population. Thus it is clear that the purpose that is intended to serve by the Resolution is

being served as a matter of fact by these directions of the Government to our taxing authority to be liberal in giving exemption. We have also taken various other measures to be liberal in this regard. My friend, Mr. Goswami himself also admits this. My friend, Mr. Bhattacharyya has pointed out that Government of late has been trying to encourage sports, arts and culture in this State by giving financial aid and in various other ways. His only grievance is that if this power of levying amusement tax is retained by the Government then it may be misused or it is liable to be discriminated against some people and to prove his contention he cited one case of Gauhati in which, according to him, in spite of the efforts made by the party concerned, it did not get exemption. Yes, some people approached me for exemption, but what I found is that this party appeared to be actuated by some political motive and not so much by the ideas of advancement of arts and culture (Shri Gaurisankar Bhattacharyya: How can you anticipate that?) That is what it appeared to me. If some parties or people or organisations want to advance the cause of arts and culture then they are welcome to the Government and they will be helped as far as possible. But if some parties, people or organisations under the cloak of advancing the cause of arts and culture but actually having some political motive or designs, approach the Government, no Government can be a party to the advancement of such political cause or motive. My friend may call it discrimination, but I have not found any case of discrimination. If any party wants to give any show actuated by a motive is quite different then what is passed to be its notice, it will not be reasonable in my opinion to grant them any exemption. My friend, Mr. Bhattacharyya has himself seen that in some performances held at Gauhati where people of several parties were connected and where even Dr. Bhupen Hazarika was also invited, were given exemption and no charges of discrimination has been alleged there.

Shri GAURISANKAR BHATTACHARYYA: On a point of information Sir, does the Minister say that Narahari Kaviraj Raghunath Choudhury are not well-known artists and they belong to some political party or parties? Nobody denies that they are well-known artists.

Shri MOTIRAM BORA (Minister): But if the artists want to advance some political cause in the name of culture and if in that case exemption is refused, can it be called discrimination. If it is called discrimination then I am helpless.

But the fact is there (Shri Gaurisankar Bhattacharyya: No, No. That is not correct). If we give or allow any exemption in such a case then it will show that we help such political parties or designs. When we find that any party or parties who have no political motive behind the shows given by them then we are quite ready to help them by giving exemption, otherwise not. My Friend will agree that the performance which he witnessed at Gauhati and to which Dr. Bhupen Hazarika was also invited who—does not belong to Congress was given exemption (Shri Gaurisankar Bhattacharyya: The Minister is...)

Mr. SPEAKER: You are unnecessarily disturbing.

Shri MOTIRAM BORA (Minister): What I want to say is that even theatrical shows held by different parties must not have any political motive behind it. If the parties mentioned by my Friend wanted to give certain shows with some political motives Government cannot help them.

If my Communist Friend is along with others hold a show which has no political motive behind it there is no reason why they should not be granted exemption. In this particular case, I may be wrong. I found that the performance was not free from politics and that is why it was not considered fit to grant exemption to that party.

Then, Sir, my friend, Mr. Bhattacharyya said that if this measure is retained as it is, it causes unnecessary difficulties because exemption orders do not reach the place in time, with the result that the people holding the show are put to unnecessary difficulty. According to rules they are required to deposit the whole amount of the tax and ultimately to take a refund. His argument was that as these exemption orders did not reach the place in time this measure should be done away with. But, I think, Sir, that if the people holding the performance apply to the Government or to the officer concerned in time, there can be no question of any delay. Why do the people not apply in time? If they apply in time there will be no difficulty.

Then, Sir, there is another consideration why I cannot accept the resolution of my friend, Mr. Bhattacharyya. It is probably not unknown to the Members of the House that some taxes like these are being recommended to be given to local bodies. The Taxation Enquiry Commission has recommended that the Professional tax and some other small taxes, should be made over to the local bodies. Government are examining this matter and it is quite likely that this tax or some such tax may be made over to the local bodies. As

the proceeds of such taxes come from people mainly living in towns, where municipalities exist, it was represented that such taxes should go to them. The Commission, as I said has also accepted this position in a way and we are considering the matter. It is very likely that some such taxes may go to the local bodies. Will it, therefore, be prudent or wise on my part to accept the resolution and do away with this tax, before final examination and decision made by Government on the report of the Commission? Such a course will create difficulties for the local bodies, who will be the beneficiaries of such taxes Government should not, in my opinion, do anything at this stage. I would, therefore, request my friend, Mr. Bhattacharyya to withdraw his resolution.

