

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

(FIRST SITTING OF THE ASSEMBLY IN FREE INDIA)

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M. on Thursday, the 11th September, 1947.

PRESENT :

The Hon'ble Mr. DEBESWAR SARMAH, Speaker, in the Chair, the six Hon'ble Ministers and fifty two Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Students studying in the Engineering Colleges under the Aligarh Muslim University, the Benares Hindu University and the Bengal Engineering College, Sibpur

Babu KAMINI KUMAR SEN asked :

*136. Will Government be pleased to state—

- (a) How many students have been sent in 1946-47 to the Engineering College under the Aligarh Muslim University by the Government of Assam with or without Government scholarships ?
- (b) Of them, how many were Muslims and how many non-Muslims ?
- (c) Whether there was any non-Muslim candidate either for seats or scholarships in the said Aligarh Engineering College in 1946-47 ?

*137. Will Government be pleased to state—

- (a) How many students have been sent in 1946-47 to the Engineering College under the Benares Hindu University by the Government of Assam with or without Government scholarships ?
- (b) Of them, how many were non-Muslims and how many Muslims ?
- (c) Whether there was any Muslim candidate either for seats or scholarships in the said Benares Engineering College in 1946-47 ?

*138. Will Government be pleased to state—

- (a) How many Assam students are at present prosecuting their studies in the Bengal Engineering College, Sibpur, in the First, Second, Third and Fourth Year Classes (to be shown separately) in Civil Engineering ?
- (b) Whether it is a fact that there is a great demand for qualified Civil Engineers for the Province ?

- (c) If so, whether Government have taken any steps to increase the number of Assam seats in the said Institution ?
- (d) How many Assam Engineering students are expected to come out of the said Institution after passing the B. E. Examination in 1947 ?
- (e) Whether it is a fact that the annual output from this College for Assam is too small to meet the demands of Government ?
- (f) If so, how Government propose to make up the deficiency ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

136. (a)—Two with scholarships.
 (b)—Both of them are Muslims.
 (c)—Yes, there were 11 non-Muslim applicants for scholarships.
137. (a)—Three with scholarships.
 (b)—All non-Muslims.
 (c)—None.

(As the scholarships were created by Government under orders communicated with letter No.ECL.72/44/17, dated 14th November 1946, applications could not be invited through Gazette, etc.)

138. (a)—Two scholarships and seat without scholarship are reserved for Assam students in the Bengal Engineering College, Sibpur.
 (i)—Three 1st Year.
 (ii)—Three 2nd Year.
 (iii)—Three 3rd Year.
 (iv)—Three 4th Year.
 (b)—Yes.
 (c)—No steps have been taken to increase the number of reserved seats in the Bengal Engineering College this year.
 (d)—Three students are expected annually to come out successful in B. E. Examination.
 (e)—Yes.

(f)—Steps have been taken to create three Engineering scholarships at the Benares Engineering College from 1946 Session and two seats with scholarships and two without scholarships are also being created at the Jadavpur Engineering College, Bengal.

The Hon'ble Srijut GOPINATH BARDOLOI : I can just supplement the information by saying that these have been already created. The Benares Hindu Government, the selection to admit students to the scholarships given by the Assam the Jadavpur Engineering College is however being done by the University, and so far as two without scholarships have been created. Last time they took four students and two besides these 4, in all 6. This is the position, Sir.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS** : May I know whether in the course of last three years any Muslim has been taken in the Sibpur Engineering College ?

The Hon'ble Srijut GOPINATH BARDOLOI: I cannot say that off hand, but Muslim students are being sent to the Aligarh University.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I know whether any Muslim got any scholarships in the last three years ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not sure, but scholarships have been given to students in Aligarh.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I know whether any students sent from Assam without scholarships for the second reserved seat has got to pass any qualifying test ?

The Hon'ble Srijut GOPINATH BARDOLOI: So far Benares is concerned, they do not allow any allocation of scholarship to individual students by the Government. They have their own Selection Board, and on the merits of the students they decide the boys to be admitted ; and we have got to submit to that order of things. But so far as other students are concerned, it is the Director of Public Instruction who sends names on the result of examinations.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I know whether Government is going to take any steps for seats to be reserved in the new Dacca Engineering College ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not know if the Dacca Engineering College has started. But so far as Overseer Classes are concerned, we do send a number of students to the Dacca Engineering School. I think the number will be about a dozen now.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I know whether scholarships are available for Muslims at Aligarh ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes.

†**Babu KAMINI KUMAR SEN:** Now that both the Sibpur and Benares Universities are within the Indian Union, would the Government consider it desirable to increase the number of seats there ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not know what will be the policy of the Union.

†**Srijut PURNA CHANDRA SARMA:** Will Government continue scholarships to students who come from Sylhet ?

The Hon'ble Srijut GOPINATH BARDOLOI: This is a matter which I suppose will be taken up by the Partition Council, and we shall abide by the decision of the Partition Council which should be a matter between two Governments.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Number of gun licenses in 1946 in the Districts of Sibsagar, Nowgong, Kamrup, Darrang and Goalpara**Maulavi ABUAL MAJID ZIAOSH SHAMS** asked :

473. Will Government be pleased to state—

- (a) The total number of gun licenses both breech loading and muzzle loading and rifles in 1946 in each of the Districts of Sibsagar, Kamrup, Nowgong, Darrang and Goalpara ?
- (b) The total number of licenses of guns, breech loading, muzzle loading and rifles issued to Muslims in the year 1946 in each of the above districts ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

473. (a) & (b)—A Statement is given below :—

(1) <i>Sibsagar District</i>					
(a)	Breech loading guns	...	...	...	1,283
	Muzzle loading guns	...	...	...	1,317
	Rifles	...	...	...	175
(b)	Breech loading guns	...	...	...	3
	Muzzle loading guns	...	...	...	Nil.
	Rifles	...	...	...	Nil.
(2) <i>Kamrup District</i>					
(a)	Breech loading guns	...	...	...	33
	Muzzle loading guns	...	...	...	2
	Rifles	...	...	...	Nil.
(b)	Breech loading guns	...	...	...	7
	Others	...	...	...	Nil.
(3) <i>Nowgong District</i>					
(a)	Breech loading guns	...	...	...	790
	Muzzle loading guns	...	...	...	1,426
	Rifles	...	...	...	48
(b)	Breech loading guns	...	...	...	5
	Muzzle loading guns	...	...	...	4
	Rifles	...	...	...	1
(4) <i>Darrang District</i>					
(a)	Breech loading guns	...	...	...	729
	Muzzle loading guns	...	...	...	1,098
	Rifles	...	...	...	128
(b)	Breech loading guns	...	...	...	4
	Muzzle loading guns	...	...	...	Nil.
	Rifles	...	...	...	Nil.
(5) <i>Goalpara District</i>					
(a)	Breech loading guns	...	...	...	807
	Muzzle loading guns	...	...	...	939
	Rifles	...	...	...	55
(b)	Breech loading guns	...	...	...	4
	Muzzle loading guns	...	...	...	Nil.
	Rifles	...	...	...	Nil.

Maulavi ABUAL MAJID ZIAOSH SHAMS: May I know whether Government is in a position to state how many licenses were held by the Muslims in the year 1946 ?

The Hon'ble Srijut GOPINATH BARDOLOI: How is it possible for Government or for me, at any rate, to reply to this without sifting of figures, which are not obtainable immediately ? This is entirely a new question.

Improvement of Pay and Prospects of Teachers serving in Goalpara District

Maulavi MD. NAZMAL HAQUE asked :

474. Will Government be pleased to state :—

(a) Whether Government have received the copies of resolutions passed in the meetings of (I) The Goalpara Teachers' Association held on 26th September 1946, (II) The Goalpara Municipal Teachers' Association on 5th December 1946, and (III) The Goalpara Teachers' South Bank Branch Association held on 21st January 1947 ?

(b) If so, what steps Government have taken for improvement of their plight, pay and prospects ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

474. (a) (I)—Yes.

(II)—Government have only received an extract from the resolutions passed in the meeting of the Goalpara Municipal Teachers' Association held on 5th December 1946.

(III)—No.

(b)—Government have given increments as far as Provincial finances permit and there is some provision in the current year's Budget for giving Primary Education Bill becomes an Act and its provisions are given effect to.

Maulavi MD. NAZMAL HAQUE: With regard to (b), the answer is "Government have given increments as far as Provincial finances permit and there is some provision in the current year's Budget for giving increase to trained teachers". May I know whether this increment has been given to the trained teachers ?

The Hon'ble Srijut GOPINATH BARDOLOI: There is provision for that in the Budget.

Maulavi MD. NAZMAL HAQUE: From which date the increment has been given ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is in the Budget, but I don't think actual distribution has yet been made. It will be made now and figures are being collected in order that money may be distributed.

Number of Gun, Pistol and Revolver licenses in the Province

Dr. EMRAN HUSAIN CHAUDHURY asked :

475. Will Government be pleased to lay on the table a statement showing Subdivisionwise the number of gun, pistol and revolver licenses granted to individuals together with their names and callings during the last seven months ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

475.—A statement is laid on the library table.

Babu KAMINI KUMAR SEN: Will the Hon'ble Minister be pleased to state whether licences that were confiscated during the war period have been returned to the owners?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, mostly those which were confiscated during the war period and also those which were confiscated for political reasons.

Babu KAMINI KUMAR SEN: My information is that some of the licences which were confiscated have not yet been returned. Will the Hon'ble Premier be pleased to enquire?

The Hon'ble Srijut GOPINATH BARDOLOI: It will be better if individual names are given so that the enquiry may be facilitated.

Maulavi MAHAMMAD ROUFIQUE: Are Government aware that many guns were requisitioned during the war from owners and these have not yet been returned to them ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, the first questioner's implication was also that.

Maulavi MAHAMMAD ROUFIQUE: I refer to guns which were requisitioned by Government and not those which were confiscated.

The Hon'ble Srijut GOPINATH BARDOLOI: I had in mind not merely confiscated guns but requisitioned guns also. I don't know whether all of them have been returned. The principle was that either the guns should be returned or prices should be paid.

Muslims employed in the Agriculture Department in Upper Assam, Lower Assam and Surma Valley

Dr. EMRAN HUSAIN CHAUDHURY asked :

476. Will Government be pleased to state—

(a) The percentage of Muslims at present employed in the Agriculture Department in Upper Assam, Lower Assam and Surma Valley separately ?

(b) The number of persons employed at present under—

(1) Class III	...	...	Agricultural Service
(2) Class II	...	...	ditto
(3) Class I	...	...	ditto
(4) Clerks ?	...	...	ditto, and

- (c) The number of posts under Agriculture Department filled up at present by—
- (1) Muslims,
 - (2) Caste Hindus,
 - (3) Scheduled Castes,
 - (4) Hill Tribes,
 - (5) Plain Tribes ?
- (d) The percentage of posts reserved for each of the above communities ?
- (e) Whether any of the above communities is still unrepresented or over-represented in this Department ?
- (f) What steps have Government so far taken for adequate representation of the under-represented communities in this Department ?
- (g) Whether it is a fact that in times of promotion of clerks in the Head Office at Shillong no chance is given to the senior and qualified people employed in the other subordinate offices of the Department concerned in the Province ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

476. (a) & (b)—A statement is given below :—

Valley		Class	Total No. of posts	No. held by Muslim	Percentage
Upper Valley.	Assam	Class I ...	2		
		Class II ...	5	1	50 per cent.
		Upper and Lower Subordinate Service.	155	1	20 per cent.
		Office Assistant ...	30	31	20 per cent.
				7	23 per cent.
Surma Valley	...	Class I ...	3 (includes D. D. A. L. and D.D.O. posted at Shillong).	1	33.3 per cent.
		Class II ...	6		
		Upper and Lower Subordinate Service.	218	2	33.3 per cent.
		Office Assistant ...	41 (including the Office Assistant of the D. D. L. A. and D.D.O).	96	44 per cent.
				19	46 per cent.

Valley	Class	Total No. of posts	No. held by Muslim	Percentage
Lower Valley.	Assam Class I ...	3	Nil	
	Class II ...	6	2	33·3 per cent.
	Upper and Lower Subordinate Service.	199	56	28 per cent.
	Office Assistant ...	31	5	16·1 per cent.

(c)—Muslim ...	226
Caste Hindu ...	457
Scheduled caste...	16
Hill Tribes ...	55
Plain Tribes ...	28
(d)—Muslim ...	37·59
Caste Hindu ...	31·94
Scheduled Caste ...	7·07
Hill Tribes ...	7·66
Plain Tribes ...	11·96

(e)—Underrepresented—	Over represented—
Schedule	Caste Hindus.
Plain Tribes	
Muslims	
Hill Tribes.	

(f)—During the duration of war, proper regard to the communal representation could not be maintained but only temporary arrangements were made to fill up the vacancies according to availability of candidates. This will be considered in making permanent arrangements.

(g)—No.

Babu BIDYAPATI SINGHA: With regard to (a), as Surma Valley is no longer an administrative unit in Assam, the percentage of Muslims holding jobs in the Agriculture Department, in Cachar and Karimganj, will be out of proportion to their population. Will the Hon'ble Minister show the present percentage of Muslims holding jobs in the Agriculture Department in the remaining part of the former Surma Valley and do the needful to adjust the percentage according to the present position?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That will be done when final boundaries and other matters are fixed up.

Dr. EMRAN HUSAIN CHAUDHURY: With regard to (f), the answer is "during the duration of war, proper regard to the communal representation could not be maintained but only temporary arrangements were made to fill up the vacancies according to availability of candidates. This will be considered in making permanent arrangements". May I know from Government as to what they have been able to do during the time which has passed between the cessation of hostilities and now?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: No definite answer can be given. It has already been stated that this factor will be considered in making permanent arrangements in future vacancies and efforts are being made to make up the deficiency that is now existing.

Dr. EMRAN HUSAIN CHAUDHURY: My question is whether there have been vacancies since the end of the war?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That is a new question, Sir, which I cannot reply off hand.

Dr. EMRAN HUSAIN CHAUDHURY: That is quite a relevant question, Sir.

The Hon'ble the SPEAKER: Will the hon. Member please elaborate his question?

Dr. EMRAN HUSAIN CHAUDHURY: In answer to my Question 476 (f), reply has been given by Government which I have already read out. The Hon'ble Minister says that in future vacancies this factor will be considered by Government. Since the end of the war more than two years have elapsed, and I want to know whether they have been able to do anything during this period?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: A definite answer cannot be given. I can only say that every attempt has been made to make up the deficiency.

Dr. EMRAN HUSAIN CHAUDHURY: The reply to Question 476 (g) is "No". May I know why?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Sir, the question was: "Whether it is a fact that in times of promotion of clerks in the Head Office at Shillong no chance is given to the senior and qualified people employed in the other subordinate offices of the Department concerned in the Province?" The reply is "No". The implication is that when suitable candidates are available they are given chances.

Babu BIDYAPATI SINGHA: The answer that was given to my question was not at all satisfactory, Sir. It is common knowledge that the boundaries of the remaining portions of Karimganj have already been settled and therefore when the Hon'ble Minister says that he will see to it when the boundaries are fixed up, is not at all satisfactory.

The Hon'ble the SPEAKER: Will the hon. Member repeat his original question?

Babu BIDYAPATI SINGHA: My original question was this: Will the Hon'ble Minister show the present percentage of Muslims holding jobs in the Agriculture Department in the remaining part of the former Surma Valley and will he do the needful to adjust the percentage according to the present position?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The first is a new question for which I want notice, and with regard to the second part of the question, this will be considered by Government.

Increase in the strength of Police in North Lakhimpur Subdivision**Srijut HEM CHANDRA HAZARIKA** asked :

477. Will Government be pleased to enquire and state whether the number of Police staff is sufficient to cope with the increased volume of works to be performed at different stations in the Subdivision of North Lakhimpur and whether the number of crimes has increased along with the number of population of that Subdivision ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

477.—Government have already increased the strength of the Police by one Sub-Inspector, 4 Assistant Sub-Inspectors and 48 Constables (U. B.) in each plains District including Lakhimpur. This will help the existing Police staff to cope with the increased volume of work.

The slight fluctuation in crime in the North Lakhimpur Subdivision is not directly attributable to the increase of population.

Extension of the present High School Building at Tura**Mr. MANIRAM MARAK** asked :

478. (a) Are Government aware that a sum of Rs. 8,000 was sanctioned in 1942-43 for the extension of the present High School building at Tura which was originally created for the then Middle School ?

(b) Is it a fact that the contractors were called for the purpose but for want of materials the scheme was postponed ?

(c) Do Government propose to re-sanction the amount for materialising the scheme without any further delay ?

(d) Are Government aware that the classes of the said school are now being held in three Kutcha bamboo thatched houses each having two rooms and that the pupils have been suffering during the rainy season as the roofs are blown off many times in a year ?

479. (a) Are Government aware of the difficulties and hardships of the girl students of the Tura Government High School for want of a boarding house ?

(b) Will Government be pleased to state whether there has been a proposal for creating one such boarding house ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

478. (a)—Yes, a sum of Rs. 8,435 was sanctioned.

(b)—Yes.

(c)—The proposal is under consideration of Government.

(d)—Four compulsory classes and all optional classes are being held in the three kutcha thatched houses. The badly damaged parts of the thatched houses have recently been repaired.

479. (a)—Yes.

(b)—The matter is under consideration.

Corruption in the Motor Vehicles and the Petrol Rationing Departments**Srijut BEJOY CHANDRA SAIKIA** asked :

480. (a) Are Government aware that there is corruption in the Motor Vehicles and the Petrol Rationing Departments ?

(b) If so, will Government be pleased to state what step it has taken to have these offenders detected and punished?

481. (a) Is Government aware that low pay amongst subordinate police staff specially constables is the cause of corruption?

(b) Will Government be pleased to state whether Government has decided to increase their pay?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

480. (a)—No.

(b)—Does not arise.

481. (a)—This is a matter of opinion.

(b)—The question of the revision of the pay of scale of the subordinate police staff as of all others is under consideration of Government.

Buses running between Sibsagar-Dimow and Dibrugarh-Khowang

Srijut BEJOY CHANDRA SAIKIA asked :

482. (a) Are Government aware that the Buses from Sibsagar to Dimow and Khowang to Dibrugarh and Dimow to Sibsagar, and Dibrugarh to Khowang are always overloaded?

(b) If so, will Government be pleased to state why Government have not increased the number of Bus services in those routes?

(c) Are Government aware that private lorries are always carrying passengers from Khowang to Dibrugarh and back at least three times a day, whereas the number of Bus services are not increased?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

482. (a)—There are no Bus services between Sibsagar-Dimow and Dibrugarh-Khowang. The allegations are however being looked into.

(b)—The cause is the shortage of petrol.

(c)—Government have no such information. The allegations are however being looked into.

Quantity of Petrol issued to Assam Transport Department in the year 1945-46

Srijut BEJOY CHANDRA SAIKIA asked :

483. (a) Will Government be pleased to state the quantity of petrol issued to Assam Transport Department in the year 1945-46?

(b) The number of miles run by Assam Transport vehicles in the year 1945-46?

(c) The ratio of profit estimated by Government per mile run by the Assam Transport vehicles during the aforesaid year?

(d) The receipts of the Assam Transport on the following items in the year 1945-46?

(1) From Traffic Department.

(2) From work done by Mileage Unit Contractor (stating rate per mile and mileages covered).

(3) From Miscellaneous (with particulars).

The Hon'ble Srijut GOPINATH BARDOLOI replied :

483. (a)—440,677 Gallons.
 (b)—3,170,734 miles. This figure excludes static running done by vehicles when under repairs and on trials.
 (c)—The estimated profit on transport work done by Assam Transport is 10 per cent.
 (d)—Receipts during 1945-46.
 (1)—From Traffic Department—Rs.32,50,923.
 (2)—From Mileage Unit Contractor work—Rs.1,60,610.
 (3)—Miscellaneous—Rs.16,748.

Total receipts of the Assam Transport on above items in 1945-46 is Rs.34,58,281.

Quantity of Petrol allowed to Messrs. Murlidhar Jalan of Tinsukia

Srijut BEJOY CHANDRA SAIKIA asked :

484. (a) Will Government be pleased to state the quantity of petrol allowed to Messrs. Murlidhar Jalan of Tinsukia under the existing orders ?
 (b) How many lorries have been permitted to be run by him at present ?
 (c) Whether any body else has been permitted to use petrol according to that basis ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

484. (a)—During the last completed quarter Messrs. Jalan Industries were allotted 3,000 gallons of petrol for Motor Vehicles and an average of 2,045 gallons of petrol monthly for other petrol-driven machinery.
 (b)—Twelve.
 (c)—Messrs. Burma Oil Company, Limited have been given a larger monthly allotment.

Roads in Sasani and Tipling Mauzas of the Dibrugarh Subdivision

Srijut BHADRA KANTA GOGOI asked :

485. Are Government aware—

- (a) That there are no roads in Sasani and Tipling Mauzas of the Dibrugarh Subdivision ?
 (b) That the single road in the Sasani Mauza is almost turned into an ordinary cattle track ?
 (c) That first class paddy is produced in the Sasani Mauza ?
 (d) That due to want of proper communication the ryots of the said Mauza have to sell their paddies and other products at lower prices ?
 (e) Whether the Government propose to take immediate steps to remove these difficulties ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

485. (a)—There is a Local Board road Harhut Ali, which forms the boundary of one portion of the Sasani Mauza and another road, Sesani Ali, which

runs through the Mauza. A part of Dhekiajuli road runs through the Tipling Mauza. Besides this, another road from Bordubi to Santi Tea Estate has been taken over by the Dibrugarh Local Board.

(b)—The condition of Sesani Ali is just like other *kutchas* roads of the Board, but it has been partly improved in 1946-47.

(c)—Yes.

(d)—Does not seem to be so.

(e)—Does not arise.

Leprosy havoc in the Forest Villages of Kachugaon and Haltugaon Divisions

Srijut SANTOSH KUMAR BARUA asked :

486. (a) Are Government aware that the incidence of Leprosy is alarmingly heavy in the Forest Villages of Kachugaon and Haltugaon Divisions ?

(b) If so, do Government propose to take necessary Public Health measures for stamping out this fell disease ?

The Hon'ble Srijut RAMNATH DAS replied :

486. (a)—Yes.

(b)—There is a proposal to open a Leper colony in the Kachugaon Forest Division.

Students and teaching staff of the Berry-White Medical School

Srijut DALBIR SINGH LOHAR asked :

487. Will Government be pleased to state—

(a) Whether all the students of the Berry-White Medical School, Dibrugarh, both male and female have been given accommodation in the different hostels meant for them ?

(b) If not, what measures Government propose immediately to adopt in this behalf ?

(c) Whether it is a fact that a large number of male students reside in unattached boarding houses near the Bazaar and elsewhere ?

(d) What accommodation Government propose to provide for such students ?

488. Will Government be pleased to state—

(a) The number of (i) lady students of the Berry-White Medical School ; and

(ii) lady students in the nursing and mid-wifery classes of the School.

(b) How many of them reside in the hostel meant for ladies.

(c) Whether there is any lady Hostel Superintendent for the Ladies' Hostel ?

(d) If none, why ?

(e) Whether Government propose to appoint a suitable lady to be the Superintendent of the Ladies' Hostel ?

(f) Whether there is any objection in keeping an outsider as Lady Superintendent ?

- (g) If so, whether Government propose to appoint a lady doctor to the said post ?
- (h) Whether it is a fact that two lady students have not been able to secure accommodation in the hostel ?
- (i) Whether Government propose to allow local girl students to be day scholars ?
- (j) If it is a fact that the number of students in the Berry-White Medical School Hostels has now considerably increased ?
- (k) If so, whether Government propose to appoint two Assistant Hostel Superintendents ?

489. (a) Are Government aware that the number of the teaching staff of the Berry-White Medical School find no time for private practice for pressure of work ?

(b) If so, do Government propose to increase their salaries ?

The Hon'ble Srijut RAMNATH DAS replied :

487. (a)—Yes, but some students in spite of being offered seats in hostels temporarily arranged for them preferred to remain outside.

(b)—Does not arise.

(c)—Yes.

(d)—Does not arise in view of reply to Question 487(a).

488. (a) (i)—Seventeen.

(ii)—Nil. There is a Dhai class of 13 students.

(b)—All except two who preferred to live with their parents who are residing in the town.

(c)—Government have already appointed Dr. Usha Rani Sen, M.B., Lady Assistant Surgeon attached to the Dibrugarh Civil Hospital, as Superintendent of the Ladies' Hostel.

(d) to (g)—Do not arise.

(h)—No.

(i)—There is no objection to lady students being allowed to be day scholars.