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I find from the preliminary reply given by the Minister to the points I raised that the Minister has inadvertently, given certain information to the House which to my knowledge is not correct. So, I simply want to point this out to him. For instance, referring to the Gauhati performances of the Indian peoples' theatre Association he has said that it was an affair of a particular political party and was organised with a political motive. For his information and for the information of the House, I can say that the President of the said Organisation is the famous artist of Assam Sri Bishnu Prasad Rabha. The Vice-Presidents are: Raghunath Chaudhury, the famous poet of Assam, Narahari Bura Bhakat of Barpeta, Satra, the famous dancer, Maghai Ojha of Jorhat, the famous drum-player of Assam, Dr. Bhupen Hazarika, the famous singer and music director of Assam. The conference was presided over by Bolraj Sahani, the famous film Star of Bombay and it was attended, among others, by Hemanta Mukerjee, the famous musician and Nirmal Chaudhury the famous Music Director of Bombay. So, it was wrong on the part of the Minister to think that it was not a cultural body. At any rate, I should like to draw his attention to the fact that almost at the same time another show was organised at Tezpur under the auspices of the Congress at the time of the political conference and that show was given exemption from tax. This clearly shows that while the performances of this organisation, which contains famous artists of Assam and outside, was not exempted from the tax, the Congress show at Tezpur was granted exemption. This only strengthens my argument about the existence of discrimination. At present the Government are using it purely for narrow political purposes and with discriminatory intention. So long as the Act

remains as it is, Government will not really encourage art and sports. They will discriminate against people's arts and will only encourage the so called art and sports which toe their line. In this way the artistic life and culture of the country cannot develop. I, however, hope, Sir, that after getting correct information from me, the Minister will reconsider the position and accept the resolution which I have moved.

Mr.SPEAKER : Are you going to withdraw the resolution ?

Shri GAURISANKAR BHATTACHARYYA : If the Minister gives an assurance that there will be no discrimination and that there will be more liberal exemptions without any narrow political consideration, I may consider whether I can withdraw the Resolution.

Shri MOTIRAM BORA (Minister) : We are already giving liberal exemptions. As a matter of fact, directions have already been issued to grant liberal exemptions. But when we find that there is any political motive behind a certain performance, it is difficult to give exemption.

Shri GAURISANKAR BHATTACHARYYA : Then political discrimination will continue. I am sorry, I cannot withdraw my resolution.

Mr. SPEAKER : The question is that this Assembly is of opinion that with a view to encourage development of sports, arts and culture in this State all amateur and non-professional sports, theatres and dramatic, and variety shows should be exempted from the scope of the Assam Amusement and Betting Tax Act.

(The Resolutiod was negatived.)

The Assam State Road Transport (Amendment) Bill, 1955

Mr. SPEAKER : I shall now give my ruling on the point of order raised in connection with the Assam State Road Transport (Amendment) Bill, 1955.

In the Constitution three classes of Bill affecting the Public Finance are contemplated, namely :—

(1) Money Bill, that is, Bill dealing exclusively with matters dealt with in Article 110 or 199 of the Constitution;

(2) Other financial Bills, dealing with any of the matters dealt with in Article 110 or 199 ; and

(3) Bills not falling under the aforesaid two classes and yet involving expenditure out of the Consolidated Fund of India.

We are now concerned whether the present Amending Bill before us is a Money Bill or a Bill not falling under any of the above two categories.

Now, the Amending Bill seeks primarily to bring in provisions for payment of compensation in cases of cancellation of permits, rendering of permits ineffective beyond a specified date or reduction in the number of vehicles or routes.

Now, let us read Article 199 of the Constitution which provides as follows :—

199. (1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely :—

- (a) the imposition, abolition, remission, alteration or regulation of any tax ;
- (b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State ;
- (c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such Fund ;
- (d) the appropriation of moneys out of the Consolidated Fund of the State ;
- (e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure ;
- (f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money ; or
- (g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

A Bill shall not be a Money Bill if it provides only for :
“The imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services

rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes”.

Let us now see if the present Bill or the Amendments thereto fall in any of the above items. At a glance we can see that it is very difficult to bring them under these heads. As a necessary corollary to this negative definition we can find the real answer.

It has been argued that the Bill provides only a future obligation for financial commitments.

Article 199(1) (b) seems to come in its way. And there is another argument that the compensation will be paid out of the Contingency Fund, and as such in due course the Government will approach the Legislature to regulate the withdrawal of money from the Contingency Fund. But Article 199(1) (c) seems to come on its way.

The Movers of the Amendments were also, at some stage or the other, were of the opinion that recommendation of the Governor was necessary. And the Treasury Bench had also taken Governor's recommendation under Article 207 (3) as a Financial Bill. So, the minds of the Treasury Bench and of the Movers of the Amendments were moving in the same direction, though now they are advancing some other opinion.

Therefore, we are now to decide whether the present Bill falls under the category of Money Bill or Financial Bill.

A Bill, in my opinion, is a Money Bill if it affects the provisions (a) to (g) of Article 199(1) only.

In case, however, if its object primarily rests on other matters it becomes a Financial Bill and necessary recommendation of the Governor under Article 207 (3) is only required.

Now, the present Amending Bill appears to be primarily introduced to give compensation, of course, at a future event, out of the Consolidated Fund or Contingency Fund, which will amount practically a withdrawal from these Funds. As such, it will attract Article 199(1) (c). Again, even if it is incidental to items (a) to (f) of Article 199(1), it will still be a Money Bill under Article 199(1) (g). Actually we cannot avoid from the impression that the Treasury Bench will have to act under these provisions for withdrawal of money or anything incidental to it.

Therefore, I find that the present Bill is a Money Bill and some of the Amendments, namely, Nos. 3, 5, 6, 9, 10, 11 and 12 are directly amendment making provisions affecting sub-clauses (a) to (g) of Article 199(1) of the Constitution.

Unless, therefore, necessary recommendation of the Governor is there, I shall be constrained to rule out these Amendments as out of order.

(After a pause)

Now, I read out two messages from the Governor:—

1. “Raj Bhavan,
Shillong,
The 28th June, 1955.

I recommend under Article 207(1) of the Constitution that the Assam State Road Transport (Amendment) Bill, 1955, be introduced and moved in the Assam Legislative Assembly.

JAIRAMDAS DOULATRAM,
Governor of Assam.”

2. “Raj Bhavan,
Shillong,
The 28th June, 1955.

I recommend under Article 207(1) of the Constitution that the following Amendments to the Assam State Road Transport (Amendment) Bill, 1955 may be introduced and moved in the Assam Legislative Assembly by the Members shown against each Amendment.

1. Shri Hareswar Goswami to move:—

That in item (a) of the proposed section 7A sought to be inserted by clause 2, *delete* the words “on the scale specified in the Second Schedule”.

2. Shri Radha Charan Chaudhury to move: —

That in the last line of the Proviso to proposed section 7B sought to be inserted by clause 2, the figure, “3½” be *substituted* by the figure, “5”.

3. Shri Hareswar Goswami
Maulavi Muhammad Umaruddin to move:—

That in the proposed section 7C sought to be inserted by clause 2, *substitute* the word, “may” for the word “shall” occurring after the words, “State Government” in the second line.

4. Maulavi Muhammad Umaruddin to move:—

That in the proposed section 7C sought to be inserted by clause 2, *substitute* the following for sub-clause (2) (a):—

“(a) In respect of a vehicle, the market value as at the

date of transfer, to be determined having regard to the cost of replacement by a new vehicle of a similar type and general condition of the vehicle."

5. Shri Radhacharan Choudhury to move:—

That in the proposed section 7C sought to be inserted by clause 2, *substitute* the figure, "10" for the figure, "25" occurring in the third line of item (a) of sub-clause (2) thereof.

6. Shri Hareswar Goswami to move:—

Delete the whole of the second Schedule.

7. Maulavi Muhammad Umaruddin to move:—

Substitute in the second schedule referred to in clause 7A(1)(a), the letters and figures "Rs.2,500", "Rs.2,000", "Rs.1,000" and "Rs.500" for the letters and figures "Rs.1,000", "Rs.700", "Rs.400", and "Rs.200," respectively appearing in paragraphs 1(a), 1(b), 1(c) and 1(d) of the said schedule".

8. Shri Radhacharan Choudhury to move:—

(i) *Substitute* the letters and figure, "Rs.2,400", for the letters and figure, "Rs.1,000", occurring in paragraph 1(a) of the second Schedule.

(ii) *Substitute* the letters and figure, "Rs.1,500", for the letters and figure, "Rs.700", occurring in paragraph 1(b) of the second Schedule.

(iii) *Substitute* the letters and figure, "Rs.800", for the letters and figure, "Rs.400", occurring in paragraph 1(c) of the second Schedule.

(iv) *Substitute* the letters and figure, "Rs.500", for the letters and figure, "Rs.200", occurring in paragraph 1(d) of the Second Schedule.

9. Maulavi Muhammad Umaruddin to move:—

Substitute for the words, "and the amount of losses sustained during the same period shall also be ascertained", occurring after the word, "ascertained" in the third line of paragraph 1 of the third Schedule referred to in clause 7A(5) by the following:—

"in accordance with the prevalent trade practice having due regard to the total expenditure incurred and the total earnings made from the vehicle during the same period and profits, if any made, shall be treated as net profit."