(j)—Yes.

(k)—Government have received a proposal from the Inspector General of Civil Hospitals, which is under consideration.

Srijut DANDESWAR HAZARIKA: I want to know from Government when Dr. Usha Rani Sen was appointed as Lady Superintendent of the Ladies' Hostel of Berry-White Medical School?

The Hon'ble Srijut RAMNATH DAS: I think, about 4 months back, Sir.

Srijut DANDESWAR HAZARIKA: May I know from the Government whether she resides in hostel at night?

The Hon'ble Srijut RAMNATH DAS: Sir, I want notice of that question.

Srijut DANDESWAR HAZARIKA: Is it not a fact, Sir, that for sometime there was no Superintendent in the Ladies' Hostel?

The Hon'ble Srijut RAMNATH DAS : That is not a fact, Sir.

Mr. HARENDRA NATH SARMA : Sir, by the terms of the appointment whether she is required to stay in the Hostel?

The Hon'ble Srijut RAMNATH DAS : I cannot give the reply off hand, Sir.

The Hon'ble Srijut RAMNATH DAS replied :

489. (a)—No.

(b)—The question of revision of pay scales will be considered by the Pay Commission along with others.

Amalgamation of the Medical and Public Health Departments

Srijut MAHENDRAMOHAN CHOUDHURY asked :

490. (a) Are Government aware that there has been amalgamation of the Medical and Public Health Departments in Orissa ?

(b) If so, do Government propose to amalgamate both these Departments in Assam and thereby avoid duplication of works at an early date ?

The Hon'ble Srijut RAMNATH DAS replied :

490. (a)—In Orissa, since the creation of the Province in 1937, the Medical and Public Health Departments are controlled by one Officer.

(b)—Government has already taken steps by combining the posts of Inspector General of Civil Hospitals and Director of Public Health recently.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Sir, is it in the contemplation of Government that Health Officers who are under the Municipal employment but drawing pay from Government should be amalgamated under the same staff so as to receive same prospect of promotion?

The Hon'ble Srijut RAMNATH DAS : What does the hon. Member mean by "same staff" ?

Maulavi ABUAL MAJID ZIAOSH SHAMS : Same staff of Medical and Public Health.

The Hon'ble Srijut RAMNATH DAS : That will be considered, Sir.

Babu KAMINI KUMAR SEN : Sir, is it not a fact that only 3 or 4 years back both these Departments were separated and do we understand that the Government is revising the position ?

The Hon'ble Srijut RAMNATH DAS : Yes, in the last Conference of Provincial Ministers there was a decision that both the Medical and Public Health Departments should be combined and all the Provinces agreed to that decision except Bombay and Madras.

Babu KAMINI KUMAR SEN : Then Assam has already agreed to that?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir.

Drawal of special allowances by officers of the Education Department**Srijut MAHENDRAMOHAN CHOUDHURY** asked :

491. Will the Hon'ble Minister-in-charge of Education be pleased to state what amount of special allowances in addition to their salaries are drawn by the following officers :—

- (1) Director of Public Instruction ;
- (2) Divisional Inspectors of Schools ;
- (3) Assistant Director of Public Instruction ;
- (4) Inspectress of Schools ;
- (5) Assistant Inspectors of Schools ;
- (6) Assistant Inspectors of Schools in charge of Muslim Education ;
- (7) Assistant Inspectress of Schools ;
- (8) Assistant Director of Public Instruction in charge of Sanskrit Education ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

491.—The statement is given below :—

- (1)—Nothing.
- (2)—Rs. 100 per mensem.
- (3)—Rs. 150 per mensem.
- (4)—Rs. 100 per mensem.
- (5)—Rs. 50 per mensem.
- (6)—Rs. 50 per mensem.
- (7)—Rs. 50 per mensem.
- (8)—No special pay is attached to the post of Assistant Director of Public Instruction for Sanskrit Education.

Appointment of teachers in different Government High Schools on probation**Srijut HEM CHANDRA HAZARIKA** asked :

492. (a) Are Government aware that there is a large number of teachers in different Government High Schools who are working on temporary arrangements for several years ?

(b) Is it a fact that some of the junior temporary teachers are appointed on probation superseding the claims of many of the senior ones ?

(c) Is it a fact that such appointments of teachers on probations are not published in the official Gazette ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

492. (a)—Yes, but very few are officiating for a long time.

(b)—Permanent posts are to be filled according to the representation of various communities in the Service, i.e., Class III of Assam School Services.

(c)—Yes. (These are non-gazetted appointments and need not be published in the Gazette.)

Pay Commission Recommendation of the India Government

Srijut MAHENDRA MOHAN CHOUDHURY asked :

493. (a) Has the attention of Government been drawn to the Pay Commission recommendations of the India Government ?

(b) If so, do Government propose to make a statement as to how and to what extent the Assam Government are prepared to translate them into action ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

493. (a)—Yes.

(b)—The recommendations of the Central Pay Commission are in respect of the Departments of the Central Government. The Government of Assam will await the recommendations of their own committee.

Procuring Agents for Moong and Masur Dal

Babu KHAGENDRA NATH SAMADDAR asked :

494. (a) Is it a fact that the Director of Supply, issued appointment letter on 31st January 1947, to the Procuring Agent for Moong and Masur Dal to be imported from the United Provinces ?

(b) Is it a fact that he intimated in his letter No.DS(II)420/46/13, dated 31st January, 1947, to the Procuring Agent that the Dal should be procured on or before 18th February 1947 ?

(c) Is it a fact that inspite of making payment of cess by the procuring Agent in due time the permit was issued on 24th February 1947.

(d) Are Government aware that a huge quantity of Dal cannot be procured within 4 days ?

(e) If so, what action Government propose to take for such delay ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

494. (a)—No. The letter offering agency for Moong from United Provinces was issued on the 31st January 1947 and that of Masur on 3rd February 1947.

(b)—One month's time from the date of issue was given in the permits which were subsequently issued after the agents had given in the acceptance of agency and deposited the cess and security money communicated

(c)—Cess was received upto the 13th February 1947 in full ?

issued on 22nd March 1947 giving one month's time for procuring the Dals.

(d)&(e)—Do not arise.

Preparation of the Blue print or a plan of work

Srijut BELIRAM DAS asked :

495. (a) Will Government be pleased to state why a Blue print or a plan of a work once prepared and accepted is not rigidly followed by the Public Works Department at the time of actual execution of the works ?

(b) Is it a fact that the Superintending Engineer or the Executive Engineer of a Division is directly responsible for preparing the Blue print or a plan of a work ?

(c) If so, how any supplementary work can arise subsequently at the time of actual execution of work of a Blue print or a plan of work requiring correction later on ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

495. (a)—The sanction of Blue print or of Plans of work is rigidly followed at the time of execution of work except for such changes as may be necessary in any particular case owing to new circumstances arising which may necessitate alterations in the original Plan.

(b)—Yes.

(c)—Necessity for supplementary work may in some cases arise at the time of execution of work, owing to new circumstances necessitating minor alterations to or modification of the original proposals, when these could not be anticipated at the time of preparation and sanction of the scheme.

Retirement of the present Chief Engineer

Srijut BELIRAM DAS asked :

496. (a) Is it a fact that the present Chief Engineer is retiring very soon ?

(b) If so, do Government propose to bring one competent Engineer of strong personality having experiences in modern Engineering Science from outside Assam to meet the present need of Post-War Reconstruction and other Nation Building projects ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

496. (a)—Yes.

(b)—The Government has no such proposal at present.

Expansion of mechanisation for executing the Public Works Schemes

Srijut BELIRAM DAS asked :

497. (a) Are Government aware that for the purpose of executing big and also small projects for Nation Building on modern lines, a proper expansion of mechanisation is required first ?

(b) Are Government aware that the Public Works Department has so far not been able to obtain the required machines, tools and plants and materials for the said purpose ?

(c) Are Government aware that the Superintending Engineer is insisting upon the contractors of Darrang and Kamrup to obtain their machines, tools and plants and materials before they are given any work of particular major operation when these contractors are not classified and registered ?

(d) Are Government aware that the local contractors are not rich people ?

(e) If so, do Government propose to help them to obtain their machines, tools and plants, etc. for their works by advancing money after classifying and registering them properly ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

497. (a)—The scope of the question is very wide ; perhaps the hon. Member means expansion of mechanisation for executing the Public Works Schemes ; if so, the reply is in the affirmative.

(b)—Government have been purchasing such machinery as is useful and available on economical terms in the market.

(c)—The information obtained from the Superintending Engineer shows that no such orders have been passed.

(d)—Government have no such information. Surely all are not equally rich.

(e)—Reply to (b) above is referred to. Government cannot help contractors by advancing Government money to them for purchase of such articles.

Government Surveyors (Mandals) and Kanungos

Raja AJIT NARAYAN DEV of Sidli asked :

498. Will Government be pleased to state—

(a) If the Government Surveyors (Mandals) and Kanungos are transferred beyond their respective native subdivisions ?

(b) If they are allowed to acquire lands 'Khash' or otherwise in their own names or in Benami in their own areas or lots ?

(c) If they are allowed to possess pieces of land without any lease and enjoy as 'Dariabadi' ?

(d) If they are allowed to hold pieces of land free of rents in their respective areas as survey posts which they are allowed to acquire at their own initiative, without taking recourse to the procedure of Land Acquisition Act or the rules thereunder ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

498. (a)—Theoretically the unit is the district and not subdivision in this regard. But the recorders are expected to be permanently residing in their lots or within 2 miles of their lots. Such recorders will not be liable to be transferred to distant lots except by way of punishment.

(b)—Government would not countenance any act on the part of Mandals which savours of underhand dealing or which is facilitated by a misuse of their official position and influence. There would be no objection to their applying in their own names for settlement of land near their homes which they are in a position to cultivate and for procuring the requisite sanction under the Government Servants' Conduct Rules for any settlement proposed with them.

(c)—No.

(d)—The question is not understood.

Introduction of Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1947

Mr. BINODE KUMAR J. SARWAN asked :

499. (a) Do Government propose to introduce the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1947 relating to the Members' travelling allowances and daily halting allowances ?

(b) If so, when ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

499. (a)—Not at present.
(b) Does not arise.

Mandals' Barracks at Barpeta and Chakchaka

Srijut KAMESWAR DAS asked :

500. (a) Are Government aware that there are no Mandals' barracks at Barpeta and Chakchaka ?

(b) Are Government aware that for want of accommodation at the time of recess works the Mandals at both these places suffer inconveniences and hardships and that recess works suffer ?

(c) Do Government propose to make the necessary provision for Mandals' barracks at both these places at an early date to facilitate recess works and to remove the hardships of the Mandals ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

500. (a)—Yes.

(b)—Government have not received complaint about this.

(c)—Government have, under consideration a proposal to provide Mandals with barracks where necessary.

Schemes for planned settlement of the available arable waste lands in Assam

Srijut KAMESWAR DAS asked :

501. Will Government be pleased to state—

(a) The census of the people of Assam indigenous and other entitled to settlement — having uneconomic holdings and the estimated areas necessary for settlement with them on basis of their holdings being economic ?

(b) The Census of the landless people of Assam — both indigenous and others entitled to settlement — and the estimated areas necessary for settlement with them on basis of their holdings being economic ?

(c) Whether any census to ascertain the figures as stated in questions (a) and (b) above has been taken ?

(d) If not, whether Government propose to institute enquiries early to ascertain these figures and also to find out the total arable waste lands immediately available after leaving out all reserved lands, river beds, marshy areas, hills and other areas not immediately available or suitable for cultivation ?

502. Will Government be pleased to state—

(a) Whether any schemes for planned settlement of the available arable waste lands in Assam with sufficient safeguards for protection of the interests of the indigenous people including Hindus, Muslims, Tribals and other backward sections amongst them have been prepared to remove the congestions in the densely populated areas of Assam ?

(b) If so, what are those schemes ?

(c) If the reply to question (a) above is in the negative, whether Government propose to take early steps to prepare them and put them into effect immediately ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

501. (a), (b) & (c)—Government anticipate much difficulty in making a reliable enumeration of persons having no land or having insufficient land for the purpose in view.

Government have not found it feasible to undertake any Census of the kind contemplated by clauses (a), (b) and (c) of the question at the present moment and in view of the political development.

(d)—Government have instituted enquiries for collecting figures of cultivated waste available for settlement.

502. (a)—As regards the protection of Tribals and other backward classes such as tea garden, ex labourers, Government have in accordance with the agreement of the Political parties which forms the basis of the Land Settlement Policy announced in the July 1945 Resolution sanctioned Tribal belts and blocks in Kamrup and Darrang. Similar action in regard to certain areas in Goalpara, Nowgong and North Lakhimpur is under correspondence with local officers.

(b)—Plans for planned settlement of cultivable waste outside Tribal Belts and blocks and reserves will be taken up as soon as the extent of areas available is known.

(c)—Some information has been received and information from other parts is still awaited. The urgency of formulating these plans is being impressed upon the local officers.

Srijut KAMESWAR DAS: Question (a) was in respect of schemes of planned settlement with sufficient protection of the interests of the indigenous people including Hindus, Muslims, Tribals and other backward sections amongst them and for removing the congestions in the densely populated areas of Assam? But the reply has been in such a way that the Tribals will be given some protection in the shape of creation of Tribal Belts without any consideration for protection and removal of congestion for others from the densely populated areas. I want to know whether there are any such schemes undertaken by the Government to remove the congestions in the densely populated areas?

The Hon'ble Srijut BISHNURAM MEDHI: No plan has been prepared at present but steps are being taken. We want to make a survey of landless people and people with uneconomic holding in the Sibsagar District where we are trying to find out landless people there among tribals as well as others and the quantity of land available, etc. Till March last Government were busy in clearing up of the Reserves and collecting figures regarding the formation of Tribal Belts and also collecting figures regarding availability of land in different districts. These figures are being collected: some figures have already been received, some are awaited.

The Hon'ble the SPEAKER: Is it the District of Sibsagar or the Subdivision of Sibsagar?

The Hon'ble Srijut BISHNURAM MEDHI: The Subdivision of Sibsagar. Abolition of the Hishingalia liquor shop

Srijut HEM CHANDRA HAZARIKA asked :

503. (a) Has the attention of the Government been drawn to the repeated request of the people of Dhalpur and Narayainpur to abolish the Hishingalia Country liquor shop which is located in the midst of the Assamese Villages?

(b) Do Government propose to abolish the said country liquor shop immediately?

The Hon'ble Srijut RAMNATH DAS replied :

503. (a)—Yes.

(b)—It has been abolished with effect from the 21st July 1947.

Srijut DANDESWAR HAZARIKA : May I know from the Government why this shop was abolished ?

The Hon'ble Srijut RAM NATH DAS : Due to the strong demand from the locality and after giving due consideration to all aspects of the matter.

Srijut DANDESWAR HAZARIKA : Will Government be pleased to order an enquiry in connection with liquor shops in other Assamese villages and close them down as early as possible ?

The Hon'ble Srijut RAM NATH DAS : When there will be a demand for that Government will consider, Sir.

Land settled with Tea Gardens in the Province

Maulana MD. MUFAZZAL HUSSAIN asked :

504. (a) Will Government be pleased to state how many acres of land have been given settlement for tea gardens in the Province, Valley by Valley ?

(b) Are Government aware that all the lands given settlement for tea gardens are not under tea cultivation and that almost all the tea gardens have been exercising Zamindari system upon a big portion of the land taken for tea cultivation ?

(c) Is it a fact that persons owning lands for tea cultivation enjoy greater rights than the other landholders big or small ?

(d) If so, will Government be pleased to state the reasons for such differential treatment ?

505. (a) Is it a fact that in southern part of Longai and Chargula Valleys in Karimganj there are some villages beyond the tea gardens ?

(b) Are Government aware that there being no other alternative, the inhabitants of those villages have to pass through the garden roads while going to other localities and head-quarters ?

(c) Are Government aware that the gardens authorities have two gates over the road in their boundaries and keep the gates closed according to their will ?

(d) Are Government aware that this closing of the gates by the tea garden owners causes inconvenience to the public ?

(e) If so, do Government propose to take necessary steps to remove these difficulties of the public ?

(f) If not, why not ?

506. (a) Will Government be pleased to state how many acres of Government waste land and reserve land are there in the Surma Valley ?

(b) Is it a fact that Bhubirbond of Chargula Valley in Karimganj and some other plots of this valley have no such materials profitable to the Government ?

(c) Are Government aware that large number of persons in the Surma Valley have no land to cultivate for their livelihood ?

(d) If so, do Government propose to give these lands to such landless people ?

(e) If the reply to the question (d) above is in the affirmative, do Government propose to open Bhubirbond in Karimganj and other reserves of the valley to give settlement to those inhabitants who have no sufficient land to cultivate for their livelihood?

The Hon'ble Srijut BISHNURAM MEDHI replied :

504. (a)—9,66,897 acres in the Assam Valley and 5,12,950 acres in the Surma Valley up to the year 1945-46.

(b)—Government have no information but if the hon Member cites any specific case Government will look into it.

(c) & (d)—Rights are enjoyed according to the terms of the leases issued from time to time for land for special cultivation and ordinary cultivation. The terms of the leases and grants for special cultivation are based on the requirements of that type of cultivation as estimated from time to time by Government. The terms of the leases for ordinary cultivation are similarly based on the Government's estimate of requirements of ordinary cultivation.

Moulana Md. MUFAZZAL HUSSAIN : As regards 504(b), will Government be pleased to make an enquiry, Sir?

The Hon'ble Srijut BISHNURAM MEDHI : Yes, if the hon. Member wants an enquiry it will be made.

Babu BIDYAPATI SINGHA : In the answer Government have said that they have no information but in our District of Cachar, Sir, many of the Tea Estates are adopting Zemindary system and there are many surplus land in the Tea Gardens for cultivation other than tea. They are, therefore, settling them and realising much money without any proportionate return to Government. Will Government be pleased to enquire into it?

The Hon'ble Srijut BISHNURAM MEDHI : Government will always enquire into this matter but will be obliged to the hon. Member if the hon. Member will kindly supply the names of particular estates so that enquiry may be expedited.

Srijut GAURI KANTA TALUKDAR : Sir, in the last Assembly Session I brought to the notice of the Government that the Noanadi Tea Estate in the Darrang District was settling excess lands with outsiders. I hope Government will make an early enquiry about this.

The Hon'ble Srijut BISHNU RAM MEDHI : Enquiries will be made in all these cases where names of the particular garden is supplied.

Mr. HARENDRA NATH SARMA : Do Government propose to create obstacles in the matter of legally owning land by the owners of the Tea Estates, which lands have been legally settled with them?

The Hon'ble Srijut BISHNURAM MEDHI : If it is a special lease at concession rate for encouraging cultivation of tea only and if the owners after getting the land at a cheaper rate of revenue for such purpose settle surplus land with others at a higher rate of rent, in that case Government will have to consider whether the owners of the estates should not pay higher rate of revenue.

***Shri SATINDRA MOHAN DEV** : Sir, is there any bar to settle land with tea garden labourers and ex-tea garden labourers?

The Hon'ble Srijut BISHNU RAM MEDHI: The land is particularly meant for special cultivation.

Babu KAMINI KUMAR SEN: Does not special cultivation include houses for labourers and lands cultivated by the labourers ?

The Hon'ble Srijut BISHNU RAM MEDHI: Yes as it is ancillary to the Tea Industry for which land is settled.

Babu KAMINI KUMAR SEN: My point is : if the land is settled for special cultivation, I do not think that it is only meant for the purpose of tea plantation. This land can legally be used for the housing of the labourers as well as for their cultivation.

The Hon'ble Srijut BISHNU RAM MEDHI: That is a matter of opinion and that will be looked into. If there is surplus land and if it is given to the labourers for their benefit and not with a view to getting any profit by the Company then that will be a different matter and in that case Government may not think of enhancing the revenue.

Mr. C. W. MORLEY: May I inform the Hon'ble Minister that in many cases the land is leased out to the labourers at four annas per *kear* ?

The Hon'ble Srijut BISHNU RAM MEDHI: I have got information regarding some tea gardens where it is let out at the usual rate of revenue.

Mr. HARENDRA NATH SARMA: May I ask whether the rate of revenue for land leased out for special cultivation is lesser or higher than that for ordinary cultivation ?

The Hon'ble Srijut BISHNU RAM MEDHI: It is always lesser. Fee-simple grants are being enjoyed by these companies and if it is found that they are leasing out some of the land at the usual rate of revenue, Government will surely see that some money comes to the Government coffers.

Mr. HARENDRA NATH SARMA: Do I understand that having regard to the scarcity of food in this Province, Government do not want to deprecate the policy of some of the owners of tea gardens either of growing food themselves or allowing others to grow some sort of food in the surplus land ?

The Hon'ble Srijut BISHNU RAM MEDHI: We do not discourage those who want to grow more food but we cannot encourage them to realise exorbitant rate of rent from those persons who actually cultivate the land or with whom land is settled by the lessee for his own benefit.

Babu BIDYAPATI SINGHA: May I know what will be the attitude of the Government if the tea gardens sell the surplus land at the present market value of the land ?

The Hon'ble the SPEAKER: That is a very wide question and I am afraid, there are some confusion in the minds of some hon. Members. The question is "Are Government aware that all the lands given settlement for tea gardens are not under tea cultivation and that almost all the tea gardens have been exercising Zamindari system upon a big portion of the land taken for tea cultivation". Stress has been laid upon the words "Zamindari system". I suppose it is not so much a question for giving lands to the labourers for

ordinary cultivation but it is a question as to whether it has occurred to the Government that the tea gardens are exercising some sort of Zamindari system.

The Hon'ble Srijut BISHNURAM MEDHI: So far we have not received specific information as to how many persons have settled lands and what is the area of such land and what rate of rent is being realised. These things are being collected in some cases and on receipt of these figures Government will take the matter into consideration.

***Srijut GAURI KANTA TALUKDAR:** I submitted a similar question during the last Session regarding a certain tea garden in Mangaldoi, but the report has not yet come to the Government. Do Government consider it desirable that such length of time should be taken in receiving report on such an important subject?

The Hon'ble Srijut BISHNU RAM MEDHI: The hon. Friend may remember that the Sub-Deputy Collector has to do his ordinary duty in connection with the eviction policy, the census of the people who have occupied the land and other duties of a Sub-Deputy Collector, etc., etc., and in addition to his usual duties he has got to collect these figures. Therefore there was delay.

***Srijut GAURI KANTA TALUKDAR:** Will Government please expedite this matter?

The Hon'ble Srijut BISHNURAM MEDHI: Of course a general information can be given by the Sub-Deputy Collector as to whether a particular area is occupied by tea garden labourers. But for a specific information as to how many people have occupied the land, what is the area of land and what rate of revenue is realised—it requires almost a survey and this requires a good deal of time.

The Hon'ble Srijut BISHNURAM MEDHI replied:

505. (a)—Yes.

(b)—Yes.

(c)—Yes.

(d)—Yes.

(e)—The Forest Department propose to take steps if and where necessary to acquire the roads and keep them open for their officers and the public.

(f)—Does not arise.

***Maulana MD. MUFAZZAL HUSSAIN:** Have Government received a report from the Forest Department on the subject up till now?

The Hon'ble Srijut BISHNURAM MEDHI: As far as I remember we have not received any report as yet.

***Maulana MD. MUFAZZAL HUSSAIN:** Will Government please enquire about this?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, that will be done if necessary?

*Speech not corrected.

The Hon'ble Srijut BISHNURAM MEDHI replied :

506. (a)—Though the Agricultural statistics give the areas of "other uncultivated" for Sylhet and Cachar as 34,515 and 3,918 acres respectively, the Deputy Commissioner's estimates of the areas of cultivable wastes are 3,835 and 435 acres respectively.

The areas covered by Forest Reserves are as follows :—

Sylhet 1,81,604 acres.

Cachar 6,80,994 acres.

(b)—Bhubirbond of Chargula Valley has got good forest trees in it and a number of forest villagers are living there. The Forest Department has in addition plantations which are being extended year after year.

(c) & (d)—The Commissioner of Divisions reported in the Land Revenue Administration Report for the year 1945-46 that there was no new application for settlement of waste land during the year in the Surma Valley.

It is possible nevertheless that non-cultivators and some cultivators too may have either no or insufficient cultivable land.

(e)—There is no question of releasing lands from the Forests Reserves unless they are in excess of the requirements of the Forest Department. Should any area be in excess and is surrendered by the Forest Department and there is demand for the area from cultivators, Revenue Department will see to it that landless cultivators get a preference.