10. Maulavi Muhammad Umaruddin to move:—

Delete the words, "or if the amount of the profits does not exceed the amount of the losses" appearing after the word "profits" in the first line of paragraph 2 of the third Schedule.

11. Shri Hareswar Goswami to move:—

That in the proposed section 7D sought to be inserted by

clause 2 *substitute* the words, "thirty days to the High Court of Assam" for the words, "the date, in the manner and to the authority to be prescribed" occurring in the third and fourth lines thereof.

12. Maulavi Muhammad Umaruddin to move:—

Delete paragraph 3 of the third Schedule and re-number paragraph 4 as paragraph 3.

JAIRAMDAS DOULATRAM,
Governor of Assam."

Maulavi MUHAMMAD UMARUDDIN : Mr. Speaker, Sir, I beg to move that, in the proposed section 7C sought to be inserted by clause 2 *substitute* the following for sub-clause (2) (a):—" (a). In respect of a vehicle the market value as at the date of transfer, to be determined having regard to the cost of replacement by a new vehicle of a similar type and general condition of the vehicle". Now, Sir, let me compare this with the provision of the Amending Bill. It says—" (a) In respect of vehicle, the value will be the cost as at the date of transfer, of replacing the vehicle by a new vehicle of a similar type, less depreciation at the rate of 25 per cent per annum on the declining values from the date of first registration with a margin of Rs. 500 either way as an allowance for the condition of the vehicle". Sir, my idea is this. Here we find that Government fixes a rigid formula for determination of the value of the vehicle. If we fix a rigid formula, in that case, Sir, the authority competent to make an assessment will have no discretion left except what has been laid down by Government, *i.e.*, only an allowance of Rs. 500 either way for the condition of the vehicle. Now, Sir, what happens in actual practice? We find that when we sell a vehicle or when a private person sells a vehicle, its value is determined by the market price, the law of demand and supply prevailing at the time. Now, Sir, this principle of compensation is always related to the market value: in the case of land acquisition also we fix the price by the market rate. So, there is no reason why the market value should not be the guiding principle in this case also. If we accept the principle of market value, it is not necessary to lay down any hard and fast rate about depreciation.

Now, Sir, as you know the value of a vehicle will depend very much on its condition on the date of acquisition. If the vehicle is properly maintained, its depreciation

will be much less than 25 per cent. So, Sir, another important factor for determining the value of the vehicle should be its condition at the time of transfer having regard to the market value prevailing. Supposing a vehicle registered in 1948, say a Chevrolet car or a Chevrolet truck, is acquired in 1955 ; in fixing its price according to the proposed clause, we must take into consideration the market value of similar types of vehicles as prevalent in 1955 and then work out the value by applying a fixed rate of reduction or depreciation on the declining value. Sir, I have taken a certain concrete case and I will show what would actually be the value of a vehicle if we follow the formula as indicated by Government. Taking the value at say Rs. 15,000 in the first year, the depreciation will come to Rs. 3,750, declining value at the end of first year will be Rs. 11,250. Then if we take the declining value at the end of the second year and so on, at the end of the fourth year we get the value of the vehicle at Rs. 4,671. Now, Sir, if the same vehicle is sold according to the market value, it may fetch more than Rs. 4,671. My point here is that the value of the vehicle should be determined by its condition. That is, if the vehicle is properly used during those years it will fetch more money because you will get it in a good condition. Similarly if the vehicle is badly used, it will naturally fetch a much lower price. So, Sir, this margin of Rs. 500 may not be sufficient having regard to the difference in actual condition of vehicles. At the same time, to adopt a fixed rate for depreciation is not called for because it may not leave any discretion to the assessing authority. It will not be possible in a fair and just manner to determine the price of a vehicle on the basis of the fixed rate of depreciation because if sold in the open market, some vehicles, as I have said, may fetch more while others less. For instance, if there is restriction on the import of vehicles when there is big demand, the price of a second-hand vehicle will be higher. But if on the other hand, there is less restricted import, and at a lower price, and there is less demand, naturally the price of a second-hand vehicle will be much less. So, a number of factors are there which control and determine the value of vehicles at any given time. Therefore, Sir, this fixation of a rate of depreciation will not work. Some principle should be laid down so that certain quantum of discretion is left to the assessing authorities, and in my opinion, the condition of the vehicle at the time of acquisition

and the prevailing market value are most important factors for determining the value of such vehicles. So, such rigid formula will not be suitable and will not work, because whatever the condition of the vehicle, if Government already fix rate in this way, then it will work harshly on some people especially those who can offer their vehicles elsewhere at a better price. So, Sir, if Government actually want to help the people affected by giving them proper compensation, some discretion should be left to the assessing authority in determining the value of the vehicles. This rigid formula contemplated by Government, I feel, Sir, will not do justice to the party or parties aggrieved.

Then again, there is another provision here as to who will assess the valuation.

Mr. SPEAKER : Please confine yourself to the Amendment.

Maulavi MUHAMMAD UMARUDDIN : Here, Sir, we do not know whether the term officer referred to in section 7A has been defined here. We do not know if the principle of compensation will do justice while determining the value of the vehicle.

Mr. SPEAKER : You have said that many times before and you are repeating it.

Maulavi MUHAMMAD UMARUDDIN : No, Sir, My point is that if compensation is to be assured by an arbitrator, the money involved may be less than the value of the vehicle. So, in my opinion, it would be better to determine the value of a vehicle also by a board of arbitration.

Mr. SPEAKER : Mr. Umaruddin, you are making a general observation which I cannot allow. Please confine yourself to the Amendment.

Maulavi MUHAMMAD UMARUDDIN : My contention, Sir, is that more discretion should be left to the assessing authority.

Mr. SPEAKER : No, no, you are making a general observation.

Maulavi MUHAMMAD UMARUDDIN : These are my observations, that is, in fixing the value of the vehicles, certain amount of discretion should be left to the assessing authority. The most important factor is the condition of the vehicle having regard to the cost of replacement.

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

Mr. SPEAKER : The Motion moved is that in the proposed Section 7-C sought to be inserted by clause 2, *substitute*

the following for sub-clause (2) (a):—

“(a) In respect of a vehicle, the market value as at the date of transfer, to be determined having regard to the cost of replacement by a new vehicle of a similar type and general condition of the vehicle.”

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, the Supreme Court in Bela Banerjee's case has laid down the principle for determination of compensation. The law must either fix the amount of compensation or specify the principle of compensation. This has been clearly stated in my previous speech. In this particular Bill, provision has been made for payment of compensation as well as the principle for determination of compensation in the third Schedule. Moreover, Sir, in the amendment, the Mover has stated, “In respect of a vehicle, the market value as at the date of transfer”. This is quite vague. What the market value is has not been clearly defined and how to determine the market value has not been stated. The hon. Mover, therefore, wants to give unrestricted power to the officer. Therefore, if this amendment is accepted, it will lead to favouritism, nepotism and corruption.

Maulavi MUHAMMAD UMARUDDIN: As if corruption is now not there!

Shri SIDDHINATH SARMA (Minister): Legislator should not leave loopholes which may lead to corruption. Under the circumstances, Sir, I cannot accept the amendment of my Friend, Maulavi Muhammad Umaruddin.

Mr. SPEAKER: What has the Mover got to say? Will he withdraw his amendment?

Maulavi MUHAMMAD UMARUDDIN: No, Sir. (The amendment was then put by the Chair as a question before the House and was negatived).

Shri RADHACHARAN CHOUDHURY: Mr. Speaker, Sir, I beg to move that in the proposed Section 7-C sought to be inserted by clause 2, *substitute* the figure, “10” for the figure, “25” occurring in the third line of item (a) of sub-clause (2) thereof.

Sir, the other day Mr. Umaruddin has explained on the subject. If the depreciation is fixed at the rate of 25 per cent. per annum it will be far from reasonable and fair. Because from our experience we have seen that the permit-holders keep their vehicles invariably in a reasonably good condition as it is their own property and their very important source of income. Sometimes it so happens that they ply their vehicles only once or twice in a week by rotation or in turn. Naturally,

therefore, if a vehicle is run like this, the condition of the vehicle will remain much better unless, of course, damaged by some mishap, and will last for a longer period, at least 10 or 12 years, if not more. Therefore, my contention is that if the depreciation is fixed at 10 per cent. it will be more reasonable. With these words, I move this Amendment.

Mr. SPEAKER: Motion moved is : That in the proposed Section 7-C sought to be inserted by clause 2, *substitute* the figure, "10" for the figure, "25" occurring in the third line of item (a) of sub-clause (2) thereof.

Shri SIDDHINATH SARMA (Minister): Sir, the depreciation is calculated at the rate of 25 per cent in respect of State Transport vehicles, and so far my information goes, in other States also. This rate of depreciation has been fixed after taking into consideration all relevant factors concerning the Government as well as the vehicle owners. Under the circumstances, I am sorry, I do not see my way to accept the amendment moved by my Friend, Shri Choudhury.