Area of lands settled with Tea Planters for Cultivation of Tea

Mr. P. M. SARWAN asked :

507. Will Government be pleased to state—

(a) The total area of lands settled with Tea Planters for cultivation of tea ?

(b) Of these, what areas of land are under (i) tea cultivation, (ii) paddy cultivation and (iii) lying without any cultivation ?

(c) Whether Government propose to take steps to make available the above said areas of uncultivated lands for settlement with the ex-tea garden labourers ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

507. (a)—The attention of the hon. Member is drawn to the reply given to the Unstarred Question No. 504 (a) asked by Maulana Md. Mufazzal Hussain, M.L.A., in this Session of the Assembly.

(b)—The area under tea cultivation is about 4,41,874 acres. Government have no information as regards the area under paddy cultivation and waste as fallow.

(c)—Government have no control over the land so long as the present settlements remain.

Babu BIDYAPATI SINGHA : As we have now got substantial independence, cannot the present Government revoke the settlements which were made by an alien Government ?

The Hon'ble Srijut BISHNURAM MEDHI : That is a question of opinion.

Establishment of Public Health Dispensary at Bidyapur

Raja AJIT NARAYAN DEB of Sidli asked :

508. Will Government be pleased to state—

(a) If any proposal was made for establishing a Public Health Dispensary in the village of Bidyapur in the Sidli Police Station in Dhubri Subdivision ?

- (b) If it is a fact that the Hon'ble Minister of Public Health agreed to *establish* the said Dispensary ?
- (c) If it is a fact that a handsome donation in the shape of free land for the purpose and all necessary funds for the construction of dispensary buildings and doctors' quarters were promised for the said dispensary at Bidyapur ?
- (d) If the proposal has been abandoned ?
- (e) If so, why ?

The Hon'ble Srijut RAMNATH DAS replied :

508. (a)—Yes.

(b)—Yes, on the condition among others that the Dhubri Local Board were prepared to open a dispensary at Basugaon.

(c)—Yes.

(d)—Yes, for the present.

(e)—The Dhubri Local Board have since informed Government of their inability to meet the expenditure in opening a dispensary at Basugaon.

Cholera epidemic in villages of Atugaon, Mamugaon, etc.

Raja AJIT NARAYAN DEV of Sidli asked :

509. (a) Are Government aware that a cholera epidemic broke out in the villages of Atugaon, Mamugaon, etc., in the Sidli Police Station in Dhubri ?

(b) Is it a fact that the District Officer of Health was informed of the matter in time ?

(c) Will Government be pleased to state—

(i) how many cases of cholera were treated ?

(ii) how many cases proved fatal ?

(iii) how many people were inoculated as a prophylactic measure ?

(iv) how many doctors attended the cases ?

(v) for how many days the doctors toured in the affected area ?

The Hon'ble Srijut RAMNATH DAS replied :

509. (a)—Yes, cholera broke out in the Atugaon village only on the 9th May, 1947 but it was not in an epidemic form.

(b)—Yes.

(i)—2 cases only.

(ii)—Nil.

(iii)—630 persons.

(iv)—One Epidemic doctor attended the place.

(v)—About a week in all.

Minerals leased out in Assam under running leases prospecting licenses and

Babu KHAGENDRA NATH SAMADDAR asked :

510. Will Government be pleased to state—

(a) The different minerals leased out in Assam under prospecting licenses and running leases ?

- (b) The names of each licensee or lessee, the area and the period of each holding ?
 - (c) Whether there is any perpetual lease granted by Government to any of the concessionaire ?
 - (d) If so, under what rule of the Mining Manual ?
 - (e) The total area held by the Assam Railway and Trading Company, Limited, under Mining Leases in the Lakhimpur District ?
 - (f) The maximum area allowable to a single concessionaire in a province under the Mining Rule ?
 - (g) The total area leased out to the Assam Oil Company, Limited, and Burma Oil Company, Limited, for mineral oil and natural gas ?
 - (h) The total area granted to the above Companies under prospective licenses from time to time and what was the total area retained by them after prospection ?
 - (i) Whether any report was submitted by these Companies on the geology of the rejected area or any new mineral discovered in the course of the prospection ?
 - (j) Whether Government asked for any such report ?
 - (k) Whether Government are aware of the method or methods employed by these Companies of the prospection of oil in the areas ?
511. Will Government be pleased to state—
- (a) The total of royalty paid by the Assam Oil Company, Limited, for the last five years ?
 - (b) On what basis the royalty is calculated, *i.e.*, whether on the basis of crude oil produced from the wells or on the finished products such as petrol, Kerosene, wax, etc. ?
 - (c) How does this rate compare with those obtained in Burma, Upper India and Outside India ?
 - (d) Whether Government propose to revise the rate or rates of royalty at the time of next renewal of the leases ?
 - (e) If so, on what basis, *i.e.*, whether on the production of crude oil, or on a basis bearing on a current selling prices of the finished products or on a sliding scale ?
 - (f) The action taken by Government to ascertain the method of extraction that is being employed by the Company ?
 - (g) Whether there is any resident Government Geologist stationed at the Assam Oil field as in Burma to look after the interest of Government ?
 - (h) If not, whether Government propose to station a resident Government Geologist at the oil fields now ?
512. Will Government be pleased to state—
- (a) How much of the total area held by the Assam Railway Trading Company has been prospected by Boreholes, etc., by the Company ?
 - (b) Whether the said company at any time was asked by the Government to prove the reserve of any of their holdings ?
 - (c) The amount of coal extracted by the Company so far and what are the total reserves in the different concessions ?
 - (d) How long would these reserves be expected to last ?

- (e) With the present method of extraction what is the percentage of recovery, that is to say, what percentage of total amount of coal contained in the bed is won ?
- (f) What action has the Government taken to ascertain that this is the maximum recovery possible ?
- (g) The amount of royalty paid by the lessee on the production of coal for the last 5 years ?
- (h) The amount of surface rent paid by the lessee ?
- (i) The amount of death rent fixed ?
- (j) On what basis the rate of royalty on coal calculated, i.e., on the pits mouth value or a certain fixed sum per ton of coal raised ?
- (k) How does this rate or rates compare with those obtained in other parts of India ?
- (l) What was the pit's mouth value of Assam coal before the war, say in the year 1936-37 and what is the pit's mouth value now ?
- (m) What was the selling price of Assam coal before the war, say, in the year 1936-37 and what is it now ?
- (n) Whether Government propose to revise these rates at the time of the next renewal of the leases ?
- (o) For what purpose is Assam coal used at present ?
- (p) Whether this coal is suitable for metallurgical purpose ?
- (q) If not whether Government propose to investigate the possibility or otherwise of improving it by beneficiation ?

513. Will Government be pleased to state—

- (a) The total reserve of lime stone in the area leased out to the Assam-Bengal Cement Co., Ltd., and how long it is expected to last at the present rate of production of cement ?
- (b) Whether the area has been leased under a mining lease or a quarry license ?
- (c) The present rate of royalty on limestone extracted from the area ?
- (d) How does this rate differ from that of a quarry lease ?
- (e) Whether this rate has any relation to the selling price of cement ?
- (f) To whom the property was first leased ?
- (g) Whether the consent of the Provincial Government was first obtained before the lease was transferred or sublet to the Assam-Bengal Cement Co., Ltd. ?
- (h) For what consideration did this transfer take place ?
- (i) Whether any fee was imposed by the Government for this sub-lease or transfer ?
- (j) What is the rate of royalty on coal extracted from the area leased out for the Assam-Bengal Cement Co., Ltd. ?

514. Will Government be pleased to state—

- (a) Who hold the sillimanite deposits in the Nongstoin State in the Khasi Hills ?
- (b) Whether Government derive any revenue from this source ?
- (c) If so, how much ?

515. (a) Are Government aware that there is a vast hidden coal field in the Garo Hills ?

(b) Will Government be pleased to state whether any mining lease or prospecting license has been granted for the whole or part of this area?

(c) If so, to whom, for what period and on what rate or rates of royalty the lease or license has been granted?

(d) Do Government propose to develop this coal deposit?

(e) Are Government aware that if the property is fully prospected by Government before leasing out, it is sure to bring in better revenue to the Government?

(f) Will Government be pleased to state what other minerals are reported to be available in the Province?

(g) Do Government propose to have a stock taking of all such reported minerals in the Province?

(h) If so, how do Government propose to proceed in this direction?

(i) Are Government aware that the United Provinces Government is appointing Chief Geologist for this purpose?

The Hon'ble Srijut BISHNURAM MEDHI replied :

510. (a)—Mineral oil, Coal, Lime-stone, Clay and Sillimanite.

(b)—A statement is given below:—

Name of licensee or lessee	Area in sq. miles	Period
Assam Oil Co. Ltd. ...	25·923	These are prospecting licenses for oil and are under suspension due to the Moratorium imposed by the Government of India. The Moratorium on oil exploration will be lifted at a date not later than 18 months after the V. J. Day.
Burma Oil Co. Ltd. ...	83·045	
Assam Oil Co. Ltd....	21·4	This consists of 5 Mining leases for oil, all for 25 years except one which is for 30 years.
Mr. D. C. Barooah ...	1½	Mining lease for coal for 30 years.
Mr. P. C. Roy ...	2·63	Ditto ditto
Mr. D. D. Lohia ...	2	Ditto ditto
M/s. A. K. Bhattacharjee & Md. Haniff Ltd., Shillong.	1·64	Ditto ditto
The Cherra-Chattak Ropeway Co. Ltd.	·656	Ditto ditto
The Assam Railways & Trading Co. Ltd.	15·13	Ditto ditto
The Associated Cement Co. Ltd., Bombay.	1·4	Mining lease for Coal, Lime-stone & Clay for 30 years.
The Assam Mining Corporation, Ltd.	26·18	Prospecting license for coal, lime-stone & Clay for 7 years 3 months (with renewals).
The Assam Bengal Cement Co. Ltd.	·93	Special Lime-stone Quarry lease for 20 years.
Mrs. D. Hance ...	·5	Prospecting license for Sillimanite for 7 years (with renewals).
The Nazira Coal Co. Ltd. ...	4·5	Mining lease for coal for 30 years.

(c)—Yes.

(d)—This is a free simple grant of 1897 by which Government parted with mineral rights in 975 acres.

(e)—15.13 sq. miles.

(f)—10 sq. miles in case of all other minerals except Natural Petroleum and Natural Gas and 150 sq. miles in case of Natural Petroleum (including Natural Gas).

(g)—The area of Assam Oil Company, Limited, is 21.4 sq. miles. The Burma Oil Company has no Mining lease for oil.

(h)—The information is not readily available.

(i) & (j)—Rule 34 of the mining concessions rules requires that if so required by the collector the licensee shall, before the deposit made under rule 25 is returned to him disclose confidentially to him (collector) all information acquired in the course of operation carried on under the license regarding the minerals contained in or the Geological formation of the area. Government are not aware if any collector called for information under this rule in any case. Government recently called for such information in one case.

(k)—Not in technical detail.

Maulavi MUHAMMAD ROUFIQUE: May I know from the Government which of these licensees were granted license by the present Government?

The Hon'ble Srijut BISHNURAM MEDHI: I think none of these were granted by the present Government.

Maulavi MUHAMMAD ROUFIQUE: Do I understand that the present Government have granted no license to any person for minerals?

The Hon'ble Srijut BISHNURAM MEDHI: As far as my memory goes no mining lease has been granted by the present Government.

Maulavi MUHAMMAD ROUFIQUE: May I ask whether the present Government have granted any perpetual license to any person or company for minerals in the forests of Assam?

The Hon'ble Srijut BISHNURAM MEDHI: I want notice with regard to that. From the question I do not remember.

Maulavi MUHAMMAD ROUFIQUE: The question (c) is whether there is any perpetual lease granted by Government to any of the concessionaire. The answer is 'yes.' May I know who is the concessionaire?

The Hon'ble Srijut BISHNURAM MEDHI: I refer the hon. Member to the reply in (d). This is a free-simple grant of 1897 by which Government parted with mineral rights in 975 acres as well.

Maulavi MUHAMMAD ROUFIQUE: To whom?

The Hon'ble Srijut BISHNURAM MEDHI: I can give the reply afterwards. This was done long ago, so it is difficult for me to find out at once.

Maulavi MUHAMMAD ROUFIQUE: Yes, I want to know that. It appears from the answer to (c) that perpetual license has been granted to some concessionaire and in (d) it was asked under what rule of the Mining Manual that

license has been granted. The answer given is "This is a fee-simple grant of 1897 by which Government parted with mineral rights in 975 acres". This is not the answer given to the question.

The Hon'ble Srijut BISHNURAM MEDHI: Just like the permanent settlement the mineral right go with the settlement. In the terms of the lease it conveys the mineral right also. Under the fee-simple grants the mineral right is also transferred. Just like the Zeminders in permanent settled areas get the rights in the minerals.

Maulavi MUHAMMAD ROUFIQUE: May I know whether the Government have no right over such mines in case some mines are discovered there?

The Hon'ble Srijut BISHNURAM MEDHI: Sir, that is really a difficult point of law which cannot be replied offhand without taking legal advice, but as far as fee-simple right is concerned, Government will have no right till it decides to resume the grant.

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I know the significance of V. J. Day stated in reply to question 510 (b)?

The Hon'ble Srijut BISHNURAM MEDHI: May be Victory Jubilation Day. (Victory Japan Day).

Maulavi MUHAMMAD ROUFIQUE: The reply to (i) and (j) is that Government are not aware if any collector called for information under this rule in any case. Government recently called for such information in one case. May I know, whether it is not the duty of the Government to call for such informations from every licensee who does prospecting and does new operations and furnishes with information to the Government about any new discovery made in course of their operation?

The Hon'ble Srijut BISHNURAM MEDHI: One question which was brought to my notice during my time was sent for a report.

Maulavi MUHAMMAD ROUFIQUE: Does not the Government think it as a duty to call for information from licensees for prospecting any area before leasing out and before right is given over the property?

The Hon'ble Srijut BISHNURAM MEDHI: As far as we are concerned whenever a confidential information can be gathered we take action, but as regards the action taken by previous Governments I do not know what they did.

Maulavi MUHAMMAD ROUFIQUE: Whether Government do it on their own initiative?

The Hon'ble Srijut BISHNURAM MEDHI: In this particular case Government did it on their own initiative.

Maulavi MUHAMMAD ROUFIQUE: Whether in all cases Government should not take their own initiative?

The Hon'ble Srijut BISHNURAM MEDHI: Whenever Government deem it necessary. Information is called for when they think that the information will be useful.

***Mr. HARENDRA NATH SARMA:** A question was asked regarding the indication of "V. J. Day." May I know what was the reply?

The Hon'ble Srijut BISHNURAM MEDHI: It was most probably "Victory Jubilation Day."

***Mr. HARENDRA NATH SARMA:** That is not correct. It is "Victory over Japan Day".

The Hon'ble Srijut BISHNURAM MEDHI: It may be so.

The Hon'ble Srijut BISHNURAM MEDHI replied:

511. (a)—

	1941-42	1942-43	1943-44	1944-45	1945-46
	Rs.	Rs.	Rs.	Rs.	Rs.
	6,02,024	8,39,331	9,03,249	11,50,503	9,16,243

(b)—On the basis of crude oil extracted.

(c)—Government have no information.

(d)—Yes.

(e)—The matter is under consideration.

(f)—Government propose to appoint an expert for the purpose, when one is available.

(g)—No.

(h)—This will depend on the opinion given by the expert.

Maulavi MUHAMMAD ROUFIQUE: In reply to (f), it is stated that the Government propose to appoint an expert for the purpose, when one is available. May I know whether Government have really sanctioned the post?

The Hon'ble Srijut BISHNURAM MEDHI: We have not as yet sanctioned a post as we are just collecting information in this regard, as it is rather a difficult matter to find an expert on petroleum and mineral oils. As we have not been able to find such an expert, we have asked the Central Government to see if they can send us one. A geologist will not serve the purpose unless he is well-conversant with mineral oils and petroleum.

Maulavi Saiyid MUHAMMAD SAADULLA: I can supply some information to the Hon'ble Revenue Minister. I think, the name that I shall mention may be taboo to the Ministry. He is my own nephew and is a qualified geologist who has specialised in petroleum work and trained in London and now in the service of the Assam Oil Company. He is my sister's son, Qazi T. Rahman. He has about 14 years of experience in that Company. Recently he was sent to Attock by this Company to find out oil in that area because in that area there is also a small refinery.

The Hon'ble Srijut BISHNURAM MEDHI: Of course, that was not known to me and if he is really found to be an expert for this purpose and if he will be willing to come Government will consider his case.

Maulavi Saiyid MUHAMMAD SAADULLA: As the Hon'ble Minister stated that he could not find an expert, I have given him the name.

The Hon'ble Srijut BISHNURAM MEDHI: But it will be the look out of the Government first to see how to increase the rate of royalty (*Laughter*). This

*Speech not corrected.

question is under examination of Government. The Government will have also to examine whether the method of drilling and working the mine will be beneficial or detrimental to the interest of the province. Whether royalty can be levied on gas that is utilised as fuel and otherwise. If I get all particulars about this gentleman, who is now working in the Assam Oil Company, I shall consider his case in consultation with the Central Government whether he is considered by them as an expert for the purpose and if they agree then the question of appointment will be considered.

Maulavi Saiyid MUHAMMAD SAADULLA: Have not the Provincial Government advertised for this post?

The Hon'ble Srijut BISHNURAM MEDHI: No, we have not made any advertisement. Now, we are making enquiry only.

The Hon'ble the SPEAKER: The question is, when there was no advertisement how the Hon'ble Minister can say that candidates for this job were not available?

The Hon'ble Srijut BISHNURAM MEDHI: The entire policy regarding mineral oil has not been finally decided by the Central Government, but, in the meantime, we are making enquiry for a fuel expert. The Central Government recently sent some fuel expert in this connection. After examining all these factors, if we find that we can increase our revenue and protect our property then the question of appointment of a geologist or expert in mineral oil will be taken into consideration.

The Hon'ble the SPEAKER: When the post was not actually advertised, I do not understand, how the Hon'ble Minister stated in his reply that no such expert was available. How can the Hon'ble Minister reconcile this?

The Hon'ble Srijut BISHNURAM MEDHI: At the time it was not known.

The Hon'ble Srijut BISHNURAM MEDHI replied :

512. (a)—Government have no information.

(b)—No.

(c)—The information asked in the first part is not readily available. The second is already answered.

(d)—Not known.

(e)—Government have no information.

(f)—Only an expert could advise on this and the Government must await till an expert is available.

(g) & (h)—The information is not available separately for each lease.

(i)—Rupees 5,656 per annum.

(j)—Royalty is levied on the sale value at the Pit's mouth but as the calculation of the Pit's mouth value is difficult, there being no sale at the Pit's mouth a flat rate per ton of coal is being realised for a certain period.

(k), (l) & (m)—Government have no information.

(n)—Yes.

(o) & (p)—Government have no definite information.

(q)—No such proposal is under consideration of Government.

Maulavi MUHAMMAD ROUFIQUE: No. 512, (o) and (p)—the question was “For what purpose is Assam coal used at present and whether this coal is suitable for metallurgical purpose”—the answer is that “Government have no definite information”. Is it not possible for Government to get this information which is of such great interest to the people of Assam?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, recently we got two Fuel Experts from the Central Board and they have recommended establishment of a branch of Fuel Laboratory Bureau here for examination of Coal and other Fuel on a scientific basis. As a matter of fact the coal is being collected and sent there in Calcutta for examination as to how it can be used and for what purpose it can best be utilised.

Maulavi MUHAMMAD ROUFIQUE: May I know from Government, besides getting money out of this source, what definite industrial policy Government has adopted?

The Hon'ble the SPEAKER: Question of policy cannot be discussed at question hour.

Maulavi MUHAMMAD ROUFIQUE: Government have decided to get money out of this. Can we not enquire if Government has got any definite industrial policy?

The Hon'ble the SPEAKER: But you have used the word “policy”.

The Hon'ble Srijut BISHNURAM MEDHI: This is a question of policy, it cannot be discussed in question hour, Sir.

The Hon'ble Srijut BISHNURAM MEDHI replied:

513. (a)—Government have no information.

(b)—A quarry lease.

(c)—Rs.2 per 100 quarry maunds (112 lbs.) of limestone.

(d)—No difference.

(e)—Yes.

(f)—To the Eastern Corporation, Limited, 11 Clive Street, Calcutta.

(g)—Yes.

(h)—According to the provision of the main lease.

(i)—No.

(j)—The Company work coal in a different area in the State portion. They pay royalty at the rate of $4\frac{1}{2}$ annas per ton or 5 per cent. of the sale value at the Pit's mouth, whichever is greater.

514. (a)—Messrs. Pilkington Brothers, Ltd.

(b)—No. Half of the receipt from royalties is given to the State and the other half credited to the Khasi States Deposit Account.

(c)—Does not arise.

515. (a)—Yes.

(b)—Mining leases and prospecting licenses have been granted for a large area.

(c)—Mining leases have been granted to (I) Messrs A. K. Bhatta-charjee and Md. Haniff, Ltd., Shillong. (II) The Associated Cement Co., Ltd., Bombay, for the period of 30 years and the royalty charged at 5 per cent. on the sale value at the Pit's mouth or $4\frac{1}{2}$ annas per ton of coal whichever is greater. Prospecting license has been granted to the Assam Mining Corporation, Limited. They have prospected the area for 7 years and have now applied for mining lease.

(d)—The question of developing not only coal but other mineral resources of the Province is under the active consideration of Government.

(e)—Government do not propose to do the prospecting themselves but they will in pursuance of their industrial policy acquire a financial interest in the enterprises when started for the purpose of exploitation of the resources.

(f) to (h)—The hon. Member is referred to the brochure entitled "The Economic Mineral Resources of Assam" recently published by Government, a copy of which is placed on the library table.

(i)—No.

Newspaper Caption in Agriculture and Animal Husbandry

Srijut HALADHAR BHUYAN asked :

516. (a) Will Government be pleased to state if their attention has been drawn to the article published in the *Assam Tribune* dated 25th of December 1946, under caption 'Agricultural and Animal Husbandry'?

(b) Is it a fact that only 5 Assam Veterinary Stipendiary Students have lately been admitted into the different Veterinary Colleges in India against a large number of Stipendiary Students sent by other Provinces?

(c) If so, how Government propose to meet the requirement of their Veterinary personnels for their Post-War Scheme?

(d) Has the attention of the Government been drawn to the articles under headings "Assam need a Veterinary College" and "Director of Animal Husbandry" published in the *Assam Tribune* of 23rd and 26th of October, 1946, respectively and whether Government propose to take immediate steps to establish Veterinary Colleges for Assam for training up Veterinary officers?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

516. (a)—Yes.

(b)—No. Altogether 7 Veterinary Stipendiaries were admitted during 1946-47, 4 in Bengal Veterinary College and 3 in the Bombay Veterinary College.

(c)—Government have taken up the question of establishing a Veterinary College in this Province.

(d)—Yes.

Srijut HALADHAR BHUYAN: As regards Question No.516(c) ভেটেনেৰী কলেজ কেতিয়া হব এই সম্বন্ধে কিবা proposal হাতত লোৱা হৈছে নেকি ?

The Hon'ble the SPEAKER: অনাবোবোল মিনিষ্টাৰে বোধকৰে। প্রশ্নটো ভালকৈ বুজাই নাই।

Srijut HALADHAR BHUYAN: I am referring to Question No 516(c). The answer says that "Government have taken up the question of establishing a Veterinary College"—May I ask the Government when they are going to implement this ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: We have already started the preparation of the Scheme and as soon as it is completed we shall start establishment of the College.

Srijut HALADHAR BHUYAN: এই কলেজৰ site ক'ত কৰিছে ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: At Gauhati.

***Srijut KAMESWAR DAS:** May we know, Sir, whether there is provision in this year's Budget for the establishment of this Veterinary College ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: We have made provision in the Post-War Budget.

***Srijut KAMESWAR DAS:** May I know whether it has been finally decided to have this Veterinary College ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Yes, Sir.

***Maulavi MUHAMMAD ROUFIQUE:** May we know whether it is decided to establish this Veterinary College after examination of the Scheme ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: My answer was that, we have started preparing a Scheme and when that will be completed we will start establishment of the Veterinary College.

***Maulavi MUHAMMAD ROUFIQUE:** May we know that without examining the scheme Government have decided to start establishment of the College ?

The Hon'ble the SPEAKER: They will have first to make up their minds and then come to a decision.

***Maulavi MUHAMMAD ROUFIQUE:** The scheme may be such that they will not be able to give effect to it if they find something wrong there ; therefore, the scheme must be examined first.

***Mr. HARENDRA NATH SARMA:** Do Government propose to include in their proposed scheme subjects for the diseases mentioned by Mr. Talukdar, such as Septicaemia ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It may be, Sir. But it is difficult to answer this question; whether such subjects are taught in the Veterinary College I don't know.

***Mr. HARENDRA NATH SARMA:** Do Government maintain that these are diseases of cattle? What we know is, they are cattle diseases, but we do not know whether they are in the tail or the head. (*laughter*).

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I said it may be, Sir, and we do not exclude that possibility.

***Maulavi MUHAMMAD ROUFIQUE:** May we know, Sir, who is actually examining the scheme—the Director of Veterinary Department or the Hon'ble Minister-in-charge?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The Hon'ble Minister must, of course, be there, but it is the Director who is preparing the scheme.

***Maulavi MUHAMMAD ROUFIQUE:** Is it a fact that the Director of the Veterinary Department advised the Government against the establishment of the Veterinary College?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is not a fact, Sir.

Srijut HALADHAR BHUYAN: এইটো ঘটনা যে এতিয়া যি জন ভেটেনেৰী ডিবেক্টৰ আছে তেওঁ finally পাকীস্থানলৈ opt কৰিছে, সেই কাৰণে তেওঁ ভেটেনেৰী ডিপাৰ্টমেণ্টৰ কোনো কাম কৰা নাই আৰু vaccine তৈয়াৰ কৰিবৰ নিমিত্তে pressure দিয়াতো তেওঁ নানা অজুহাত দেখুৱাই আছে যে ইয়াত কৰিব পৰা নাযায় কাৰণ ইয়াত মানুহ নাই, ঘৰ নাই ইত্যাদি যদিও সিকালে গৰু ম'হ নৰি সাং হৈছে?

The Hon'ble the SPEAKER: Has the Hon'ble Minister been able to follow the question? This question is—"Is it a fact that the present Director of the Veterinary Department wanted to have the College in an area which is now included in Pakistan and since he could not have his way, he has become disinterested in the matter?"—that is what he wants to know.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I could not follow, Sir. Has the Director of Veterinary Department opted to serve in Pakistan?

The Hon'ble the SPEAKER: প্রশ্নটো আকৌ কওকচোন।

Srijut HALADHAR BHUYAN: বুজা নাই নেকি? বাক, ইংৰাজীতে কওঁ। The present Director of the Veterinary Department, it is understood, has selected Pakistan as a place of his service; that is why he is taking no interest in this Province as regards the policy of establishing a Veterinary College. Is it a fact, Sir?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is not a fact.

Srijut HALADHAR BHUYAN: Another part of my question is this: that Government acknowledged the necessity of preparing vaccine locally, *i.e.*, in this Province, because the Bengal Government refused to send vaccine to this Province, and what we get from Muktaswar loses its potency in transit; but this was not realised by Government, although it was times without number pressed before the Hon'ble Minister that vaccines should be prepared in this Province and the Director of Veterinary Department took the plea that... ..

The Hon'ble the SPEAKER: As the question seems to be a pretty long one and as the Question time is over let this question stand over for next day.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, the other day while we were discussing my Resolution regarding supply of microscopes to all Veterinary Dispensaries in the province, some hon. Members wanted to have further informations regarding the natures of the two kinds of diseases, *viz.*, Haemorrhagic Septicaemia and Anthrax, and I was asked to explain what were the symptoms of those two kinds of diseases and what was the necessity for supplying with microscopes.

The Hon'ble the SPEAKER: May I know the point of raising this question?

Srijut GAURI KANTA TALUKDAR: I was asked to explain certain matters in regard to the subject the other day and I could not finish my statement when you, Sir, demanded that the matter should be explained to the House.

The Hon'ble the SPEAKER: I did not demand it but I was thinking of giving the hon. Member a chance to explain the matter and while doing so I was only trying to be fair.

Srijut GAURI KANTA TALUKDAR: Now, Sir, as the Question time is over I hope you would be kind enough to give me a few minutes so that I may explain to the House the symptoms of those two kinds of diseases by quotations from certain authority.

The Hon'ble the SPEAKER: I shall have no objection then to give the hon. Member a chance to do so after 4 p.m. if the hon. Members are agreeable.

Srijut GAURI KANTA TALUKDAR: I will not take much time, Sir.

The Hon'ble the SPEAKER: There is a system for carrying our business and I have to follow the procedure. Now, the next item of business is discussion on the Principles of a Model Provincial Constitution. After finishing this business I am agreeable to give the hon. Member a chance.

Srijut GAURI KANTA TALUKDAR: I am obliged, Sir, when you have decided to give me a chance to explain the matter.

The Hon'ble the SPEAKER: But before I agree to give the hon. Member some time after 4 p. m. I am to take the sense of the House whether they want to sit after 4 p. m.

Srijut GAURI KANTA TALUKDAR : Whether I am going to be given an opportunity to explain the matter depends upon the Hon'ble Speaker

The Hon'ble the SPEAKER : I think the hon. Member has a right to explain the matter. Yet I want to take the sense of the House whether they want to sit after 4 p. m. (*Voices: No, No.*) Then in order to ascertain the opinion of the House I would request the hon. Members to raise their hands if they are agreeable to sit after 4 p. m.

***Maulavi Saiyid MUHAMMAD SAADULLA :** Mr. Speaker, Sir, before you take the vote of the House.....

The Hon'ble the SPEAKER : No, I am only going to request the hon. Members to raise their hands with a view to ascertain the sense of the House.

***Maulavi Saiyid MUHAMMAD SAADULLA :** Raising of hands will mean taking vote of the House. I find, Sir, to-morrow there will be very few questions. So, we will get more than half an hour during the Question time when the hon. Member shall be able to explain the matter.

The Hon'ble the SPEAKER : We have a number of questions standing over from several days. So let us take the sense of the House. Those hon. Members who want to sit after 4 p. m. may please raise their hands.

I find altogether 10 hon. Members have raised their hands.

***Mr. HARENDRA NATH SARMAH :** There may be some hon. Members, Sir, who may be neutral.

Srijut GAURI KANTA TALUKDAR : Sir, may I request the Hon'ble Speaker to accept the suggestion made by the hon. Leader of the Opposition?

The Hon'ble the SPEAKER : That is, to-morrow after Question hour.

Srijut GAURI KANTA TALUKDAR : I will take only about 5 minutes, Sir.

***Mr. HARENDRA NATH SARMAH :** On a point of information, Sir, what is the harm if the sense of the house is taken after finishing the business of the House?

The Hon'ble the SPEAKER : Yes, that is better.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Mr. Speaker, Sir, we have come to know that a large number of refugees, about 10,000 are coming to Assam from the Punjab. Is it a fact, Sir?

The Hon'ble Srijut GOPINATH BARDOLOI : I have no information about it. How did the hon. Member get this information, Sir?

Maulavi ABUAL MAJID ZIAOSH SHAMS : It is a rumour, Sir, and I have no source of the information.

The Hon'ble the SPEAKER : The business of the House should not be taken so lightly by raising matters based on hearsay or rumour. Now, we pass on to the next item of the agenda. Let us come to discussion on the Principles of a Model Provincial Constitution. We have altogether† 45 Amendments. Almost all these Amendments are in the nature of suggestions and we can send these suggestions for the consideration of the proper authorities. Perhaps it will be proper for us not to take the normal procedure to go clause by clause with discussions and then send the adopted suggestions. What does the Hon'ble Premier suggest in this matter?

The Hon'ble Srijut GOPINATH BARDOLOI : I would suggest, Sir, that the principles of the suggestions or opinion of the House alone need be taken. I find from the list of the Amendments tabled here that a number of them are in the nature of Amendments to clauses themselves, that is, to the wording. These, in my opinion, are entirely unnecessary for the simple reason that the drafting of shape of the same is to be left to the Constituent Assembly Drafting Committee. Therefore, Sir, while you are taking the matter up clause by clause the ideas of all the suggestions may be taken into consideration with discussions.

The Hon'ble the SPEAKER : How do we then come to the conclusion that these suggestions carry the sense of the House? My idea is that we should not go to vote on the matters which are not binding on anybody.

The Hon'ble Srijut GOPINATH BARDOLOI : In that case we can send simply the proceedings of the Assembly.

The Hon'ble the SPEAKER : If we send the voluminous proceedings of the Assembly, in my individual opinion, nobody will care to look into them carefully.

The Hon'ble Srijut GOPINATH BARDOLOI : It is true, Sir. Even I myself find difficulty to go into the general proceedings. The Hon'ble Speaker could make a note on the general opinion of the House and send them, and I think that will be sufficient.

The Hon'ble the SPEAKER : Then should they be like proceedings of any committee meeting? Shall we take it like that?

* **Maulavi Saiyid MUHAMMAD SAADULLA :** I think that will do.

* **Babu KAMINI KUMAR SEN :** If our suggestions and Amendments are not binding on anybody what is the utility then, Sir, to have discussions?

The Hon'ble the SPEAKER : We will send our suggestions through our representatives and the matter then will be left to them. There is no procedure that the principles of the proposed Model Provincial Constitution can be sent by the Provincial Assemblies for adoption.

* **Babu KAMINI KUMAR SEN :** I think then when the draft is finally prepared these suggestions will be considered.

The Hon'ble the SPEAKER : That is what we hope. In that hope we can carry on this discussion. But hoping is one thing and an opinion being binding is quite another thing.

† Appendix "G".
* Speech not Corrected.

Now let us take up clause I of the Principles of a Model Provincial Constitution :—

“Governor”—For each Province there shall be a Governor to be elected directly by the people on the basis of adult suffrage.

NOTE —The Committee were of the opinion that the election of the Governor should, as far as possible, synchronize with the general election to the Provincial Legislative Assembly. This may be difficult to provide by statute, because the Legislative Assembly may be dissolved in the middle of its term.

The first suggestion is from Srijut Lakshmidhar Borah and Srijut Siddhinath Sarma. It runs as follows :—

For the words “to be elected directly by the people on the basis of Adult Suffrage”, substitute the following “to be elected by the Provincial Assembly by the method of elimination till he secures more than 50 per cent. of the members present and voting”.

Either Srijut Lakshmidhar Borah or Srijut Siddhinath Sarma may initiate the discussion.

Srijut SIDDHI NATH SARMA: মাননীয় সভাপতি মহোদয়, মই যি নীতিৰ বিষয়ে আলোচনা কৰিব খুজিছো সেই নীতিটো গণতন্ত্ৰৰ ফালৰপৰা চাবলৈ গলে এটা প্ৰতিক্ৰিয়াশীল নীতি। তথাপি মই তেনেকুৱা নীতিৰ বিষয়ে কিয় আলোচনা কৰিব খুজিছো সেই বিষয়ে মই আপোনাসকলক কম।

এতিয়া অলপতে ভাৰতৰ গণপৰিষদত প্ৰদেশৰ শাসন আইন গঠন হ'ব আৰু আমাৰ প্ৰদেশৰ পৰাও তাত প্ৰতিনিধি আছে। গণতন্ত্ৰৰ যি আঁচনি তৈয়াৰ হ'ব সেই আঁচনিৰ ভিত্তি আৰু নীতি সমূহ আলোচনা কৰিবলৈ আমাক আজি সুবিধা দিয়া হৈছে। যিবিলাক নীতি অৱলম্বন কৰি আমাৰ ভৱিষ্যত শাসন বিধি তৈয়াৰ কৰা হ'ব সেইবিলাকে আমাক বৰ যন্তোষ দিব পৰা নাই।

ভৱিষ্যত স্বাধীন ভাৰতৰ শাসনতন্ত্ৰৰ বুনিয়াদী ভিত্তি হ'ব লাগিছিল। Self-sufficient and Self Governing village বা আত্মনিৰ্ভৰশীল আৰু স্বায়ত্ত-শাসিত গাঁও অৰ্থাৎ গাঁৱলীয়া মানুহে যাতে নিজৰ শাসন নিজে চলাব পাৰে তেনেকুৱা ভিত্তি লৈহে এই শাসনতন্ত্ৰ বঢ়িত হ'ব লাগিছিল আৰু সেই শাসনতন্ত্ৰ অনুযায়ী থানা, মহকুমা, জিলা, প্ৰদেশ আৰু ভাৰতৰ শাসন আইন কৰা যুগুত আছিল। যি গণতন্ত্ৰৰ ভিত্তিত স্বাধীন ভাৰতৰ আৰু প্ৰদেশবিলাকৰ শাসন-আইন তৈয়াৰ কৰিবলৈ বিচৰা হৈছে সেইটো গণতন্ত্ৰৰ ভিত্তিত ১৯৩৫ চনৰ যি শাসন আইন আছে, পুৰা সেই আইনৰ অনুসাবেই অনুকৰণ বা সেই সাঁচতেই তৈয়াৰ কৰিবলৈ বিচৰা হৈছে।

ব্যৱস্থাপক সভাত যিটো Majority বা ডাঙৰ পাৰ্টি হ'ব সেই দলৰ পৰাই এখন মন্ত্ৰী-সভা গঠিত হ'ব আৰু সেই মন্ত্ৰীসভা আৰু প্ৰদেশৰ গভৰ্ণৰে প্ৰদেশৰ শাসন চলাব। মন্ত্ৰীসভা ব্যৱস্থাপক সভাৰ ওচৰত দায়ী থাকিব। কিন্তু গৱৰ্ণৰ মন্ত্ৰী-সভাৰ ওচৰত বা ব্যৱস্থাপক সভাৰ ওচৰত দায়ী নহয়।

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, we are not proceeding clause by clause. He is making a general speech.

The Hon'ble the SPEAKER: He has started with the basic principle underlying the constitution. He has started by saying that the present Constitution is more of an imitation of British Democracy than the ideal we hold before ourselves, *Viz.*, building up from the village.

Srijut SIDDHI NATH SARMA: ইয়াত যি গৱৰ্ণৰ নিৰ্বাচিত হব তেওঁ পৰিষদৰ ওচৰতো জগৰীয়া নহব আৰু মন্ত্ৰীসভাৰ ওচৰতো তেওঁৰ কোনো দায়িত্ব নাথাকিব। তেওঁ ৰাইজৰপৰা elected হৈ আহিব আৰু ৰাইজৰ ওচৰতেই জগৰীয়া হব। তেওঁক এনেকুৱা কিছুমান ক্ষমতা দিয়া হৈছে যিবোলাক ক্ষমতা তেওঁ নিজে ব্যৱহাৰ কৰিব পাৰিব। কোনো বিষয়লৈ যদি দেশত কোনো sudden emergency বা হঠাৎ কোনো আতঙ্ক উপস্থিত হয় তেতিয়া তেওঁ নিজ ক্ষমতা ব্যৱহাৰ কৰি Ordinance আইন কৰিব পাৰিব আৰু সেই আইনেৰে দেশৰ শাসন চলাব পাৰিব। আন হাতে তেওঁ মন্ত্ৰী সভাৰ পৰা কোনো উপদেশ নোলোৱাকৈ তেনে কাম কৰিব পাৰিব। মন্ত্ৰী সভাখন গঠিত হব ৰাইজৰ নিৰ্বাচিত প্ৰতিনিধিৰ দ্বাৰা আৰু সেই মন্ত্ৰী সভা ব্যৱস্থাপক সভাৰ ওচৰত দায়ী থাকিব। যদি নিৰ্বাচিত গৱৰ্ণৰ হয় তেন্তে যি দলৰপৰা মন্ত্ৰী সভা গঠিত হব সেই দলৰপৰা গৱৰ্ণৰ নিৰ্বাচিত নহবও পাৰে। তেনে অৱস্থাত মন্ত্ৰী সভা আৰু গৱৰ্ণৰৰ লগত বিৰোধ হোৱাৰ সম্ভাৱনা থাকিব। গতিকে গৱৰ্ণৰে যেনেকৈ দেশৰ শাসন চলাবলৈ বিচাৰিব আৰু মন্ত্ৰী সভাই যদি তেনেকৈ চলাবলৈ নিবিচাৰে বা গৱৰ্ণৰ আৰু মন্ত্ৰী সভাৰ মাজত কোনো আসোঁৱাহ হয় বা মতভেদ হয় তেতিয়া হলে তেওঁ এই জৰুৰী ক্ষমতা চলাই মন্ত্ৰী সভা বা ব্যৱস্থাপক সভা ভাঙি দিব পাৰিব। আনহাতে যদি গৱৰ্ণৰে মন্ত্ৰী সভাৰ অনুমোদন থকা কোনো কাম নকৰে বা কোনো দোষ কৰে তেনেহলে তেওঁক impeach কৰিবলৈ ব্যৱস্থাপক সভাক ক্ষমতা দিয়া হৈছে। কিন্তু সেই প্ৰস্তাৱ দাঙি ধৰাৰ লগে লগে তেওঁ জৰুৰী ক্ষমতাৰ দ্বাৰা মন্ত্ৰী সভা আৰু ব্যৱস্থাপক সভা ভাঙি দিব পাৰিব আৰু তেনে অৱস্থাত দেশত এটা অশান্তিৰ সৃষ্টি হব। গতিকে যেতিয়া যি দলৰ মন্ত্ৰী-সভাৰ হাতত দেশৰ শাসন ভাৰ ন্যস্ত থাকে সেই মন্ত্ৰী সভাৰ দলৰ যদি গৱৰ্ণৰ হয় তেনেহলে এনে গোলমাল হোৱাৰ সম্ভাৱনা নাথাকে। দেশ শাসনৰ সম্পূৰ্ণ দায়িত্ব সেই মন্ত্ৰী সভাৰ আৰু সেই দলৰ গৱৰ্ণৰৰ ওপৰত থাকিব। এনে অৱস্থাত যদি দেশৰ শাসনত ৰাইজ সন্তুষ্ট নহয় তেন্তে পিচৰ নিৰ্বাচনত হয়তো অইন এটা দল আহি দেশৰ শাসন ভাৰ লব পাৰিব। গতিকে গৱৰ্ণৰ বা মন্ত্ৰী সভাই electionৰ সময়ত লোৱা programme মতে কাম নকৰিলে পাছৰ নিৰ্বাচনত দেশৰ শাসন আন এদলৰ হাতলৈ আহিব। গৱৰ্ণৰ elected হওক, কিন্তু যি majority party ৰ পৰা মন্ত্ৰী সভা গঠিত হব সেই party ৰ পৰাই গৱৰ্ণৰো নিৰ্বাচিত হব লাগে। ইয়াত কৈছে যে গৱৰ্ণৰ আৰু মন্ত্ৰী সভাই executive কাৰ্য্যভাৰ চলাব, গতিকে উভয়ে সমানে দায়ী থাকিব। গতিকে মোৰ মত হৈছে প্ৰদেশৰ গৱৰ্ণৰজন প্ৰদেশৰ ব্যৱস্থাপক সভাৰ দ্বাৰাই নিৰ্বাচিত হব লাগে।

The Hon'ble the SPEAKER: গৱৰ্ণৰৰ পদটো বখা হয় কিয় আৰু তাৰ উদ্দেশ্য কি ?

Srijut SIDDHI NATH SARMA: কিয় বখা হয় সেইটো আন কথা। যিনিহঁত ভিত্তিকৰি শাসন বিধি তৈয়াৰ কৰিবলৈ বিচাৰিছে সেই শাসন বিধিত মোৰ সম্পূৰ্ণ আসোঁৱাহ আছে সেই শাসন বিধিয়ে মোৰ মনত আনন্দ দিব পৰা নাই। দলগত হিচাপে যদিও মই এইটো কব পৰা নাই, ব্যক্তিগত হিচাপে কব পাৰো যে আমাৰ শাসন বিধি এই ভিত্তিৰ ওপৰত হব নালাগিছিল। মই আগতে কৈছো যে আমাৰ ভিত্তি হব লাগিছিল গাঁও। প্ৰথমতে গাঁৱলীয়া পঞ্চায়ত গঠিত হব লাগিছিল; গাঁওৰ শিক্ষা, পানী, বাস্তা, বিচাৰ আদিৰ ভাৰ সেই পঞ্চায়তৰ ওপৰত ন্যস্ত হব লাগিছিল। আৰু সেই গাঁৱলীয়া পঞ্চায়তৰ যি সভাপতি হব তেনেকুৱা মহকুমা বা থানা পঞ্চায়তৰ হাতত সেই মহকুমা পঞ্চায়ত হব লাগিছিল। বিলাক বিষয়ৰ শাসনভাৰ থাকিব লাগিছিল। তাৰ পিছত থানা বা মহকুমা পঞ্চায়তৰ সভাপতিৰে প্ৰদেশৰ বাস্তা, আলিপদুলি, পানী, প্ৰাথমিক শিক্ষা, ঔষধৰ ব্যৱস্থা পঞ্চায়ত হব লাগিছিল। গাঁৱৰ পঞ্চায়তৰ ওপৰত দিব লাগিছিল; মহকুমা পঞ্চায়তে সাধাৰণ বিচাৰভাৰ আদি গাঁৱলীয়া আদি যিবোলাক আৱশ্যকীয় বিষয় আছে সেই বিলাক লব লাগিছিল। জিলা পঞ্চায়তে হয়তো secondary education, হাস্পতাল আদিৰ ভাৰ লব লাগিছিল। জিলা পঞ্চায়তে হয়তো প্ৰাদেশিক যি পঞ্চায়ত হব

লাগিছিল সেই পঞ্চায়তে ইউনিভার্সিটি, কলেজ আদি যি বিলাক ডাঙৰ ডাঙৰ বিষয় সেই বিলাকৰ ভাৰ লব লাগিছিল। আইন আদি তৈয়াৰ কৰাৰ ভাৰ প্ৰাদেশিক পঞ্চায়তৰ হাতত থাকিলেহেতেন আৰু সেই প্ৰাদেশিক পঞ্চায়তে জিলা, মহকুমা বা গৱৰ্ণমণ্টৰ পঞ্চায়ত বিলাকে কিদৰে কাৰ্য্য চলাইছে তাৰ পৰিদৰ্শন কৰিলেহেতেন আৰু তেওঁলোকৰ কাৰ্য্যত পৰামৰ্শ দিলেহেতেন। কিন্তু ইয়াৰ ব্যৱস্থা সম্পূৰ্ণ বিপৰিত। বৰ্ত্তমান যি শাসনতন্ত্ৰ প্ৰণয়ন কৰিবলৈ বিচাৰিছে সেই শাসনতন্ত্ৰটো কেন্দ্ৰীয় centralisation কৰিবলৈ বিচৰা হৈছে। Decentralisation ৰ ভিত্তিতহে শাসন আইন তৈয়াৰ হোৱা উচিত আছিল। গৱৰ্ণৰ নামত শাসন চলিব এই উদ্দেশ্যে যদি এজন গৱৰ্ণৰৰ আৱশ্যক হয় তেনেহলে এজন গৱৰ্ণৰ বৰাৰ ব্যৱস্থা থাকিব পাৰে। যিমানেই উপযুক্ত ভাল মানুহ নহওক, তেওঁৰ যদি টকা নাথাকে তেনেহলে প্ৰাদেশিক নিৰ্বাচনত তেওঁ নিৰ্বাচিত হৈ অহা টান। বৰ্ত্তমানেও নিৰ্বাচনৰ খৰচ কম নহয়। গৱৰ্ণমণ্টৰ ব্যৱস্থা নহ'লে এটি সাময়িক election ৰ খৰচ ৪০০০ বা পৰা ৪৫০০ টকালৈকে ধৰিছে। নানা কাৰণে হয়তো অলপ কম বেচি হ'ব পাৰে। গতিকে এজন গৱৰ্ণৰৰ নিৰ্বাচনৰ খৰচ কিমান হ'ব সেইটো এজনে অনুমান কৰিব পাৰে। নিৰ্বাচনত বেচিকৈ খৰচ হোৱা উচিত নহয়। সেই কাৰণে নিৰ্বাচনত যিমান পৰায়ায় সিমান কমকৈ খৰচ হ'ব লাগে। নিৰ্বাচনত যদি বেচি খৰচ হয় তেনেহলে নিৰ্বাচিত মেম্বৰজনে সেই ব্যয়কৰা ধন তুলিবলৈ চাব পাৰে। কাৰণ সাধাৰণ নিতি হৈছে, এজনে কিছমান টকা খৰচ কৰে তেওঁ সেই টকা কেনেকৈ উচল হ'ব তাকে কৰিবলৈ চায়। আজি আমি কি দেখিছো? আমি কৈ আহিছিলো যে আমাৰ আয় অনুপাতে আমাৰ কৰ্মচাৰী সকলৰ দৰমহা হ'ব লাগে, তলতীয়া কৰ্মচাৰীৰ দৰমহা বাঢ়িব লাগে আৰু বেছি দৰমহা পোৱা কৰ্মচাৰীৰ দৰমহা কমিব লাগে। গতিকে যদি গৱৰ্ণৰ নিৰ্বাচন কৰিব লগা হয়, তেনেহলে গৱৰ্ণৰৰ দৰমহাও সেই আয় অনুপাতে কমকৈ স্থিৰ কৰিব লাগিব। গতিকে তেওঁৰ নিৰ্বাচনৰ খৰচ কমত হোৱা আৱশ্যক।