(The amendment was then put by the Chair in the form of a question before the House and was negatived.)

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that in the proposed Section 7-D sought to be inserted by clause 2, *substitute* the words, "thirty days to the High Court of Assam" for the words, "the date, in the manner and to the authority to be prescribed" occurring in the third and fourth lines thereof.

Sir, in the State Transport Bill there is a provision which runs like this: "Any person aggrieved by the determination of the compensation under Section 7-A or the determination of the value of vehicle, accessories, etc., under Section 7-C may prefer an appeal within the date, in the manner and to the authority to be prescribed and the decision of the appellate authority shall be final."

Sir, here, instead of leaving these things to the rule making power of the Government, I want to incorporate who that appellate authority will be in the body of this Bill. I want the appellate authority to be the High Court and the time within which these appeals are preferred must be 30 days. During the discussion of the Bill it was suggested that if High Court Judge be appointed an arbitrator, the appellate authority must be higher than that of the status of the arbitrator. I agree with the view then expressed and in order to meet that view-point, I now bring in this amendment. I hope my amendment will be accepted by the Minister and the House.

Mr. SPEAKER: Motion moved is:

That in the proposed Section 7-D sought to be inserted by clause 2, *substitute* the words, "thirty days to the High Court of Assam" for the words, "the date, in the manner and to the authority to be prescribed" occurring in the third and fourth lines thereof.

Shri SIDDHINATH SARMA (Minister): Sir, by this amendment, it is proposed to give a right of appeal to the High Court instead of leaving it to the Government. As this is a quasi judicial matter, the provision of an appeal directly to High Court may not be desirable. Besides the appeals to the High Court is likely to be costlier. Under Article 227 or even Article 226 of the Constitution, the High Court can revise the decision of the Appellate Authority. But if my Friend, Shri Goswami, insists to accept his amendment I have no objection to accept the same.

Mr. SPEAKER: The question is that in the proposed Section 7-D sought to be inserted by clause 2, *substitute* the words, "thirty days to the High Court of Assam" for the words, "the date, in the manner and to the authority to be prescribed" occurring in the third and fourth lines thereof.

(The Motion was adopted.)

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, I beg to move that the following amendment to the Second Schedule be *substituted* in clause 7-A (1) (a), the letters and figures 'Rs. 2,500', 'Rs.2,000', 'Rs.1,000' and 'Rs.500' for the letters and figures 'Rs.1,000', 'Rs.700', 'Rs.400' and 'Rs.200' respectively appearing in paragraphs 1 (a), 1 (b), 1 (c) and 1 (d) of the said schedule.

Now, Sir, I have already pointed out that the amount of compensation fixed is inadequate. In giving reply to the criticisms the other day, the Minister-in-charge said that the party should be given as much as he has lost. The quantum of compensation should be related to the loss by the owner of the vehicle as a result of loss of permit or the route. According to compensation proposed by Government, it appears that the possible average monthly income of a vehicle has been estimated at about Rs.40. Sir, it can be well imagined whether any owner of vehicles or anybody will invest Rs.15,000 to Rs.20,000 to earn a profit of Rs.40 a month. Sir, if the huge fleet of vehicles at the disposal of the Transport Department is only earning Rs.40 a month per vehicle after investing crores of rupees on them, then I should like to ask the Minister-in-charge, Transport, to wind up the Department. Here, I am applying certain

principle by my amendment to determine the income and the profit of the vehicle. So, Sir, I feel that Rs.40 a month is too small a figure as monthly profit for a vehicle. From my experience an owner of a vehicle earns from Rs.200 to Rs.300 a month and it cannot be less than Rs.200 a month and that may be the minimum if the income of the business or an enterprise which involves a capital of Rs.15,000 or Rs.16,000. Therefore, Sir, you cannot give a return so low as that which will have no bearing on the amount involved in the business. So, Sir, if you upgrade or raise the figure a little, the owner will take the advantage of the provision of agreement and, therefore, Sir, I suggest that for the figures—Rs.1,000, Rs.700, Rs.400 & Rs.200, the followings be substituted, *viz.*, Rs.2,500, Rs.2,000, Rs.1,000 and Rs.500. This, Sir, I consider to be very fair and nearly represents the actual income of the party concerned and this will obviate a lot of difficulties and labour on part of the Government as also the party concerned. With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. SPEAKER: The Motion moved is that in the second Schedule referred to in clause 7-A (1) (a), *substitute* the letters and figures "Rs.2,500", "Rs.2,000", "Rs.1,000" and "Rs. 500" for the letters and figures "Rs.1,000" "Rs.700" "Rs.400" and "Rs.200" respectively appearing in paragraphs 1(a), 1(b), 1(c) and 1(d) of the said schedule."

***Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I have already stated that a model rate has already been prepared by the Government of India and sent to every State for consideration, because the Government of India want to have a uniform law in all the States. The Government of India also, after examining everything in details, will introduce a Bill in Parliament so that legislation may be uniform throughout India.

Sir, regarding profit earned by the State Transport Organisation, we have examined the profits earned by the other Transport Organisations also, our State no doubt earns a little more profit than the other State Transport Organisations in other States. Sir, Bombay probably earns a profit of 5 per cent and the Calcutta State Transport Organisation from the last year's report as well as from the reports published in the newspapers, it is seen that the Organisation is running at a loss, and nowhere in India, the State Transport Organisation earns more than 5 to 10 per cent. Sir, our profit is a little more because we have not been able to give all the amenities to the public, that is because we have not been able

yet to construct waiting sheds, houses and other facilities. The reason why we have not been able to give all these amenities to the public is that due to dearth of technical personnel in the Public Works Department and as soon as we can give all these amenities and facilities to the public, our profit also will cut down considerably.....

***Maulavi MUHAMMAD UMARUDDIN:** What is the percentage of profit at present?

***Shri SIDDHINATH SARMA (Minister):** It may be about 25 to 30 per cent. Sir, the ousted permit-holder will not suffer even if he does not accept the scheduled rates. In this connection a reference may be made to Section 7-A(a)—“Where the amount of compensation can be fixed by agreement on the scale specified in the second schedule it shall be paid in accordance with such agreement”. So, Sir, if the amount can be fixed by agreement so far it is good, but even if he cannot agree with this, he can have other alternatives; he can also go to the court to fix up the compensation and the Government also shall appoint an arbitrator for the purpose.

So, Sir, with a view that this law will be uniform everywhere in India and for urgent necessity, we are introducing the Bill. And as soon as the Government of India introduces the Bill in Parliament, there will be uniform legislation throughout India. Sir, this is a concurrent subject, like the Motor Vehicles Act, we shall have to adopt that Act also in our State.

Mr. SPEAKER: The question is that in the second schedule referred to in clause 7 (A) (1) (a), *substitute* the letters and figures “Rs.2,500,” “Rs.2,000” “Rs.1,000” and “Rs.500” for the letters and figures “Rs.1,000” “Rs.700” “Rs.400” and “Rs. 200” respectively appearing in paragraphs 1 (a), 1 (b) 1 (c) and 1 (d) of the schedule.

(The Motion was negatived.)

(After a pause)

Mr. Choudhury, you need not move your amendment. It is almost the same.

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, I beg to move that in the Third Schedule—*substitute* for the words, “and the amount of losses sustained during the same period shall also be ascertained” occurring after the word, “ascertained” in the third line of paragraph 1 of the third schedule referred to in clause 7-A (5) by the following:—

“In accordance with the prevalent trade practice having due

regard to the total expenditure incurred and the total earnings made from the vehicles during the same period and profits, if any made, shall be treated as net profit”.

Sir, I do not agree to the procedure laid down in the Third Schedule by the Government. Sir, it says here—“The amount of profits made during a period of two years or during the period for which the permit (including any renewal thereof) was effective, whichever is less, shall be ascertained and the amount of losses sustained during the same period shall also be ascertained”.

Sir, these two things are rather inconsistent—the profits shall be ascertained and the losses also shall be ascertained. In this connection, I refer to the profit and loss accounts made by the Government itself. The net profits and also losses, as the case may be, shall be the difference between earnings and expenditure, that is the usual practice followed, but the procedure laid down here is very cumbrous, because, net profit has been described as the difference between profit and loss. But in actual practice profit is the difference between earnings and expenditure. I have, therefore, worded my amendment accordingly—because in the body of the clause I have retained the words ‘profits, if any made, shall be treated as net profit’, and by his change it will make this particular clause simple and intelligible. Otherwise, I find no meaning in it. I have not been able to understand how within a certain period once profit will be ascertained and then loss will be ascertained. Profit or loss may have to be ascertained with reference to a certain period, it may be 2 years or less than 2 years. But if it is 2 years, i.e., 24 months, we should be able to find out the total earnings of the vehicle as well as the total working cost during these 24 months, and in finding out the working cost, we take into consideration many other factors, as for instance, the cost of petrol, mobil, payment to drivers, handymen, cost of repair, replacement of parts, etc., etc. There are certain well-known items of cost which are recognised and which every owner of a vehicle has to bear. Therefore, if we take them into consideration and then calculate the earnings, we will find out the actual net profit or loss. In some cases there may be loss also. Therefore, Sir, I say that the procedure as laid down in the Third Schedule is not clear.