ব্যৱস্থাপক সভাৰ সদস্যসকল বাইজৰ নিৰ্বাচিত প্ৰতিনিধি। গতিকে সেই নিৰ্বাচিত প্ৰতিনিধিৰ দ্বাৰাই গৱৰ্ণৰ জন নিৰ্বাচিত হ'লে তেওঁ বাইজৰ নিৰ্বাচিত প্ৰতিনিধিয়েই হ'ব। এই নিৰ্বাচনত কোনো খৰছ নাই বা অতি কম খৰছ হ'ব।

এই নিৰ্বাচনৰ মন্ত্ৰীসভা যি দলৰ পৰা নিৰ্বাচিত হ'ব সেই দলৰ পৰাই গৱৰ্ণৰো নিৰ্বাচিত হোৱাৰ সম্ভাৱনা থাকিব। গৱৰ্ণৰ নিৰ্বাচিত হোৱাৰ পাচত তেওঁ কোনো দলত থাকিব নোৱাৰিব। মন্ত্ৰীসভা, এছেম্বলি আৰু গৱৰ্ণৰ বাইজৰ ওচৰত দায়ী থাকিব। বৰ্ত্তমান আচনিত balance and check বুলি এটা কথা আছে। গৱৰ্ণৰে মন্ত্ৰী সভাক তেওঁৰ ক্ষমতাদ্বাৰা কি check কৰি ৰাখিব। আৰু মন্ত্ৰীসভাৰ ক্ষমতাৰ দ্বাৰা গৱৰ্ণৰৰ ক্ষমতা balance হ'ব। সেই ফালৰ পৰা দুয়োৰো ভিতৰত এটা সমিল মিল হৈ দেশৰ শাসন চলিব। একে দলৰ পৰা গৱৰ্ণৰ নিৰ্বাচিত হ'লেও নিৰ্বাচনৰ পাছত তেওঁ দলত নাথাকিব; এই check and balance নীতি মানি চলিবলৈ কোনো অসুবিধা নহ'ব বুলি মোৰ বিশ্বাস। মই যিটো suggestion দিছো সেইটো এই ফালৰ পৰা চাই হৈ দিছো। যদিহে গৱৰ্ণৰ বখা হয় তেন্তে এছেম্বলিৰ মেম্বৰ সকলৰ ওপৰতে তেওঁৰ নিৰ্বাচনৰ ভাৰ ন্যস্ত হোৱা বেয়া।

Srijut HALADHAR BAUYAN: মাননীয় সভাপতি ডাঙৰীয়া, কংগ্ৰেচে মহাত্মা গান্ধীৰ নেতৃত্বত বৃটিশ শক্তিক আজি ভাৰতবৰ্ষৰ পৰা আতৰাবলৈ যি শক্তি লাভ কৰিছিল সেই শক্তিৰ বলতেই আজি ভাৰতবৰ্ষই নিজৰ শাসনতন্ত্ৰ নিজে ৰচনা কৰিবলৈৰ ক্ষমতা পাইছে আৰু সেই শক্তিৰ বলতেই আজি যি Model provincial constitution বা আদৰ্শ প্ৰাদেশিক শাসনৰ আঁচনি আমাৰ আগত দাঙি ধৰিছে সেই আঁচনি দেখি কোনো কোনো কথাত একবকম আনন্দিত ও হৈছো আৰু কোনো কোনো কথাত ক্ষুণ্ণ ও হৈছো। শৰ্মা ডাঙৰীয়াই বিশ্লেষণ কৰি দেখুৱাই দিছে যে মহাত্মাগান্ধীৰ আদৰ্শ যি পঞ্চায়ত ৰাজৰ কথা ইমান দিন চিঞৰী অহা হৈছিল সেই পঞ্চায়ত ৰাজৰ বিশেষ কোনো আভাষ ইয়াত পোৱা নাই। ইয়াত যে পঞ্চায়ত পতাত কিবা বাধা আছে সেইটো অৱশ্যে মই ক'ব নোখোজো—হয়তো পঞ্চায়ত গঠন কৰিবও পৰা যাব পাৰে, কিন্তু এই শাসনতন্ত্ৰত তেনে আভাষ আমাক এতিয়াও দিয়া হোৱা নাই। ইয়াত গৱৰ্ণৰক অসীম শক্তি দিয়া হৈছে। এনেকুৱা দেখা যায় যে জন সাধাৰণে সাধাৰণ ভোটৰ দ্বাৰা

গৱৰ্ণৰ বা প্ৰেচিডেণ্ট বাচি দিব, কিন্তু তাৰ পিচত আৰু ভোটৰ সকলৰ কবলগীয়া কোনো মত নাথাকিব। ভোটৰ সকলে মাত্ৰ ইয়াকেহে পালে যে তেওঁলোক এই দেশৰ মানুহ আৰু এই দেশত তেওঁলোকৰ একোটা ভোট আছে। সেই ভোট দিবলৈকেহে মাত্ৰ তেওঁলোকে ক্ষমতা পালে কিন্তু তাৰ পিচত আৰু মাত্ৰ মাতিবলৈ একো নাই। সেই দৰেই এই শাসনতন্ত্ৰৰ পৰা দেখা যায় যে যি পাৰ্টিৰ পৰা এবাৰ ভোট দিলে পিচত আৰু কবলৈ তেওঁলোকৰো একো অধিকাৰ নাথাকিব। ইয়াত গৱৰ্ণৰক যি ক্ষমতা দিয়া হৈছে, কোনো স্বেচ্ছাচাৰী শাসনকৰ্ত্তা বা ৰজায়ে তেনেকুৱা ক্ষমতা লাভ কৰা দেখা নাযায়। এবাৰ ভোট দিলেই তেওঁ স্বয়ং সিদ্ধ হৈ গল—তেওঁ যি খুচি কৰিব পাৰিব এনেকুৱা ক্ষমতা তেওঁক দিয়া হৈছে। তেওঁৰ পৰিষদৰ ওচৰত কোনো দায়িত্ব নাই আৰু পৰিষদৰে সৈতে তেওঁৰ মনোমালিন্য হলেও তেওঁ ইচ্ছামতে চলিব পাৰিব। যেনেকৈ আমেৰিকাত referendum হয় অৰ্থাৎ যেতিয়া Senate এ প্ৰেচিডেণ্টৰ কোনো কথা নামানে তেতিয়া প্ৰেচিডেণ্টৰ তেনে order ভোটলৈ পঠিয়াই দিয়া হয়; সিও এক বকম অনাস্থা প্ৰকাশ কৰা কথা, সেই referendum ত যদি প্ৰেচিডেণ্টে peopleৰ support (বাইজৰ সমৰ্থন) পায় তেনেহলেহে তেওঁ প্ৰেচিডেণ্ট হৈ থাকিব পাৰিব, নহলে তেওঁ থাকিব নোৱাৰে। কিন্তু ইয়াত আমি ৩ ভাগ ভোটৰ দ্বাৰাহে গৱিহণা দিবৰ ক্ষমতা পাইছো। শৰ্মা ডাঙৰীয়াই দেখুৱাই দিছে যে এই ৩ ভাগ ভোটৰ দ্বাৰা গৱিহণা দিয়াৰ আগতে তেওঁ পৰিষদ ডাক্তিও দিব পাৰে বা summonও নকৰিব পাৰে। গৱৰ্ণৰক impeach কৰিবলৈ হলে Dominion Governmentৰ Upper chamberৰ ৩ ভাগ ভোটৰ দ্বাৰা গৃহিত হ'ব লাগিব, তেতিয়াহে impeach কৰিব পৰা যাব। গতিকে গৱৰ্ণৰক যি ক্ষমতা দিয়া হৈছে তাৰপৰা বুজিব পাৰি যে মানুহজন যদি ভাল হয় তেন্তে দেশত বাম-ৰাজত্বৰ দৰে হ'ব পাৰে, কিন্তু বামৰ দৰে ৰজা নহৈ যদি ৰাৱণৰ দৰে ৰজা হয়, তেন্তে তাত সৰ্বনাশৰ মূল নিহিত আছে।

আৰু এটা কথা আছে। এতিয়া Socialism আহিব লাগিছে। এই Socialism আৰু communism দেশজুৰি মজদুৰৰ মাজত বিয়পি পৰিছে আৰু মজদুৰ আৰু কৃষক বিলাকৰ মাজত চেতনা আহিছে। আজি ডিগবয় oil companyৰ বা বোম্বাইৰ মিলবিলাকৰ বা অসমৰ চাহবাগিচা বিলাকৰ বনুৱা বিলাকে যদি নিজৰ ন্যায্য দাবি সম্পৰ্কে জাগি উঠে বা strike কৰিব খোজে তেনেহলে গৱৰ্ণৰজন যদি capitalist বা ধনতান্ত্ৰিক মনোবৃত্তি সম্পন্ন হয় তেনেহলে তেওঁ তৎক্ষণাত সেই আন্দোলন নিজ দায়িত্বৰ ক্ষমতাৰে বন্ধ কৰি দিব পাৰে আৰু গণতন্ত্ৰৰ নাম নোহোৱাকৈ চুবুৰা কৰি শেষ কৰি দিব পাৰে।

The Hon'ble the SPEAKER : আপুনি তেনেহলে গৱৰ্ণৰ থাকিব নালাগে বুলি এই কথা উত্থাপন কৰিছে ?

Srijut HALADHAR BHUYAN : গৱৰ্ণৰ নাথাকিব লাগে বুলিও মই কোৱা নাই, থাকিব লাগে বুলিও কোৱা নাই।

The Hon'ble the SPEAKER : আমি প্ৰথমতে আলোচনা কৰিম whether the Governor is to be elected directly by the people on the basis of adult suffrage. শৰ্মা ডাঙৰীয়াই কৈছে যে adult suffrage নহৈ এছেমব্লিৰ সভ্যসকলে নিৰ্বাচন কৰিব লাগে। এই দুটাৰ সুবিধা অসুবিধাহে দাক্তি ধৰিব লাগে। বৰ বহলাই ধৰিলে আজি এইখিনি আৰু শেষ নহ'ব।

Srijut HALADHAR BHUYAN : এই দুটা কথা সম্পৰ্কে electoral college ও কৰিব পাৰে বা adult suffrage ও কৰিব পাৰে। যিটো প্ৰধান দল দেশত থাকিলে সেই দলটোৱেই দেশৰ কামত আত্ম নিয়োগ কৰে আৰু সেই দলটোৱেই সববৰহি হৈ থাকে। সেই কাৰণেই মই কংগ্ৰেচৰ কথা কৈছো। অনেক সময়ত বেয়া মানুহে selection পালে suffrage হলেই যে বেচি খৰচ হ'ব সেইটোও নাভাবো। যদিহে সববৰহি দলৰ পৰা কোনো উঠে তেনেহলে খৰচ বেচি নহ'ব বুলি মোৰ বিশ্বাস। ই পৃথিবীৰ সকলো ঠাইতে চলি আছে।

Srijut KAMESWAR DAS: সভাপতি ডাঙৰীয়া, শৰ্মা ডাঙৰীয়াই যিটো প্ৰস্তাৱ দাঙি ধৰিছে তাৰ পৰা ইয়াকে বুজায় যে এচেম্ব্লিৰ যিটো majority party হ'ব গৱৰ্ণৰ জনো তেওঁলোকেই nominee হ'ব লাগে। তেখেতে বিচাৰিছে যে যেতিয়া দেশৰ শাসন তাৰ majority party এ ল'ব তেতিয়া গৱৰ্ণৰ জনো সেই একে party ৰে হ'ব লাগিব। যদি সেইটো মানি লোৱা যায় তেনেহলে গৱৰ্ণৰ এজন লোৱাৰ কোনো মানো নাথাকে। সেইদৰে হলে গৱৰ্ণৰ জন মন্ত্ৰী সভাবেহে এজন মানুহ হ'ব আৰু তেওঁ প্ৰধান মন্ত্ৰীৰ ওপৰত অইন এজন মানুহ হ'ব যাৰ নাম দিয়া হ'ব গৱৰ্ণৰ।

The Hon'ble the SPEAKER: যদি এচেম্ব্লিৰ সভা সকলৰ ভেটিত লোৱা হয় তেনেহলে এচেম্ব্লিৰ Speaker আৰু গৱৰ্ণৰৰ মাজত কি পাৰক্য হ'ব ?

Srijut KAMESWAR DAS: এচেম্ব্লিৰ যিটো majority party হ'ব তেওঁলোকেই Speaker বাচে আৰু তেওঁকেই গৱৰ্ণৰো বোলা যাব পাৰে। বৰ্তমান constitution মতে গৱৰ্ণৰে majority আৰু minority সকলোৰে স্বাধাৰ কৰি-চলিব লাগে। কিন্তু শৰ্মা ডাঙৰীয়াই যেনে দৰে বিচাৰিছে সেইমতে হ'বলৈ হলে ভৱিষ্যতে গৱৰ্ণৰ আৰু মন্ত্ৰী সভাৰ ভিতৰত বিৰোধৰ কাৰণ কম হ'ব পাৰে। কিন্তু তাৰ দ্বাৰা দেশত অশান্তিৰ কাৰণো লাগিবৰ সম্ভাৱনা আছে। অৱশ্যে যিটো দল এচেম্ব্লিৰ majority party হ'ব সাধাৰণতে সেই দলৰ nominee এই গৱৰ্ণৰ হ'ব পাৰিব, কিন্তু তাৰ ব্যতিক্ৰম যে হ'ব নোৱাৰে এনেও নহয়। বেচি-ভোট পাইও এচেম্ব্লিৰ minority হ'ব পাৰে। ধৰক, আশামৰ মেম্বৰ ৮০ জন হ'ব। আৰু ধৰক তাৰ ভিতৰত ৪৫ জন majority party আৰু ৩৫ জন minority party ৰ। প্ৰত্যেক constituency ত ৩০ হাজাৰ ভোটৰ ধৰিলে আৰু তাৰ শতকৰা ৫১টা ভোট ৪৫ জনেই পোৱা বুলি ধৰি ললে তেওঁলোকৰ সৰ্ব-মোট ভোট হ'ব প্ৰায় ৬,৮৮,০০০, minority ৩৫ জনে যদি শতকৰা ৮০ টাকৈ ভোট পোৱা বুলি ধৰা যায় তেনেহলে তেওঁলোকৰ ভোট হ'ব প্ৰায় ৮,৫০,০০০। এনেকুৱা অৱস্থাত এচেম্ব্লিৰ majority দলৰ প্ৰতিনিধিক Governor হ'বলৈ হলে তেওঁ দেশৰ minority দলৰ হৈ প্ৰতিনিধি হ'ব কিন্তু মই ভাবো যে যিটো দল majority হৈ এচেম্ব্লিলৈ আহিব গৱৰ্ণৰ জনো সেই দলৰ পৰাই আহিব। মন্ত্ৰী সভাৰ লগত মত বিৰোধ হ'ব পাৰে বুলি আশঙ্কা কৰি যদি আমি majority partyক এই এচেম্ব্লিত গৱৰ্ণৰ জন বাচিবলৈ দিও তেন্তে সেই গৱৰ্ণৰ জন সদায় এচেম্ব্লিৰ ওপৰত হৈ নিৰ্ভৰ কৰি চলিব লাগিব। যি party বেই নহলেও গৱৰ্ণৰ জন সৰ্বসাধাৰণৰ দ্বাৰা নিৰ্বাচিত হৈ আহিলে তেওঁৰ দায়িত্ব majority party তকৈও অলপ বেচি হ'ব। কেতিয়াবা মন্ত্ৰীসভাৰ লগত মতবিৰোধ হলেও সেই বিৰোধ ভঞ্জন কৰিবলৈ তেওঁৰ কিছু ক্ষমতা থাকিব লাগিব। কিন্তু সেই ক্ষমতা অতি মাত্ৰাই বেচি হ'ব নালাগে। সেইবাবে সৰ্বসাধাৰণৰ ভোটত গৱৰ্ণৰ নিৰ্বাচন হোৱা সমিটীৰ বুলি মই বিবেচন কৰোঁ।

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, I think, I should oppose the proposal that has been made by the Mover of the Motion. To me it appears, and I think it should appear to all persons as reasonable, that the Governor should be above party politics; he should be a man whose position would be such as he may rise above party considerations and party leanings. In that case, if he is elected by adult suffrage he is expected to have no such leanings to any party. Another point, Government will be run by the majority party and the Ministry will be chosen from the majority party. If the Governor happens to be elected from the legislature then certainly he will have the party leaning and in that sense the Governor cannot be, in any way, free from the influence of the majority party i.e., the Ministry. I should suppose, Sir, that it would be really an undemocratic and unhealthy thing. Moreover, if it happens that the Ministry is dissolved then the Governor as he is from the majority Party will also have to resign along with the dissolution of the Ministry. So, a Governor, as he is needed to be a just man, free from all party leaning and party influence, should be elected on adult suffrage.

The Hon'ble the SPEAKER: The hon. Leader of the Opposition will probably like to say. We have taken nearly one hour for this clause and we have 25 clauses.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I think, I should make one or two observations in connection with the Amendment that has been proposed by my hon. Friend, Mr. Siddhi Nath Sarma about the Governor of the Province. He has stated that in the appointment of the Governor the ideal of Mahatma Gandhi may not be fulfilled. I do not know if according to his interpretation of Mahatma Gandhi's ideal he visualises a Governor to be anyone except one elected on the basis of adult suffrage.

Srijut SIDDHI NATH SARMA: মোৰ প্ৰস্তাৱত মই কৈছোঁ যে মোক কোনো গৱৰ্ণৰ নালাগে। কাৰণ গাঁৱলীয়া পঞ্চায়তৰ বি সভাপতি হ'ব তেওঁলোকেই মহকুমা বা থানা পঞ্চায়ত গঠিত কৰিব। মহকুমা বা থানা পঞ্চায়তৰ সভাপতি সকল লগলাগি জিলা পঞ্চায়ত গঠন কৰিব। জিলা পঞ্চায়তৰ সভাপতি প্ৰাদেশিক পঞ্চায়ত গঠন হ'ব আৰু সেই প্ৰাদেশিক পঞ্চায়তৰ সভাপতি সকলৰ দ্বাৰাই সভাপতি হ'ব। সেই কাৰণে মোক কোনো গৱৰ্ণৰ নালাগে।.....

The Hon'ble Srijut GOPI NATH BARDOLOI: I have not been able to follow my hon. Friend's argument. But his amendment is on the appointment of the Governor. He has already assumed that a Governor should exist. We are not discussing now whether a Governor should or should not be there as the Head of the Province. He says that the Panchayat Raj of Gandhiji's dream is not possible to be brought into existence according to this Draft. But I venture to point out that even under the Constitution under consideration, it is possible to bring it into existence these Panchayats with whatever authority that the Provincial Government are able to invest them with. I refer to clause 7 of the Draft. It will be seen therefrom that my hon. Friends sitting here are empowered to introduce any kind of organisation for the purpose of exercising all the powers that are contem- minous with the powers of the Provincial Government. Clause 7 reads thus: "The executive authority of the Province shall be exercised by the Governor either directly or through officers subordinate to him, but this shall not prevent the Federal Parliament or the Provincial Legislature from conferring functions upon subordinate authorities, nor shall it be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge or officer or local or other authority." This means that Provincial legislature can create an authority with powers almost coterminous with the powers of the Provincial Government. Therefore, the question of a Panchayat Raj has been made possible according to that provision of the Draft Constitution. It is true that at present we have not created a Panchayat Government, but could we wait to frame our provincial Constitution on that account? If the country so wait, build up a Structure of Government by indirect election from the village panchayats to the Provincial Head. But in the meantime a Government of our choice and creation must be framed, and that is in the Draft. But he has himself put his amendment on the basis of keeping a Governor for the Province, on the system envisaged in the Draft; and of course the system envisaged is a parliamentary system of Govern- ment. In it the Governor is made to be as much detached from the party politics as it is possible to be done. It is not possible to have any man to be completely detached from politics, but the principle that has been accepted here and if you read through the provisions of clause 6, you will find that the Governor shall not be a member of the Provincial Legislature and as the elected Governor he shall be deemed to have vacated his seat in the Legislature. The whole idea is to detach him from party, which might have or might not have power. Therefore, that being the fundamental principle, what is the best method by which we can get a real

representative of the people in the Governor. Is it by election from the Members of the Legislature whose suffrage will be limited to a particular constituency, or it should be by a method so broad-based that everybody in the Province who has got a vote elect him? I considered, Sir, that my friend would find no difficulty in accepting a principle—the Congress throughout its history had accepted. The Karachi Resolution adopted this principle of adult franchise in 1931 as a basic principle of election, and I wonder how my hon. Friend could object to a principle which has been accepted by the Congress for the last so many years. I think, therefore, Sir, that the amendment cannot go as the opinion of the House. The opinion of the House should be to leave the clause as it is.

Srijut SIDDHI NATH SARMA: মই Adult Franchise ব বিকছে কৈছে। বুলি তেখেতে ভাবিছে। মই কৈছে। যে গণভোটৰ দ্বাৰাহে গৱৰ্ণৰ পদায়ত নিৰ্বাচন হব। সেই নিৰ্বাচন খুব কম খবচত হব, অতি যোনকালে হব আৰু গৱৰ উপযুক্ত আৰু ভাল মানুহহে পদায়তৰ মেম্বৰ নিৰ্বাচিত হব পাৰিব।

The Hon'ble the SPEAKER: এটা কথা স্পষ্ট হোৱা নাই; আপুনি মহাশয় গাফীয়ে পৰিকল্পনা কৰা পদায়তৰ কথা কৈছে যেন পাইছো। এইখন হৈছে বিলাতী ৰাজ। বিলাতী ৰাজ হলে বিলাতী ৰাজৰ গৱৰণৰ কথাটো আহক।

Srijut SIDDHI NATH SARMA: অৱশ্যে এইখন বিলাতী ৰাজ হয়, মহাশয় গাফীৰ ৰাজ হোৱা নাই। গতিকে কেনেকুৱা শাসন আইনৰে Constitution হব লাগে সেই সম্বন্ধে আমি আলোচনা কৰিছো।

The Hon'ble Srijut GOPINATH BARDOLAI: তেনেহলে কওক যে আমাক গৱৰণৰ নালাগে; কাৰণ এনেকুৱা গৱৰণৰ তৈয়াৰ কৰি লব পাৰে যাৰ দ্বাৰা আপোনালোকে এটা পাৰ্টিয়ে শাসন কৰিব। মই কোৱা নাই যে তেনেকুৱা ধৰণৰ শাসনবিধি হব নোৱাৰে তেনে কথা মই কব নোখোজো। কিন্তু যদি এনেকুৱা শাসন বিধি হয় যিটোৰ ওপৰত আপুনি amendment দিছে, তেনেকুৱা শাসন বিধি হলে সকলোতকৈ ভাল উপায় কি হব? ইয়াত কোৱা হৈছে যে মেম্বৰ সকল আৰু গৱৰণৰ গণভোটৰ দ্বাৰাই নিৰ্বাচিত হব। খবচ কৰাবো যথেষ্ট উপায় ধৰা হৈছে আৰু বেচি খবচ নোহোৱা কৈও হব। ইয়াত কোৱা হৈছে যে “The Committee were of opinion that the election of the Governor should, as far as possible, synchronize with the general election to the Provincial Legislative Assembly” অৰ্থাৎ সাধাৰণ নিৰ্বাচনত যাতে এজন মেম্বৰৰ নিমিত্তে ভোট দিয়া হব, সেই ঠাইত সেই সময়তে গৱৰণৰ নিৰ্বাচনৰ নিমিত্তে ও polling box থাকিব আৰু ভোটাবে তাতে ভোট দিব, কাজেই খবচ কম হব। পুনৰ নিৰ্বাচনৰ খবচ যাতে বেচি নহয়, তাৰ কাৰণে Deputy Governor ৰ ব্যবস্থাও কৰা হৈছে। গৱৰণৰ যদি মৃত্যু হয়, বা আন কাৰণে আভৰোৱা হয় তেনেহলে বাকী পিনি সময় সেই Deputy গৱৰণৰেই কাম চলাব।

Srijut SIDDHI NATH SARMA: গৱৰণৰ election ৰ খবচ অনুপাতলৈ বেছিয়ে হব। Adult suffrage হলে, এতিয়া বত এটা কেন্দ্ৰ আছে তাত ১০ টা কেন্দ্ৰ হব, চিলেটৰ ভোটতেই আমি দেখিছো এখন জিলাত তাত প্ৰায় ২০০ বো ওপৰ কেন্দ্ৰ হৈছিল। খবচৰ কথাও আমি সকলোৰে শুনিছো।

The Hon'ble the SPEAKER: মই এটা কথা শুনিব খোজোঁ। যদি এছম্ভলিৰ মেম্বৰ সকলেই গৱৰণ নিৰ্বাচন কৰিব লগা হয় তেনেহলে গৱৰণ কিয় লাগে?

Srijut SIDDHI NATH SARMA: মই কৈছো গৱৰণৰ নালাগে। (Laughter)
আপুনি কৈছে যে প্ৰাদেশিক শাসন-তন্ত্ৰ বৰ্ত্তমান যি নীতিত তৈয়াৰ কৰিবলৈ বিছাৰিছে সেই

নীতিতে গৱৰ্ণৰ এজন লাগে। যদি লাগে তেওঁক ব্যৱস্থাপক সভাৰ সদস্য সকলে নিৰ্বাচন কৰিলেও চলিব পাৰে। তেওঁক বিশেষ কোনো ক্ষমতা দিয়া হোৱা নাই। মাত্ৰ কিছুমান extraordinary ক্ষমতাহে দিয়া হৈছে। গতিকে তেনেকুৱা গৱৰ্ণৰ নিৰ্বাচনত বেচি টকা খৰচ নকৰি ব্যৱস্থাপক সভাই নিৰ্বাচন কৰি দিব পাৰে। শ্ৰীযুত কামেশ্বৰ দাস ডাঙৰীয়াই কৈছে যে যিটো ডাঙৰ দল গঠন হ'ব সেই দলৰ মানুহেই গৱৰ্ণৰ হৈ আহিব পাৰিব। যদি সেয়ে হয়, তেন্তে যেনেকৈ ডাঙৰ দলটোৰ পৰা এজন Speaker নিৰ্বাচিত হ'লে তেওঁ নিৰ্বাচন হোৱাৰ লগে লগে দলত নাথাকে সেই বকমে গৱৰ্ণৰো নিৰ্বাচন হ'ব পাৰে; নিৰ্বাচনৰ পাছত দলত নাথাকিলেই হ'ল। কথা আৰু চিন্তা ধাৰাৰ ওপৰতেই সকলো নিৰ্ভৰ কৰে। তেখেতেও স্বীকাৰ কৰিব যে মানুহ মাত্ৰে দলগত চিন্তাধাৰা থাকিব পাৰে কিন্তু সেই দৰে দলগত নীতি এৰি নিৰপেক্ষ ভাবে চলিব নোৱাৰাৰ কোনো কাৰণ নাই। কোনো দলৰ মানুহ গৱৰ্ণৰ নিৰ্বাচন হোৱাৰ পিচত কিয় এনেদৰে চলিব নোৱাৰিব মই ক'ব নোৱাৰোঁ।

The Hon'ble the SPEAKER : এটা কথাত অলপ খুকুতি থাকি গ'ল। এটা বৰ দৰ্কাৰী কথা মই উনুকিয়াই দিব খোজোঁ। এহাতে ৰাইজে মেম্বাৰ সকল নিৰ্বাচন কৰিবলৈ ক্ষমতা পালে আৰু আনহাতে এজন মানুহক নিজে গৱৰ্ণৰ বাচি দিব পাৰে; তেনেহলে ইয়াত দেখা যায় যে তেওঁলোকে দুগুণ ক্ষমতা পালে। ৰাইজে সভা সকল পঠাবলৈ যি ক্ষমতা হাতত পাব, সেই ক্ষমতাবে সভাসকল পঠিয়াব আৰু সেই সভাসকলৰ ডাঙৰ দলৰ পৰাই প্ৰধান মন্ত্ৰীৰ পদ সৃষ্টি হ'ব। আকৌ আন হাতে যদি গণভোটৰ দ্বাৰা গৱৰ্ণৰ নিৰ্বাচন কৰিব পাৰে, তেনেহলে তেওঁলোকৰ হাতত সেই ক্ষমতাও থাকি গ'ল। ফলত তেওঁলোকে দুটা ক্ষমতা পালে।

Srijut SIDDHI NATH SARMA : সেই বিষয়ে প্ৰথমেই মই কৈছো। তেনেকুৱা গৱৰ্ণৰ মোক নালাগেই। যদি এই অৱস্থাত গৱৰ্ণৰ নিৰ্বাচন কৰিব লগীয়া হয় আৰু গৱৰ্ণৰ আৰু মন্ত্ৰী সভা যদি একমত নহয় বা এক চিন্তাধাৰাৰ মানুহ নহয়—বিৰোধী দলৰ বিভিন্ন ভাবাপন্ন মানুহ হয়, তেতিয়াহলে দেশ শাসনত এটা গোলমালৰ সৃষ্টি হৈ হ'ব। কাৰণ গৱৰ্ণৰ জনো people ৰ ভোট লৈ elected হৈ আহিব আৰু তেওঁ emergency ক্ষমতা চলাবলৈ চাব, আনহাতে হয়তো মন্ত্ৰী সভাই আইন বকমে চলাবলৈ চাব। গতিকে গৱৰ্ণৰ আৰু মন্ত্ৰী সভাৰ মাজত গোলমাল হ'ব। তেওঁক কিন্তু মন্ত্ৰী সভাই ভাঙিব নোৱাৰিব অথচ তেওঁ মন্ত্ৰী সভাক ভাঙি দিব পাৰিব।

The Hon'ble the SPEAKER : আপুনি practical politics ৰ কথা পাতিছে এনেকুৱা বৰ বেচি আশঙ্কা জানো আছে? ১৯৪৭ চনৰ পিচত এনেকুৱা শাসন চলিব পাৰিব জানো?

Srijut SIDDHI NATH SARMA : সম্পূৰ্ণ বিভিন্ন বিৰোধী আদৰ্শ ৰ মন্ত্ৰী সভা আৰু গৱৰ্ণৰ হলে তেনে হ'ব পাৰে।

The Hon'ble the SPEAKER : তেনেহলে এই বিষয়ে সামৰণি মাৰিব পৰা হ'ল। ইয়াত কেনে conclusion লৈ আহিব সেই বিষয়ে আমি কমিটিত কাম কৰাৰ দৰে কৰিছোঁ। আমি কমিটি হিচাবে কাম কৰিছোঁ আৰু সেই দৰে চলিব খুজিছোঁ। এই প্ৰস্তাৱটো withdraw কৰিবৰ দৰকাৰ নাই; কিন্তু আমি এটা conclusion লৈ আহিব পৰা হৈছে। তেখেতে কেৱল এটা suggestion হৈ দিছে এই বিষয়ে আলোচনা শেষ হ'ল।

Srijut SIDDHI NATH SARMA : আপুনি যেনে দৰে ভাবে সেয়ে হ'ব।

Srijut LAKSHESVAR BOROOAH : বৰ্তমান যি আদৰ্শ আছে সেইটো গণতান্ত্ৰিক ভিত্তিত হ'ব লাগে।

The Hon'ble the SPEAKER : মই কৈছো যে আমাৰ ডাঙৰ ডাঙৰ কমিটি বিলাক—যেনে retrenchment committee আদিত যেনেকৈ এগৰাকী chairman থাকে আৰু তেওঁৰেই সকলো আলোচনাৰ শেষত এটা conclusion ডাঙি ধৰে আৰু তাকেই সভাৰ মতামত অনুসাৰে লেখি ৰাখে আমিও সেই নিয়মকে অনুসৰণ কৰিব খুজিছোঁ। অৱশ্যে কেতিয়াবা

যদি কোনোৱে dissert কৰে সেই কথাও বেলেগে লেখি ৰখা হয়। যদি বহুমান আলোচ্য বিষয়ে কোনো conclusion লৈ আহিব নালাগে তেনেহলে আমি এইটো drop কৰিলোঁ।

The Committee is of opinion that the election of the Governor should synchronise with the election of the Provincial Assembly.

Adjournment

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

(After lunch)

The Hon'ble the SPEAKER: Now we take up suggestion No. 2 by Maulavi Abual Majid Ziaosh Shams which is this: "Resolved that a healthy and a democratic convention be established in Assam and other Provinces that if the Governor elected happens to belong to a particular community, i. e., Muslim or non-Muslim then for the second term or the third term the Governor to be elected must be from the community other than the one from which the previous Governor or the Governors were elected".

I think there is certain amount of vagueness in regard to the second or third term.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Because, Sir, if a Governor is not elected from the other community in the second term he should at least be elected in the third term.

The Hon'ble the SPEAKER: I think in this Legislature such matters need not be decided.

Maulavi ABUAL MAJID ZIAOSH SHAMS: I would like, Sir, to establish a convention. So I want them to be put forward as suggestions.

Sir, a new era has dawned upon Assam when independence has been ushered into the Province as well as into other Provinces and so we must utilise this privilege, of independence, in the best possible way and when we have been given this parliamentary institution we must see that this institution should be as democratic as possible. Although the parliamentary system of Government provides that the majority party should rule, but on the basis of democracy, Sir, the opinions and sentiments of the minority communities should be respected. By the mere brute force of the majority the minority communities should not be ignored. The majority party has not got the right to overlook the feelings and sentiments of the minority communities. In ruling the Province the co-operation of all the minority parties should be sought for, and nothing should be done in the teeth of the opposition from the minority communities. That is the real spirit of the democracy, and in order to establish that spirit, Sir, we want and want legitimately that the Governorship should be extended as far as practicable to all communities by rotation. In this connection some parallel cases in India might be cited. In some big Corporations in India, this healthy spirit of democracy has been established, when a Mayor is elected from one community the next chance is given to other community. So, when there is already an established convention, since we have got independence for all races and communities, this spirit of democracy should be emulated in the provincial administration also and it is time that all communities should share the responsibility in the administration of Assam. A province or country should not be ruled tyrannically or by *jabardastism* by the majority party neglecting and hurting the feelings and ideals of the minority communities. Therefore, Sir, in order to establish a healthy convention the Governorship, who is to some extent the real custodian of the rights and liberty of the people under him, should be extended to other communities as well. With these words, Sir, I place my motion before the House.

The Hon'ble the SPEAKER: How under this Model Provincial Constitution the hon. Member is considering the question of rights of the people and which particular clause is he referring to ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: I am referring to this in general. The idea is that all communities of the people should share the responsibility.

The Hon'ble the SPEAKER: You have said that Governor is the custodian of the rights and privileges of the people. Where do we find this ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: "Rights" are secured to the minority communities to a great extent under the special responsibilities of Governor.

The Hon'ble the SPEAKER: Let us say responsibilities, but under what clause ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: At clause 9 it is written "(1) the prevention of any grave menace to the peace and tranquillity of the Province or any part thereof,

(2) the summoning and dissolving of the Provincial Legislature,

(3) the superintendence, direction, and control of elections,

(4) the appointment of the Chairman and the members of the Provincial Public Service Commission and of the Provincial Auditor General".

Then about Special responsibilities of Governor, Sir, at clause 15 it is written : "Where the Governor of a Province is satisfied in his discretion that a grave situation has arisen which threatens the peace and tranquillity of the Province and that is not possible to carry on the Government of the Province with the advice of his Ministers in accordance with the provisions of Section 9 he may, by Proclamation, assume to himself all or any of the functions of Government and all or any of the powers vested in or exercisable by any Provincial body or authority ;.....".

So, Sir, he has got some special responsibilities.

The Hon'ble the SPEAKER: But I do not find anywhere that he is the custodian of the rights and privileges of the people.

Maulavi ABUAL MAJID ZIAOSH SHAMS: He is the custodian of the rights and privileges, under his special powers, of the people to a great extent and I have clarified that, Sir.

Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I have the pleasure to lend my whole-hearted support to the suggestion made by my hon. Friend on my left. I take it that this Constitution has been framed by my hon. Friend on Constitutions of other countries. A circular was sent around on the light of the Constitutional Adviser before placing this Constitution, and I find there that there was a question whether the office of the Head of the Province should rotate among different communities in turn. Now, in that question it has been noted that in U. S. A. there is no such provision, but in Switzerland by usage, the offices of President and Deputy President rotate in turn, in Ireland by usage, the no statutory provision, but the first President was a Protestant. Dr. Hyde was elected in 1938 and the present President is a Roman Catholic. So I think, in the present constitution when the Governor is to be the local executive head of the Province and when he is to be a person, who should be above party politics

it is necessary that he should be such as will inspire confidence amongst the people of different communities. For this reason alone, I think, the system in vogue in other countries like Switzerland and Ireland should be adopted in the present constitution.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I want again to make some observations in regard to the Motion that has been presented by my hon. Friend, Maulavi Abual Majid Ziaosh Shams regarding the desirability of making some provision for the holding of the office of the Governor by Muslim community. I beg to point out, Sir, that to that position my hon. Friend, Maulavi Sayidur Rahman has replied that it could not form part of the statute. He argues that a convention might be established in that behalf. But it would be seen, Sir, even then it would not be free from difficulty from the strict point of view of principles on the basis of which this draft has been drawn up. The intention of the draft is that the person elected should be elected on the basis of adult franchise and should have the confidence of the majority and the minority and that therefore from any community. If any person from any community has been able to win the confidence of the adults of the province it is expected that he would be the person who shall be appointed as Governor of the province on the virtue of this election. But to put a kind of qualification by which this election is to be governed of Governors of Muslim and non-muslim communities, will go against the principles of the representation by adult franchise.

Then, Sir, most of us think, in the election of a Governor, communal considerations should not come. The principle that a person irrespective of any community, serving all communities and all denominations, should be the Head of the Province, will be frustrated if we maintain this outlook in the matter of this election. On the other hand, I do not see how, when the selection itself is made dependable on the capacity of the services that a man has rendered and can render to the Province, any member of any community will be harmed. I feel, Sir, that the Motion is not consistent with the principles of adult franchise. Apart from it, it may be a matter of understanding and common discussion between various representatives of parties—it may be of communities also. But we do not legislate on possibilities of the future. Therefore, I do not think, Sir, that kind of amendment could form part of any statute. This matter was discussed in the Constituent Assembly, and I think the arguments which I have put forward are some of the arguments which led the Constituent Assembly to accept the present form of the draft Constitution.

The Hon'ble the SPEAKER: Any hon. Member taking part in these discussions ?

(After a pause)

What does the hon. Member propose to do ? Does he propose to come to a conclusion, or shall we drop it ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: Sir, let it remain as part of the proceedings. We are not voting.

The Hon'ble the SPEAKER: Then we come to No. 3 which is a suggestion by Maulavi Abdul Hai : "The Governor and the Deputy Governor should be at least graduates of any Indian University or holding any equivalent degree of any foreign University".

Should they really be graduates ? What is the harm if we get a man of fair education with strong common sense but not a degree holder ?

Maulavi ABDUL HAI: Sir, he is to advise the Council of Ministers. I may state something to the hon. Members of this House. We have experienced difficulties in the Local Bodies. Actually for the efficient working of the Province and the administration, I think, a man at the head of the Province should have some academic qualification, when it is open to all to contest in the election for the Governorship. Anyone may come, of course; I do not grudge any man from village. If he comes there is no harm. But not only he should be a man with sufficient experience but he must have some academic qualifications so that he may be able not only to appreciate things but also to give advice to his Ministers in the administration of the Province. In the Local Bodies we have got the experience that for being a Chairman of the Municipality there is no bar and sometimes a man who probably does not know how to read and write is a candidate for the post. Once it so happened in the case of a Municipality (of date; when members asked him how he would conduct the business of the Municipality he said that he would keep a Secretary. When asked how he would give his rulings he said that he would keep a Secretary to give the rulings. So also that may be the case here, if the Governorship is open to any and everybody. Of course, it may be said that he will be the nominal head even if some special responsibilities are given. But in fact he will not be so.

The Hon'ble the SPEAKER: I think that will do.

Srijut GAURI KANTA TALUKDAR: If my hon. Friend's suggestion is accepted, what will happen to eminent patriots like Maulana Azad, Mrs. Sarojini Naidu and others? Does my hon. Friend want that such able and beloved statesmen should be disqualified from holding these responsible position simply because they do not hold a university degree?

The Hon'ble the SPEAKER: That great man, Rabindranath Tagore, was not a graduate.

Maulavi ABDUL HAI: My intention in giving this suggestion is that the Governor must be a man of some education; if not a graduate he must have some academical qualifications.

The Hon'ble the SPEAKER: We pass on to clause No. 2. There is only one suggestion by Maulavi Md. Roufique that in sub-clause (2), the Resolution impeaching the Governor should be held valid if supported by majority in place of two-thirds votes as now provided in the Constitution. The point is whether for impeachment there should be two-thirds votes or a bare majority. This is the point. What does the hon. Leader of the Opposition say?

Maulavi Saiyid MUHAMMAD SAADULLA: Let the hon. Member make out a case, I will then reply.

I was going to suggest to you, Sir, to put a limit for each speech; otherwise we cannot finish these 45 Amendments and suggestions within the time.

The Hon'ble the SPEAKER: Let us have not more than 5 minutes for each speech.

Maulavi Mahammad ROUFIQUE: Mr. Speaker, Sir, my suggestion may look odd at the first instance; it may be unusual. But by this Constitution very unusual powers are proposed to be invested in the Governor, and therefore some unusual methods must be found to counteract the tendency of the Governor towards misbehaviour. Clause 2 (2) states "the Governor may be removed

from office for stated misbehaviour, by impeachment, the charge to be preferred by the Provincial Legislature, or where the Legislature is bicameral, by the Lower House of the Provincial Legislature, and to be confirmed by the Upper House of the Federal Parliament after investigation by a special committee of that House, the resolution in each case to be supported by not less than two-thirds of the total membership of the House concerned". Now, Sir, it will be admitted on all hands that very great powers are proposed to be given to the Governor. His special powers are enumerated in clause 9, viz., "(1) the prevention of any grave menace to the peace and tranquillity of the Province or any part thereof, (2) the summoning and dissolving of the Provincial Legislature, (3) the superintendence, direction and control of elections and (4) the appointment of the Chairman and the members of the Provincial Public Service Commission and of the Provincial Auditor General." All these powers are sought to be justified by the fact that the Governor is going to be elected, and therefore he is not likely to misuse his powers.. Sir, under this arrangement the people will feel that they have got no other power except the power of electing the Governor. Now, the Governor may by one stroke of the pen dismiss the Legislature, dissolve the Assembly, he can rule by Ordinances and he can even dismiss the Ministry. If such powers are given to him there should be some sort of device by which we can ensure that he cannot misuse the powers that will be given to him. In these days of democracy it is really not conceivable that such great powers are concentrated in one man, though he may be elected. Even Hitler was elected, but history records him as one of the greatest despots of the time. Therefore my intention in bringing this suggestion is that the Governor should be made to feel that there is a House where by a majority of votes he may be impeached for misbehaviour. That feeling will be constant in his mind and that will serve as a brake on his tendency towards misbehaviour.

Then, Sir, supposing that a Resolution impeaching him is passed by the House by a bare majority, even then the Governor does not go. He holds on to his office because that Resolution impeaching him will go up to the Federal Parliament where after investigation by a Special Committee of the Upper House he may be finally held guilty or not guilty. Under these circumstances, Sir, I do not see any objection to incorporate my suggestion that the Resolution impeaching him can be passed by a mere majority. If the Ministry can be removed by a bare majority of votes—they are also elected by the people—why the Governor, who is also elected by the people, cannot be removed by a bare majority of votes? I think this suggestion if accepted and incorporated in the Constitution will be a wholesome method of checking the idiosyncrasies or the misdeeds of the Governor.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, all that I can point out to my hon. Friend is that the Governor should not be entangled in the broils of party politics. When it will be found that a person who has been appointed by the votes of all the people of the Province cannot have at least a position of, what you may call, constitutional safety, it would only mean bringing him down to the bitterness of party politics. That is the reason why this provision of two-thirds majority has been accepted. It will be seen, Sir, the words stated there are "for stated misbehaviour". My own impression, after reading the whole Constitution, is that there will be little likelihood of friction between the Ministry and the Governor, and this "stated misbehaviour" will possibly have more connection with matters of moral considerations than anything else. Whatever that might be, even if it were a case in which the wishes of the Ministry is being disregarded by the Governor I do think, Sir, that this provision is sufficient to prevent any clash between the authority of the Ministry and that of the Governor. As a matter of fact, it has been argued on a very wrong data that the Governor has more powers than the autocratic Czar of Russia—I think that kind of expression was used by one of the hon. Members. In my opinion, reading

the Constitution as it is, he will be nothing more than a constitutional Governor who will be governed by the advice of the Ministry in all circumstances excepting in certain cases where he will have right to differ from the Ministry; and these are circumstances of extraordinary character which I think, we should be prepared to give him having elected him on the basis of adult franchise.

***Maulavi ABDUL HAI:** On a point of information, Sir. Here it is said "stated behaviour". Where that is stated?

The Hon'ble Srijut GOPINATH BARDOLOI: That will be incorporated in the draft.

***Maulavi ABDUL HAI:** That has not been incorporated here?

The Hon'ble Srijut GOPINATH BARDOLOI: It is not of course there.

The Hon'ble the SPEAKER: We pass on to clause (3):

"There shall be a Deputy Governor for every province. He will be elected by the Provincial Legislature on the system of proportional representation by single transferable vote after every general election. The Deputy Governor will fill a casual vacancy in the office of the Governor for the remainder of the term of office of the Governor and he will also act for the Governor in his absence".

Mr. HARENDRA NATH SARMA: Sir, can I take 5 (1) and (2) together?

The Hon'ble the SPEAKER: Yes.

Mr. HARENDRA NATH SARMA: The idea of suggesting these Amendments is this. The Constituent Assembly of India, it seems, are in favour of having a Deputy Governor in each of the provinces and so far as can be seen his duties and powers will be as onerous and responsible as those of the Governor himself because in clause 3 we find that the Deputy Governor will fill a casual vacancy of the office of the Governor and he will also act as the Governor in his absence. That means on the occurrence of either of these two contingencies he will be treated as a Governor. Therefore, the qualification, term of office and the time he will be elected should be clearly defined and not left vague. Therefore, I have suggested that the time of the election of the Deputy Governor should be stated as clearly as possible and if we add the words "at the first session of the legislature held" the object will be achieved so that the election of the Deputy Governor may not be deferred till 2 or 3 years after the General Election.

The next Amendment I have suggested is that there has been no specification as to the term for which the Deputy Governor shall hold office and also how he can be removed if he fails to duly perform his duties as a Deputy Governor. So I have suggested that sub-clause 3 (2) shall be added as follows:

The Deputy Governor shall hold office until the date of assumption of office by his successor to be elected in the manner provided in sub-clause (1). If he fills up a casual vacancy in the office of the Governor he shall be deemed to have vacated his office of Deputy Governor and a new Deputy Governor shall be elected to hold office for the remainder of the term of office of the outgoing Deputy Governor. A Deputy Governor shall be eligible for re-election once, but only once. A Deputy Governor may be removed from office for stated misbehaviour exactly in the manner as a Governor may be so removed."

If these conditions with regard to the Deputy Governor are not placed in the Constitution itself, I am pretty sure there will be difficulty in appointing and controlling the Deputy Governor. With these words I suggest that this should be accepted.

*Speech not corrected.

The Hon'ble Srijut GOPINATH BARDOLOI: I do not think, Sir, we need take any time over this Motion. I think, all these points will be taken into consideration by the Drafting Committee. My Friend Mr. Sarma has actually done the work of drafting on the principle which possibly has been more or less accepted in the present draft. So this suggestion could be carried on by the Leader of the Opposition who is a member of the Drafting Committee. As a matter of fact all the Amendments put by Mr. Sarma on this clause are to that effect, namely, more or less putting in legal phraseology what is the intention of the Constitution.

Mr. HARENDRA NATH SARMA: One thing appears very surprising to me, Sir. You have allotted a full day and we have been made to stay a full day to discuss this. If it is only to hear that we can do nothing in the matter then what is the idea of spending this day in discussing a thing we do not mean to give effect to.

The Hon'ble Srijut GOPINATH BARDOLOI: It is for the purpose of giving effect to your wishers. What you have proposed will be taken note of in the Drafting Committee. The main point is that we are dealing with the principles of Constitution and not with the actual clauses.