With these words, Sir, I move my Amendment for the acceptance of the House.

Mr. SPEAKER: The Motion moved is that:

Substitute for the words, “and the amount of losses sustained during the same period shall also be ascertained”, occurring

after the word, "ascertained" in the third line of paragraph 1 of the third schedule referred to in clause 7-A(5) by the following:—

"in accordance with the prevalent trade practice having due regard to the total expenditure incurred and the total earnings made from the vehicle during the same period and profits, if any made, shall be treated as net profit."

Shri SIDDHINATH SARMA (Minister): Sir, here also I have incorporated in *toto* the draft made in the model Bill. The draft is prepared by the Law Ministry of the Government of India and has been thoroughly scrutinised. These matters were also thoroughly discussed in the Transport Advisory Council. The consent of the President is necessary. The law Ministry of the Government of India has drafted the Bill as I stated above. It is the intention of the Government of India to have a uniform piece of legislation throughout India. In view of this I cannot accept the Amendment moved by Maulavi Muhammad Umaruddin.

Mr. SPEAKER: Do you want to withdraw your Amendment?

Maulavi MUHAMMAD UMARUDDIN: No, Sir.

Mr. SPEAKER: The question is:

Substitute for the words, "and the amount of losses sustained during the same period shall also be ascertained," occurring after the word, "ascertained" in the third line of paragraph 1 of the third schedule referred to in clause 7-A(5) by the following:—

"in accordance with the prevalent trade practice having due regard to the total expenditure incurred and the total earnings made from the vehicle during the same period and profits, if any made, shall be treated as net profit."

(The Amendment was negatived.)

Maulavi MUHAMMAD UMARUDDIN: I am not moving the next Amendments as these are consequential.

Mr. SPEAKER: The question is that Clause 2, as amended, do form part of the Bill.

(This was adopted.)

The question is that Clauses 3 to 5 do form part of the Bill.

(This was adopted.)

The question is that Second and Third Schedules do form part of the Bill.

(This was adopted.)

Then, the question is that the long title and preamble of the Bill do form part of the Bill.

(This was adopted.)

Shri SIDDHINATH SARMA (Minister): Mr. Speaker Sir, the Assam State Road Transport (Amendment) Bill, 1955 as amended, be passed.

Mr. SPEAKER: The Motion moved is that the Assam State Road Transport (Amendment) Bill, 1955, as amended, be passed.

(The Motion was then put and was adopted.)

Prorogation

Do the Members desire to take up Resolutions? (*Voices from all sides: No, Sir*). All right then. I may now read out the order of the Governor of Assam, dated Shillong the 26th June, 1955.

"In exercise of the powers conferred by clause (2) (a) of Article 174 of the Constitution of India, as amended up-to-date, I, Jairamdas Doulatram, hereby prorogue the Assam Legislative Assembly at the conclusion of its sitting on the 28th June 1955.

(The Assembly was then prorogued.)

Shillong.
The 1st June 1956.

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

AGENTS IN INDIA

1. Messrs. Thacker Spink & Co., Calcutta.
 2. Messrs. W. Newman & Co., Calcutta.
 3. Messrs. S. K. Lahiri & Co., Calcutta.
 4. Messrs. R. Cambray & Co., 6 and 8/2, Hastings Street, Calcutta.
 5. Messrs. D. B. Taraporevala Sons and Co., 103, Meadow Street, Fort, Post Box No.187, Bombay.
 6. The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
 7. The City Book Company, Post Box No.283, Madras.
 8. The Director, The Book Company, Limited, Book Sellers and Stationers, 4/4A, College Square, Calcutta.
 9. The Manager, The Imperial Publishing Co., 99, Ry. Road, Lahore.
 10. Messrs. Chapala Book Stall, Shillong.
 11. Messrs. Sirbhum Publishing Co., Calcutta.
 12. The Proprietor, 'Graduates Union,' Gauhati.
 13. Mr. Banwarilal Jain (Book Seller), 1719/2002, Mati Katra, Agra (India).
 14. Messrs. Low Book Society, 65/3, Harrison Road, Calcutta.
 15. The Director, Benares Corporation, University Road, P.O. Lanka.
 16. Messrs. Law Book Society, 4A, Wellington Square, Calcutta.
 17. Messrs. Bodh Raj Marwah, Booksellers, Shop No.63, Pusa Colony Market, Delhi-Karol Bagh, New Delhi.
 18. The Oxford Book and Stationery Co., Scindia House, New Delhi/17, Park Street, Calcutta-16.
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