Mr. HARENDRA NATH SARMA: The principle is not such a thing as a cocoanut or betel-nut. The entire thing taken together can form the principle. Unless we can discuss every thing in detail and come to certain conclusion what is the use of our discussing it. We can give a copy of each of these Amendments and suggestions to the members of the Constituent Assembly. If this be the position, I am not going to place any of my proposals.

The Hon'ble Srijut GOPINATH BARDOLOI: They are more or less drafted as clauses on the principles—that is what I have actually found them. They are not variations of principles. They are only explanation of principles put in clauses. Therefore, they may be helpful for the Drafting Committee; it is well that we leave it to them. On the other hand, I was only saying that there need not be any controversy over these clauses.

The Hon'ble the SPEAKER: Perhaps the opinion expressed by the hon. Member is shared by many. But what is the alternative.

The Hon'ble Srijut GOPINATH BARDOLOI: I do not think, Sir, that this opinion is shared by many.

†**Maulavi ABDUL HAI:** The proposal coming from Mr. Sarma that these things might be handed over to the members of the Constituent Assembly is in the circumstances a good proposition.

The Hon'ble the SPEAKER: Is this the sense of the House ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not think, this is the sense of the House.

The Hon'ble the SPEAKER: Is this the sense of the House ?
(Voices Yes).

The Hon'ble Srijut GOPINATH BARDOLOI: In respect of the drafting of course it may be the sense of the House, but in respect of certain principles it cannot be the sense of the House.

Babu KAMINI KUMAR SEN: As regards Mr. Sarma's Amendment, that is practically putting into legal phraseology what is intended by the principle of Model Constitution and I think we shall have no objection to accept all these things. With regard to the Amendments involving principles, I think, the proceedings of the House may be forwarded to the Constituent Assembly.

Mr. HARENDRA NATH SARMA: I need not be told by my Friend, Mr. Kamini Kumar Sen, what is an improvement in legal phraseology and what is not an improvement in legal phraseology. Does he agree with me that by my suggestion that the Deputy Governor shall be removable from office for stated misbehaviour and that he will be eligible for re-election once and once only? I am not improving the legal phraseology but I am definitely enunciating an important and necessary principle.

The Hon'ble Srijut GOPINATH BARDOLOI: It is implied in the principles themselves that the Governor is removable and therefore the Deputy Governor would be removable also. Therefore what it actually tantamounts to is being put by the hon. Member in legal phraseology.

Srijut LAKSHESVAR BOROOAH: Moreover I could not follow this part of Mr. Sarma's Amendment—"If he fills up a casual vacancy in the office of the Governor he shall be deemed to have vacated his office of Deputy Governor and a new Governor shall be elected to hold office for the remainder of the term of office of the outgoing Deputy Governor".

The Hon'ble the SPEAKER: When the Deputy Governor becomes the Governor in case of a casual vacancy in the office of the Governor, he ceases to be the Deputy Governor and a new Deputy Governor shall be elected in that place. I suppose Srijut Kameswar Das's suggestion is also covered by this.

Then we pass to item 7. Can we think that the reply given to the other clauses also covers this?

Maulavi ABUAL MAJID ZIAOSH SHAMS: Sir, we have already stated that the Governor must be above party politics and it is on that principle that we consider it expedient or a means to an end that the majority party really holding the reigns of Government should not be given an opportunity to elect the Deputy Governor from their party. I propose this because we are not yet living in an Ideal State. An Ideal State is that in which all parties are represented in the Government.

The Hon'ble the SPEAKER: Is that not an Ideal State where there is no Government at all?

Maulavi ABUAL MAJID ZIAOSH SHAMS: There is no need of a Government at all when there are no crimes and when people love one another. But this safeguard regarding Deputy Governor is necessary because when a party is in power that is the majority party who really runs the Government and that party should not be given always opportunity to elect Deputy Governor from that party.

Srijut GAURI KANTA TALUKDAR: On a point of information; is the hon. Gentleman talking of party or community?

Maulavi ABUAL MAJID ZIAOSH SHAMS: I am talking of party and if that party happens to be the Muslim League party.....

The Hon'ble Srijut BISHNURAM MEDHI: What will happen to the Hindu Mahasabha party ?

The Hon'ble the SPEAKER: But did we not hurry all this by division of India ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: Let it be the Hindu Mahasabha party or any other non-Muslim party.

Srijut GAURI KANTA TALUKDAR: On a further point of information, does the hon. Member want that the Muslim party or the League party should continue its present communalistic outlook eternally or that the party should be formed on the basis of nationalism ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: That may come when there is an Ideal State but as things are at present in India we cannot think of such an Ideal State now. An Ideal State is a thing, a consummation devoutly to be wished for. But for the last one year we are passing through such communal outbursts that owing to communal disturbances, carnage and destructions are going on in India that we cannot think if we will ever live in an Ideal State. Of course, we all wish that such an Ideal State will come to India when we shall be able to feel not in terms of community and races but in terms of human beings. So I want that all communities must be given some chances of electing the Deputy Governor.

Srijut GAURI KANTA TALUKDAR: Sir, we have all noticed what bitter fruits communalism has produced in this unfortunate country. It has divided our mother India into two states and has poisoned the whole atmosphere of the country. Do our hon. Friends of the Muslim League party want to divide the Indian Union again into hostile states by their communal demands ? I am sure if their demands are accepted a situation similar to that which led to the partition of India, will very soon arise.

In the second place may I ask my hon. Friends whether the Muslims and Hindus are the only two communities in Assam ? They should realise that there are innumerable communities in our Province besides these two. If the interests of the Muslims are required to be thus specifically safeguarded, why should not they think of protecting those of other communities of the Province ? For instance why should not the privileges of holding the high positions of a Governor or a Deputy Governor be similarly guaranteed in cases of the Indian Christians, Hill Tribals, Plain Tribals, Scheduled Castes, Sikhs and others ? Have our Friends considered this aspect of the question ? Do our Friends realise that if this principle of communal representation in such serious matters be once admitted there will be no end of troubles and we shall never be able to satisfy the demands of all the communities and that there will prevail widespread discontent in the country.

So, Sir, if we go to give privileges of holding these high and responsible positions on the basis of creed and community then there will be no end of difficulties. Now, we have entered into a new era and we want to begin with a clean slate. And our past bitter experience also teaches us that we must not have a State based on religions and communities. We want to have a State which will think of the welfare of the common people of all communities living in the country. The basic policy of this Government will be the service of the people at large and not of the various castes, creeds or communities. It must be purely a Secular State free from communalism and religious orthodoxy. So, Sir, should we not take lessons from the calamities that have taken place in the Punjab, Calcutta and other parts of India which are the direct effect of communalism and religious fanaticism ? So I would earnestly request my hon. Friend, Maulavi Ziaosh Shams, not to think or talk in terms of communalism and not to press his Motion.

The Hon'ble the SPEAKER: Is that the way of establishing democracy by asking him not to talk? (*Laughter.*)

Srijut GAURI KANTA TALUKDAR: Sir, my request is that he should feel in future as a Nationalist Muslim and thus earn the gratitude and good wishes of all the communities in the Province.

Maulavi ABDUL HAI: Does the hon. Member know that Mahatma Gandhi has advised the Nationalist Muslim to join the Muslim League?

Srijut GAURI KANTA TALUKDAR: Yes, Sir, I know Mahatmajee has advised them to join the Muslim League and to try to reform the League.

†**Maulavi ABUAL MAJID ZIAOSH SHAMS:** Does the hon. Member know that the communal representation has been given in all the Legislatures and it will be perpetuated for many years to come, because it is very much wanted in the country?

Srijut GAURI KANTA TALUKDAR: In which country, Sir?

†**Maulavi ABUAL MAJID ZIAOSH SHAMS:** In Assam as well as in all the Provincial Legislatures.

Srijut GAURI KANTA TALUKDAR: In Assam we want to do away with communalism, so also in the Union of India.

Srijut SIDDHI NATH SARMA: মাননীয় সভাপতি ডাঙৰীয়া, মই এই খিনিতে এটা কথা কব খুজিছোঁ। ইয়াত আছে "There shall be a Deputy Governor for every province. He will be elected by the Provincial Legislature on the system of proportional representation by single transferable vote.....after every general election."

ইয়াত এইটো মানি লোৱা হৈছে যে গৱৰ্ণৰ অবিহনে ডিপুটি গৱৰ্ণৰেই গৱৰ্ণৰ হব পাৰিব আৰু তেওঁৰ গৱৰ্ণৰৰ সমান ক্ষমতা থাকিব। ইয়াত কিন্তু তেওঁক Provincial Legislature এহে নিৰ্বাচন কৰিব। গতিকে গৱৰ্ণৰৰ বা Provincial Legislature ৰ দ্বাৰায় নিৰ্বাচিত হোৱাত কি হব পাৰে? একে নীতিকে অবলম্বন কৰি Governor নিৰ্বাচিত হব পাৰে।

The Hon'ble the SPEAKER: এইটো কব পৰা টানি আনিব খুজিছে মই কব নোৱাৰোঁ। ইয়াত প্রশ্ন হৈছে alternate community ক এই পদ দিব নে নিদিব।

Srijut SIDDHINATH SARMA:—Section by section কবলৈ কৈছে দেখিহে মই এইটো কৈছোঁ।

The Hon'ble the SPEAKER: সেইটো হব। কিন্তু এতিয়া যি বিষয়ে আলোচনা হৈছে সেই বিষয়ে কওক।

Srijut SIDDHI NATH SARMA: নই কবলৈ বিচাৰিছো যে অসমৰ নিচিনা এখন সৰু প্ৰদেশত Deputy Governor ৰ পদটো অনাবশ্যক যেন লাগে। যদি legislature ৰ ক্ষমতা থাকে তেন্তে গৱৰ্ণৰৰ বেনাৰ হ'লে বা ট্ৰাণ্‌চ'ৰ নকৰক, তেওঁৰ অধিহনে যদি নিৰ্বাচন কৰিব লগীয়া হয় তেনেহলে legislature এই নিৰ্বাচন কৰিব পাৰিব। বৰ্তমান কাল যিনিও Speaker থাকিব তেখেতেই গৱৰ্ণৰৰ কাম যিনি চলাই দিব পাৰিব। (laughter)

The Hon'ble Srijut GOPINATH BARDOLOI: যদি Motion ৰ ওপৰত কথা নকৈ যেই সেই কথা কোৱা হয় তেন্তে আলোচনা শেষ নহ'ব।

The Hon'ble the SPEAKER: নই বুজিছো তেখেতে সেই কথা কয় কৈছে। তেখেতে ভাবিছে যে ইয়াৰ মৰকে নাৰি পোৱা যাতক। তেখেতে কৈছে যে Deputy Governor নালাগে আৰু Deputy Governor নহলেও হ'ব পাৰে।

The Hon'ble Srijut GOPINATH BARDOLOI: Deputy Governor লাগে বুলি Motion হোৱা নাই।

The Hon'ble the SPEAKER: ইয়াৰ ওপৰত যি নীতি থাকিব সেই নীতিৰ আলোচনা হৈছে।

Srijut SIDDHI NATH SARMA: যদি সেই নীতিত Deputy Governor ৰ নিৰ্বাচন হ'ব পাৰে তেন্তে সেইদৰে গৱৰ্ণৰৰ নিৰ্বাচন কৰি হ'ব নোৱাৰিব।

The Hon'ble the SPEAKER: সেইটো আগেয়ে কোৱা উচিত আছিল।

Srijut SIDDHI NATH SARMA: Clause by Clause হৈ আলোচনা কৰিবলৈ দিয়া হৈছে।

The Hon'ble the SPEAKER: Now, what is the position? Will the Hon'ble Prime Minister reply?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already replied in another Motion put by the hon. Friend there. I think, we should feel now in terms of the Province as a whole, or the Dominion as a whole and not on communal lines. We should be able to choose right type of people on whom the trust can be laid to serve all manner of people in every way. Therefore, we should take all possible steps even in the election of the Governor to remove the feeling instead of perpetuating it.

The Hon'ble the SPEAKER: Here I want to inform the House of the fact that in this House we have got only one Reporter for Assamese. I shall request the hon. Members who speak in English at least for this Session to minimise Assamese speeches, otherwise it will be too much for one Reporter. Hereafter it is expected that Government will make necessary and adequate arrangements for reporting speeches in Assamese. For this Session could we have summary of proceedings as is done in the Committee meetings?

The Hon'ble Srijut GOPINATH BARDOLOI: I think it could be done in reference to the matter before the House, but that could not be allowed to be done in reference to other matters.

The Hon'ble the SPEAKER: Of course, in this matter, practically the whole House is now sitting in the form of a Committee.

Does hon. Mr. Sarma press that the Deputy Governor should be abolished?

Srijut SIDDHI NATH SARMA: That is my suggestion, Sir. It is really because of the fact that Assam is a small Province in which we should not have a Deputy Governor.

Babu KAMINI KUMAR SEN: Sir, in case unfortunately the Governor dies or is removed from office then the Hon'ble Speaker will officiate.

The Hon'ble the SPEAKER: His intention is that it will be hard on a small Province like Assam with limited income to afford to maintain a Deputy Governor.

Babu KAMINI KUMAR SEN: But in case the Deputy Governor dies.....

The Hon'ble the SPEAKER: The matter is under discussion and if Mr. Sen likes he may discuss the matter.

Babu KAMINI KUMAR SEN: My point is that if there is no Deputy Governor, there will be difficulty when exigency arises. If there is no Deputy Governor there will be none to replace him unless there is a fresh election for the same. Such an election will be a tremendous affair. This election in a constituency of about 20 to 25 lakhs voters would be very difficult to hold very often and in order to avoid this such frequent election there must be someone to officiate as Governor. For these reasons, I do not think that we can do without a Deputy Governor.

Srijut SIDDHI NATH SARMA: Therefore, my suggestion is that the Hon'ble Speaker should be allowed to officiate for the rest of the term when necessity arises.

The Hon'ble the SPEAKER: Can we have the opinion from this side of the House, whether we should have a Deputy Governor or not? Mr. Sarma said that Assam is a small Province and it would be difficult for it to maintain a Deputy Governor.

†**Maulavi MAHAMMAD ROUFIQUE** Even if there is a Deputy Governor he will not be a silent statue. He will be given some works in order to help the Governor.

The Hon'ble the SPEAKER: Then do you want a Deputy Governor?

(Voices)—Yes, we want.

The Hon'ble the SPEAKER: Then I take it that the House wants to have a Deputy Governor? (Voices—Yes, yes).
Item No. 8—"The age, qualifications of the Deputy Governor should be the same as Governor".

The Hon'ble Srijut GOPINATH BARDOLOI: It is a matter for the Drafting Committee, but I hope there is no harm in putting this in the Draft.

The Hon'ble the SPEAKER: Clause No. 4, Item No. 9 in the name of Mr. Harendra Nath Sarma.

†Speech not corrected.

Mr. HARENDRA NATH SARMA: Mr. Speaker, Sir, instead of wasting time by placing my Amendments which obviously will go unheard I propose to take a course of lecture from my hon. Friend Mr. Kamini Kumar Sen and learn what amounts to an improvement in legal phraseology. I can't however help observing that this Model Constitution appears to be no body's business and nobody is taking the suggestions and the Amendments seriously.

The reply of the Hon'ble Premier to most of the suggestions is that these are matters for the Drafting Committee although certain principles have been enunciated under the Amendments. Then what is the use of our giving suggestions and opinions ?

The Hon'ble Srijut GOPINATH BARDOLOI: But it is the opinion of the House.

Mr. HARENDRA NATH SARMA: The thing is that, if we are to give our considered opinion in the matter we have got to go through every details and have to see that whether by the Amendments we are simply improving on the legal phraseology or we are enunciating a principle: at any rate we do not know at what stage this Draft will become a final Draft. We need some indication as to the procedure to be adopted by the Constituent Assembly. Does the reply of the Hon'ble Premier mean that the Constituent Assembly is solely concerned in the matter and not the Provinces ? If so, it is no use of our wasting time over this matter as we do not know what will be the utility of our suggestions. That perhaps is a matter for those five or six Constituent Assembly Members appointed from here and who are well conversant with the position. Perhaps they would give us some indication as to the actual position; especially I would appeal to the Leader of the Opposition to give us his opinion as to the actual position.

The Hon'ble Srijut GOPINATH BARDOLOI: I have already made my points very clear and if the hon. Member had heard what was said in the meanwhile he would not find any difficulty in understanding the position as to what the House is doing. I have already said that these are only principles of a Constitution and as the Drafting Committee will be sitting, they will incorporate these principles in legal phraseology about which my hon. Friend has exercised his mind so much. They will be put in legal phraseology but that will not be the final shape of things: this Draft will again be put before the Constituent Assembly for consideration of the new Draft in Clauses as they will emerge from the Drafting Committee. Therefore, at the time when drafting is going on, any opinion or suggestion that is being given by this House might be considered—I do not say 'will be' considered, but 'might be' considered, if there are such suggestions that deserve consideration. So far as my Friends' Motions are concerned, I have already said that these will be taken note of by this House. But what we are discussing here is only those principles that may require any change or alteration in the opinion of the House. That is what we have to do first, and with this end in view, suggestions and opinions of the House are being gathered by the Hon'ble Speaker who will put it in the shape of opinion to be presented before the Drafting Committee and before the Hon'ble President of the Constituent Assembly for use at the time of drafting.

Babu KAMINI KUMAR SEN: I think my hon. Friend Mr. Sarma has misunderstood me. What I said was that with regard to the Amendments in which the intention of the present Model Constitution has been put in a better legal phraseology, the House can accept them. All these Amendments will be placed before the Drafting Committee and the hon. Leader of the Opposition is there to see that they are accepted by the Committee. So, I don't think that any reflection is cast on Mr. Sarma because we are not actually drafting the clauses of the Constitution here that is to be done for the Drafting Committee.

The Hon'ble the SPEAKER: What we are actually doing is that we are giving so to say our opinion on the principles and in doing so we need not bother about the legal phraseology because that will be of no use. So, if it is evident that these are the principles that are recommended for the proposed Constitution, we can accept them or we may not; but as to in what shape the legal phraseology will be put, will be left to the Drafting Committee. I think that is clear enough and I don't see there is any reflection cast on Mr. Sarma. We are not actually amending the clauses and the Hon'ble Prime Minister has made it clear that we are not actually amending the clauses. We are discussing the principles to see if there is anything repugnant to our sense of democracy.

Then we pass on to clause 5, item No. 10.

Srijut HARENDRA NATH SARMA: I have nothing more to add.

The Hon'ble the SPEAKER: The suggestion of Mr. Kameswar Das is that there should be provision for enquiry and determination of disputes regarding election of the Deputy Governor.

The Hon'ble Srijut GOPINATH BARDOLOI: I think we have to incorporate this in our suggestion. That is what I feel.

The Hon'ble the SPEAKER: How do we take it? Shall we put it like this that "The House thinks there should be provision for enquiry and determination of disputes regarding election of the Deputy Governor"—I suppose somebody is taking note of this, I mean some stenographer.

Maulavi ABDUL HAI: There is also the question of age and qualifications of the Deputy Governor.

The Hon'ble the SPEAKER: Yes, we have another suggestion by Mr. Abdul Hai that "the qualifications of the Deputy Governor should be the same as that of the Governor".

The Hon'ble Srijut GOPINATH BARDOLOI: There must be the same qualifications. (Voices—Yes, yes.)

Maulavi Saiyid MUHAMMAD SAADULLA: As Srijut Sarma specially appealed to me to speak out the real procedure and what is going to happen to these suggestions, I want to make a statement. Both myself as well as the Hon'ble Prime Minister had made it clear on the very first day when the Hon'ble Prime Minister moved his Motion for discussion of the Model Constitution, that the Model Constitution embodies only the principles and no attempt has been made...

The Hon'ble the SPEAKER: You mean the principles of a Model Constitution?

Maulavi Saiyid MUHAMMAD SAADULLA: Yes, Sir. It has not been clothed in legal phraseology; the task of putting these principles in legal phraseology, which will become a Constitution, has been left to the Drafting Committee, in which fortunately Assam has got a representative in my humble self. After the Drafting Committee have produced a Constitution, it will have again to be placed before the Constituent Assembly for final adoption. In the Drafting Committee any suggestions made here will be utilised, but in the general meeting of the Constituent Assembly, all the 8 members from Assam who will sit in the Constituent Assembly will be able to place these suggestions by way of Amendments before the Constituent Assembly. Therefore, these suggestions have got some value as they will guide in the.....

The Hon'ble the SPEAKER : Guide you or something more ?

Maulavi Saiyid MUHAMMAD SAADULLA : More than that, Sir. To guide the Constituent Assembly and also because all the 8 members from Assam will be able to place these suggestions by way of Amendments before the Constituent Assembly.

Therefore, my submission to my Friend is that no body can state what will be the fate of all these Amendments or suggestions, but we can not and should not presume that we are wasting the time of the House. My Friend, I may say, my young Friend who is a businessman with the motto, time is money to a business man, question the utility of the discussions and thinks we are wasting a day which cost the coffers of the Province in the shape of daily allowance that will have to be given to all the hon. Members. No Member need sulk and no Member should refrain from moving his suggestions out of mere buff. Some of these suggestions are valuable. One of his suggestions as regards the time when the election of the Deputy Governor will take place, is a valuable one. This has brought out a lacuna or a gap. Similarly there are other valuable suggestions from him and other members. My hon. Friends have pointed out that although the Deputy Governor may get a chance to become a Governor his age limit should be put at 35, otherwise as the Deputy Governor will have to be elected from amongst the Members of the Assembly he can be only 21 in age. That is an anomaly which needs to be looked into. Another of his suggestion is that the age limit should be the same for both. In this respect both his and of Maulavi Abdul Hai's suggestions are quite good and these suggestions will help at the time of finally drafting the Constitution. Therefore, I request my young Friend Srijut Sarma not to get angry and not to refuse to move his Amendments or suggestions. Rather we should request him and other hon. Members to move their suggestions and thereby let the House judge their value. I have a request that as there are about 40 more Amendments or suggestions to be moved, by mutual agreement some stringent time limit should be imposed.

***Mr. HARENDRA NATH SARMA :** Having heard, Sir, what the hon. Leader of the Opposition has said I would like that my suggestions as contained in item No. 10 should go into the proceedings.

The Hon'ble the SPEAKER : Now we should take up Clause 6.

***Mr. HARENDRA NATH SARMA :** I move, Sir, that my suggestions should go into the proceedings.

The Hon'ble the SPEAKER : The Motion moved is—"That for sub-clause (1), the following be substituted :—'(1) The Governor or the Deputy Governor shall not be a member of any Federal or Provincial Legislature or of any Provincial Council and if a member of any Federal or Provincial Legislature or a Provincial Council shall be elected as a Governor or as a Deputy Governor he shall be deemed to have vacated his seat in the Federal or Provincial Legislature or in the Provincial Council as the case may be' ". This is for Clause 6(1).

***Mr. HARENDRA NATH SARMA :** I would like, Sir, that my suggestion for Clause 6(1) should go into the proceedings.

The Hon'ble the SPEAKER : Then shall we pass on to No. 13 ?

Srijut KAMESWAR DAS : Sir, No. 12 covers suggestions No. 13.

The Hon'ble the SPEAKER : Then we come to No. 14.

***Mr. HARENDRA NATH SARMA :** Sir, I move—(1) That in sub-clause (2) after the word 'Governor' *add* the words 'or the Deputy Governor'. (2) That in sub-clause (3) after the word 'Governor' *add* the words 'and the Deputy Governor, respectively.'. (3) That in sub-clause (4) after the word 'Governor' *add* the words 'or of the Deputy Governor once determined by the Provincial Legislature' and after the word 'office' *delete* the 'full stop' and *add* the following :—"except those fixed under the Schedule".

The Hon'ble Srijut GOPINATH BARDOLOI : Sir, we would want Mr. Sarma to explain the implications of his suggestions.

***Mr. HARENDRA NATH SARMA :** My suggestions contained in three parts and I have already stated while discussing item No. 5 what should be the wording after the word 'Governor' or 'Deputy Governor'. The position of the Deputy Governor in certain circumstances might be as good or as bad as any Governor of a Province and so he should be subjected to certain limitations, *viz.*, age, qualifications, etc., and with that end in view I have suggested what wording should be added after the words 'Deputy Governor'.

The Hon'ble the SPEAKER : When he acts as Governor ?

***Mr. HARENDRA NATH SARMA :** No, Sir, when he acts as Deputy Governor. My suggestion in item No. (2) that "in sub-clause (3) after the word 'Governor' *add* the words "and the Deputy Governor, respectively," is because we can never imagine that the Deputy Governor, when he will be holding office as Governor, will be staying somewhere at Mawkhar or Laban, and so he must have an official residence as the Governor has. And my suggestion in item No. (3) is that in sub-clause (4) after the word 'Governor' *add* the words "or of the Deputy Governor once determined by the Provincial Legislature" and after the word 'office' *delete* the 'full stop' and *add* the following :—"except those fixed under the Schedule". The wording of the printed Principles of a Model Provincial Constitution is that "The Governor shall have an official residence and shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule". It is stated here that the Schedule is going to be framed by the Constituent Assembly irrespective of our financial position. As a matter of fact, as I have already stated in my previous speech, the poverty of Assam is a fact, and in spite of such financial position of our Province, the emoluments and allowances of the Governor are going to be fixed by the Constituent Assembly in a high-handed way. So my suggestions are that Provincial Legislature should have power to fix such emoluments and allowances of the Governor. Once such emoluments and allowances of the Governor are fixed by the Constituent Assembly it will be difficult for the Provincial Legislature to alter them if the Provincial Legislature so likes to meet those emoluments and allowances according to the financial position of the Province. With that end in view, Sir, I have put forward my suggestion so that such things can be altered by the Provincial Legislature if situation demands. The main idea of my suggestion is that the emoluments and allowances of the Governor and the Deputy Governor must be fixed by the Provincial Legislature.

The Hon'ble Srijut GOPINATH BARDOLOI : I am glad that Mr. Sarma has made the position clear. His suggestions may be put forward. But

*Speech not corrected.

I have my observations also. In clause 3 we find the principle about the Deputy Governor put down like this: "There shall be a Deputy Governor for every Province. He will be elected by the Provincial Legislature on the system of proportional representation by single transferable vote after every general election. The Deputy Governor will fill a casual vacancy in the office of the Governor for the remainder of the term of office of the Governor and he will also act for the Governor in his absence."

Therefore the principle underlying this clause is that the Deputy Governor acts only in the casual vacancy caused in the office of the Governor and that therefore the election may be held immediately or according to the provisions laid down. This Amendment of Mr. Sarma seems to be that he exercises a function co-terminus with that of the Governor for all terms. That is what has not been contemplated in the principle that is contained in clause 3. It is only for the purpose of filling casual vacancy in the position of the Governor that it has been envisaged. Clause 3 of the draft does not say anything about the powers he exercises.

The Hon'ble the SPEAKER: Since there is a Deputy Governor, whether he is to fill up a casual vacancy or not, what about his emoluments and other things?

Hon'ble Srijut GOPINATH BARDOLOI: I am coming to that. First, what I wanted to point out is that it is the principle which is envisaged and if he is to be a permanent official in the same manner as the Governor, what power he is to exercise, when the Governor is there, I do not know. I do not know if by his Amendment he would want to make the Deputy Governor in a sort of a Deputy Speakership of the Legislature. Regarding the other point of status, pay, etc., it will be determined by the Legislature as it would be in the case of a Minister, and once determined, it will be a charge on the revenues of the Province, as it is in the case of a Minister. Apparently there may be some lapse of time between the time when the Constitution will be working with Governor and the functioning of the Legislature and it may be two months or three months. But during this period the salary will be fixed by means of a Schedule. I think the hon. Members have understood the meaning of the Schedule in this behalf. The fixation of salary by Schedule will only be a temporary measure.

Then, regarding function and duties I have already spoken. It is in the absence of the Governor which may be temporary, or by removal or death or otherwise that the Deputy Governor may function. So it is apparent that during the presence of the Governor, the Deputy Governor does not exercise any function. I think these facts will be taken into consideration by the House in fixing his salary.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I think the point is very simple. In the Draft Model Constitution it is mentioned that the Deputy Governor will be elected by the House and that he will fill casual vacancy and that he will act in the absence of the Governor. The point of Mr. Sarma is that he should be given emolument and official residence. The House is to decide whether this suggestion is to be placed before the Constituent Assembly.

The Hon'ble the SPEAKER: Do we agree to place this suggestion before the Constituent Assembly? Do we come to this conclusion?

The Hon'ble Srijut GOPINATH BARDOLOI: The conclusion will be that the Constituent Assembly will take this into consideration.

Srijut SIDDHI NATH SARMA: মই যিটো suggestion দিছিলো সেইটো proceedings ত থাকিবনে?

The Hon'ble the SPEAKER : Of course it will be there. The consensus of opinion was that we want a Deputy Governor.

Mr. HARENDRA NATH SARMA : The Motion standing in my name is just a suggestion to make matters clear. The Province will exercise jurisdiction in respect of the State concerned. We shall have to exercise extra-territorial jurisdiction in respect of that State which is directly concerned, *i.e.*, which will come to an agreement with the Province of Assam. My suggestion is that after the word 'exercise' occurring in the eighth line add the words 'in relation to the State concerned'.

The Hon'ble the SPEAKER : It is stated in clause 8—"It shall be competent for a province, with previous sanction of the Federal Government, to undertake, by an agreement made in that behalf with any Indian State, any legislative, executive or judicial functions vested in that state, provided that the agreement relates to a subject included in the Provincial or Concurrent Legislative List.

On such an agreement being concluded, the Province may, subject to the terms thereof, exercise the legislative, executive or judicial functions specified therein through the appropriate authorities of the Province."

The hon. Member I think is referring to the second proviso.

Mr. HARENDRA NATH SARMA : Clause 8, second proviso.

I have brought this Amendment with a view to removing any vagueness in the matter.

The Hon'ble the SPEAKER : Now we pass on to Motion No. 16. We can just take that up.

Maulavi ABDUL HAI : Mr. Speaker, Sir, my suggestion is that there should not be special responsibilities of Governor as provided under clauses 9 and 15 of this Model Constitution. In clause 9 it has been provided that there shall be a Council of Ministers to aid and advise the Governor in the exercise of his function except in so far as he is by or under the Constitution required to exercise these functions or any of them in his discretion.

For the most part, the Governor will act on advice, but he is required to act in his discretion in the following matters:—

(1) the prevention of any grave menace to the peace and tranquillity of the province or any part thereof. Then I refer to clause 15 (2) of this Part.

That "the Proclamation shall be forthwith communicated by the Governor to the President of the Union, who may thereupon take such action as he considers appropriate under his emergency powers". Now, Sir, the Governor has been given the power of summoning and dissolving the Provincial Legislature, the superintendence, direction and control of elections, the appointment of the Chairman and Members of the Provincial Public Service Commission. These provisions have been taken from the Government of India Act, 1935, section 62. Again, Sir, the Governor has been given special powers under clause 15 analogous to those given under section 93 of the Government of India Act, which says "if at any time the Governor of a Province is satisfied that a situation has arisen in which the Government of India may by proclamation declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion". Sir, these are the powers which have been embodied under clause 15. Sir, everybody knows that during the last regime every section of the people raised objection against the provisions of section 93 when the Governors of certain provinces exercised those powers. But

now, when we have got Dominion Status, when we have got the right to frame our own Constitution and we have got our representatives in the Constitution-making Body, it is strange how they could take recourse to such provisions against which we very recently raised objections. Are we to think then that there was no necessity previously to raise such objections? What was bad then, how could it be good now? No reasons have been assigned.....

The Hon'ble the SPEAKER : It seems to me, from the suggestion tabled by the hon. Member, that he does not object to the principle of giving powers of discretion to the Governor. He wants to give such powers to Governor in certain matters, *e. g.*, safeguarding the interests of the minorities, promulgation of ordinances to prevent any grave menace to the peace and tranquillity of the Province, summoning and proroguing the Assembly and dissolving the same, as mentioned in clause 9, but he objects to give such powers to the Governor in regard to the superintendence, direction and control of elections, the appointment of the Chairman and the members of the Provincial Public Service Commission and of the Provincial Auditor General.

Maulavi ABDUL HAI : And also the powers under clause 15.

The Hon'ble the SPEAKER : Clause 15(2) is included in clause 9(1).

Maulavi ABDUL HAI : Clause 15(1) lays down "Where the Governor of a Province is satisfied in his discretion that a grave situation has arisen which threatens the peace and tranquillity of the Province, etc." Here he is not required to state why he considers that a grave situation has arisen which threatens the peace and tranquillity of the Province.....

The Hon'ble the SPEAKER : The hon. Member will please make his point clear. He does not object to the principle of giving discretionary powers to the Governor.

Maulavi ABDUL HAI : Under certain circumstances.....

The Hon'ble the SPEAKER : That means the hon. Member is ready to give discretionary powers to the Governor, but coming to matters of detail, he does not want to give the Governor such powers with regard to any other subject except those mentioned by him in his Amendment. Does the hon. Member want to leave the powers of superintendence, direction and control of elections and the appointment of the Chairman and Members of the Public Service Commission, etc., to the Ministry?

Maulavi ABDUL HAI : I am at present concerned with the discretionary power that is given under clause 15. I object to in giving these powers of special responsibilities to the Governor.

The Hon'ble the SPEAKER : I don't know how the hon. Member is consistent. He wants to give discretionary powers to the Governor with regard to some matters.....

Maulavi ABDUL HAI : I do not object to give him some powers, but I am opposed to give him such wide powers as are embodied in clause 15.

Maulavi Saiyid MUHAMMAD SAADULLA : The hon. Member is giving his personal views. Let us hear other hon. Members,

The Hon'ble the SPEAKER: But I have not been able to follow. Does the hon. Member want that the appointment of the Chairman and the Members of the Public Service Commission should be made by the Ministry and not the Governor?

Maulavi ABDUL HAI: It should be done in consultation with the Ministry.

Maulavi Saiyid MUHAMMAD SAADULLA: Let us hear the views of Government.

The Hon'ble the SPEAKER: I am not sure whether Government also have been able to follow the hon. Member.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, the position is not quite clear to me also. The hon. Member conceded the necessity of giving discretionary powers to the Governor, as laid down by clause 9, except in matters of elections, appointment of the Chairman and the Members of the Public Service Commission and of the Auditor General. But for the rest he has already agreed to the special responsibilities of the Governor, and what is more, he is also agreeable to give the Governor more powers than has been proposed in the Draft in respect of promulgation of Ordinances.

The Hon'ble the SPEAKER: The Governor may also misuse his powers in the name of the protection of minorities.

The Hon'ble Srijut GOPINATH BARDOLOI: That will be contained in a Schedule. Therefore, he has actually accepted all the discretionary powers of the Governor and in one matter he wanted to give the Governor more powers than is contained in clause 15. He has only one point to argue in favour of abolition of the right of the Governor in respect of appointment of the Chairman and the Members of the Provincial Public Service Commission and the Provincial Auditor General if I have followed him correctly.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, as you pinned down my hon. Friend Maulavi Abdul Hai he had to admit that he does not object to the special powers and responsibilities of the Governor but he has got his quarrel with regard to details. As regards details also he was not very clear, *e. g.*, according to him the power of dissolving the Assembly should not be given to the Governor. But then who will dissolve the Assembly? Can the Prime Minister do it or the Ministry do it? He wants to give the power of summoning and proroguing to the Governor. There must be someone to dissolve the Legislature. Therefore his suggestion is impracticable. He does not want to give the power of superintendence, control and direction in elections to the Governor. But who will do it? When the power of prorogation is with the Governor it is he who can order a new election and so he should have the power of direction and consequently must have the power of supervision and control also. Therefore, I object to his suggestion that such power need not be given to the Governor.

Then again the very nature of the constitution of the Public Service Commission requires that it should be beyond the jurisdiction of the Ministry who will be guided by party politics. Therefore, the appointment of the Chairman and the Members of the Public Service Commission must be made by the Governor in his discretion. Therefore, even from his own party I object to his Motion.

He wants one thing which I also want, and it is this that there should be special responsibilities for Governors as regards safeguarding the interests of minorities. This even if we try our level best we are not going to have. I had discussion both outside and inside various committees about safeguards of minorities at Delhi and I found that the majority party there is adamant that there should not be any such concession to the minorities.

The Hon'ble the SPEAKER : Is it not a fact that this separate electorate led to the division of India ?

Maulavi Saiyid MUHAMMAD SAADULLA : Separate electorate has gone and we have submitted to the joint electorate. The majority party out of grace has provided for reservation of seats of different minorities in which we also come under the Government of India Act but that does not help. Mere presence in the Legislature cannot give any sense of security to any particular minority in the province. The sense of security could only come when they find that their representatives are also in the helm of the governance of the country. It is for this purpose that the minorities want that there should be a clause for representation of minorities in the Ministry. This thing was dealt with time without number in the Constituent Assembly but they have decided against it. But there has been a suggestion that this matter will be left to the Instrument of Instruction but we have known in the past what value the Instrument of Instructions has. If the majority party want to satisfy the minorities' grievance—call it fear, call it distrust—why not put it in the Constitution itself.

Babu KAMINI KUMAR SEN : There has been some minorities right protected in the Fundamental Rights which is enforceable in the Supreme Court.

Maulavi Saiyid MUHAMMAD SAADULLA : But there is no provision for the representation of the minorities in the Ministry therein.

The Hon'ble Srijut GOPINATH BARDOLOI : I have just a word to say on what the Leader of the Opposition has said regarding the protection of minorities although it is not really a subject of our discussion now. The Minorities Report was presented before the Constituent Assembly when the Leader of the Opposition was not there and I could tell him that all the minorities expressed satisfaction not merely with the Report but in the manner in which it was accepted by the majority party in the Constituent Assembly. It is quite clear that the Ministry in free India should be as efficient as possible, and that statutory reservation by the representation of the minorities in the Ministry may lead to inefficiency. What is proposed now is that the present-day Instrument of Instructions would be embodied in the form of a schedule according to which Governors would be asked subject to efficient administration, to have representation in the Ministries and in the Public Services.

The Hon'ble the SPEAKER : Even if inefficient.

The Hon'ble Srijut GOPINATH BARDOLOI : That is the reason why that provision has come not as a statutory provision but as a sort of recommendation to the Governors by a Schedule. Even to-day, those provisions are there ; and the Governor tries to implement them as best as he can. The same thing has been proposed in the proposed Constitution also. All the change that has been made is that instead of separate electorates for representation of minorities in the elective bodies, we have adopted joint electorate with reservation of seats, and that will also, I hope, go after a lapse of 10 years.

The Hon'ble the SPEAKER : Is it finally to be terminated or the matter is to be reviewed?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, the matter is going to be reviewed after 10 years. But in the meantime Constituent Assembly are proposing to adopt measures to remove the backwardness of all communities. A provision is being proposed in the Constitution for the appointment of Special officer and when necessary appointment of Commission from time to time in order to consider the question of improving the condition of minorities and of the backward communities.

Maulavi MUHAMMAD ROUFIQUE: Now, Sir, there is one special responsibility about which this Constitution is silent, that is with reference to the personnel of the services under the Provincial Government. Up till now the Governors have been given powers under the Government of India Act.

The Hon'ble the SPEAKER: To which clause the hon. Member is referring?

Maulavi Saiyid MUHAMMAD SAADULLA: Special responsibility.

Maulavi MUHAMMAD ROUFIQUE: Responsibilities of the Governor. Governor has got powers under the Government of India Act. Perhaps this is covered by section 52(1)(c) to review any case of injustice by the Provincial Government and this salutary power has helped in the maintenance of discipline. It will be admitted that.....

The Hon'ble the SPEAKER: Is the hon. Member reading from the Government of India Act?

Maulavi MUHAMMAD ROUFIQUE: No, this is my note, Sir. It will be admitted that party politics often play a great part in influencing decisions of Ministers in individual cases of appointment, promotion and transfer of officers and those officers who do not identify themselves with any particular party who may be in power, may find themselves at a disadvantage. In the present transitional stage when party politics dominate every sphere of life, officers who are honest and who do not take sides may often find themselves at a disadvantage and may often be the victims of cliques and intrigues. Ministers are not infallible and may often be interested there should be an appellate authority for reviewing any case of injustice. I therefore suggest that that authority should be vested in the Governor as it has been now in the Government of India Act. What will happen if an aggrieved person has no remedy either in an appellate authority or in a Court of Law? I am sure the House will not approve of any direct action being taken by any aggrieved person. To prevent this possibility also, safeguard should be provided in the Constitution in the manner suggested above.

The Hon'ble the SPEAKER: Probably the intention of the hon. Member is that the Governor should be kept out of party politics and for that purpose he proposes that the Governor should be given special power.

Maulavi MUHAMMAD ROUFIQUE: Yes, as the last resort to an aggrieved person.

Maulavi Saiyid MUHAMMAD SAADULLA: Under the present Constitution, under section 52 of the Government of India Act, 1935 the Governor is the final authority in disposal of appeals preferred by some sections of public servants. My hon. Friend's suggestion is that provision should remain.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, that will bring about a very unpleasant position to the Government. After all we have got a constitutional Governor and not a Governor who will be coming in between the Ministry and the Governor in the day-to-day administration. Of course, he will have discretionary powers in regard to minorities and certain other things which are provided in the Schedule. Now, Sir, to me, we should have only such a structure of administration in which the Ministry runs the administration and the Governor acts only on the advice of the Ministry. It is only in extreme cases, as has been put down in the schedule that the Governor can be allowed to exercise his discretion. In those cases also, it is said, that the Governor shall be guided by the advice of the Ministry. Let us discuss his right in regard to a matter like the dissolution of the Legislature; here the Governor will act on the advice of the Ministry. So it has been laid down that these powers will be exercised on the advice of the Ministry. Again there may be certain grave situation in which a conflict may arise between the Governor and the Ministers; but even in that case the Governor does not exercise his special power of suspending the Constitution as now. He merely refers to the Governor General to take necessary action. With all these reservations I do not think that in a matter of day-to-day administration it would be wise to think of a state of things in which deadlock is likely to occur.

The Hon'ble the SPEAKER: This point involves an important question whether the Governor should be given power to meddle with the day-to-day administration.

Maulavi Saiyid MUHAMMAD SAADULLA: Subject to the limitations of the Constitution, the Governor has been given extraordinary powers.

The Hon'ble the SPEAKER: He has been given extraordinary powers but in day-to-day administration the Governor has not been given any power.

Maulavi MUHAMMAD ROUFIQUE: Mr. Speaker, Sir, the Governor is an elected Governor with the votes of the common men. Now if there is an injustice done to such a man, why should not that man have an opportunity of moving the highest authority of the State for justice?

The Hon'ble the SPEAKER: The other side of the matter is that the Cabinet is formed of the elected representatives and are responsible to the Legislature, whereas the Governor is not. Therefore why should he have a chance of meddling with the day-to-day administration of the State in normal matters? If Mr. Roufique insists on I shall have to take the sense of the House.

Maulavi Saiyid MUHAMMAD SAADULLA: I think, the point has been missed. If the Hon'ble Speaker is referring to Mr. Roufique's suggestion, then, I think there is some misunderstanding. What my hon. Friends want is that the future Constitution should provide that an ultimate appeal should lie with the Governor in case of certain sections of Government servants who feel aggrieved. At the present moment the Ministry has got nothing to do with appeals of Government servants. If the Ministry find fault with certain Government servant, his papers are sent to the Public Service Commission and it is they who hear the appeal and make recommendations to the Ministry. After that there is at the present moment, an appeal to the Governor when the Government servant feels aggrieved from the decision of the Public Service Commission. But why should you prevent that when it does not interfere with the day-to-day administration of the Ministers? I think there is no harm in making that provision for appeal to the Governor, but, I doubt if the Constituent Assembly will agree to that. Yet, I think, the suggestion should be there.

The Hon'ble Srijut GOPINATH BARDOLOI: I could only say that it actually amounts to interference. As the whole question of appointment would be disposed of by one provincial machinery, to maintain another avenue of conflict over the particular matter between the Ministry and the Governor would not, I think, be quite in keeping with the spirit of the Constitution. I should like, Sir, that you will please take the sense of the House in disposing of this question. The whole structure of the Constitution has been framed on certain principles and most important of them is that it is a Constitutional Governor who will function and will exercise with the least interference in the administration. The condition under which that interference should come is specifically laid down.

Srijut KAMESWAR DAS: Is this not implied in the provision under clause 7? Clause 7, is: "The executive authority of the province shall be exercised by the Governor either directly or through officers subordinate to him," Is not this condition implied there?

The Hon'ble the SPEAKER: That does not imply that he carries the administration. He is only a figure-head.

Maulavi ABUAL MAJID ZIAOSH SHAMS: As you have invited.....

The Hon'ble the SPEAKER: I think, we should sit a little longer.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, if we sit for a few minutes we can finish.

The Hon'ble the SPEAKER: We cannot finish the whole thing in a short time. Can we sit upto half-past four?

Maulavi Saiyid MUHAMMAD SAADULLA: I am afraid, we cannot finish even if we sit upto half-past four.

Babu KAMINI KUMAR SEN: We will have enough time tomorrow and day-after-tomorrow to take this up.

The Hon'ble the SPEAKER: Then what is the opinion of the House; should we rise now or sit upto half-past four?

(Voices—Rise, Rise).

Adjournment

The Assembly was then adjourned till 2 P.M., on Friday, the 12th September, 1947.

SHILLONG:

The 20th November 1947.

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

APPENDIX 'G'

Amendments, Motions and suggestions to the "Principles of a Model Provincial Constitution"

PART I

Clause 1

1. Srijut **LAKSHMIDHAR BORAH**
SIDDHI NATH SARMA to move:—

For the words "to be elected directly by the people on the basis of adult suffrage" substitute the following:—

"to be elected by the Provincial Assembly by the method of elimination till he secures more than 50 per cent. of the members present and voting".

2. Maulavi **ABUAL MAJID ZIAOSH SHAMS** to move:—

"Resolved that a healthy and a democratic convention be established in Assam and other Provinces that if the Governor elected happens to belong to a particular community, i.e., Muslim or non-Muslim then for the second term or the third term the Governor to be elected must be from the community other than the one from which the previous Governor or the Governors were elected".

3. Suggestion by Maulavi **ABDUL HAI**:—

"The Governor and the Deputy Governor should be at least graduates of any Indian University or holding any equivalent degree of any foreign University".

Clause 2

4. Suggestion by Maulavi **MAHAMMAD ROUFIQUE**:—

"In sub-clause (2), the Resolution impeaching the Governor should be held valid if supported by majority in place of two-thirds votes as now provided in the Constitution".

Clause 3

5. Mr. **HARENDRA NATH SARMA** to move:—

(1) That after the word 'vote' occurring in the third line add the following:—

"at the first session, of the Legislature held".

(2) That the existing clause 3 be re-numbered as sub-clause 3 (1) and the following be added as sub-clause 3 (2)—

"(2) The Deputy Governor shall hold office until the date of assumption of office by his successor to be elected in the manner provided in sub-clause (1). If he fills up a casual vacancy in the office of the Governor he shall be deemed to have vacated his office of Deputy Governor and a new Deputy Governor shall be elected to hold office for the remainder of the term of office of the outgoing Deputy Governor. A Deputy Governor shall be eligible for re-election once, but only once. A Deputy Governor may be removed from office for stated misbehaviour exactly in the manner as a Governor may be so removed".

6. Suggestion by Srijut **KAMESWAR DAS**:—

"There should be provision for the term of office of the Deputy Governor, his removal, salary, allowances, age, etc. (as in the case of Governor)".

7. **Maulavi ABUAL MAJID ZIAOSH SHAMS** to move:—

“ Resolved that if the Governor for a particular term happens to belong to the Muslim Community, then the Deputy Governor shall belong to the non-Muslim community and *vice-versa*.

8. Suggestion by **Maulavi ABDUL HAI**:—

“ The age, qualifications of the Deputy Governor should be same as Governor ”.

Clause 4

9. **Mr. HARENDRA NATH SARMA** to move:—

(1) That in sub-clause (1) after the word ‘election’ *add* the word ‘either’ and after the word ‘Governor’ the words ‘or as Deputy Governor’ be added.

(2) That in sub-clause (2) after the word ‘election’ *add* the word ‘either’ and after the word ‘Governor’ the words ‘or as Deputy Governor’ be added.

Clause 5

10. **Mr. HARENDRA NATH SARMA** to move:—

That after the word ‘Federation’ *delete* the ‘full stop’ and *add* the following thereafter:—

“ and those relating to a Deputy Governor by the High Court of the Province ”.

11. Suggestion by **Srijut KAMESWAR DAS**:—

“There should be provision for enquiry and determination of disputes regarding election of the Deputy Governor”.

Clause 6

12. **Mr. HARENDRA NATH SARMA** to move:—

“ That for sub-clause (1), the following be substituted:—

‘(1) The Governor or the Deputy Governor shall not be a member of any Federal or Provincial Legislature or of any Provincial Council and if a member of any Federal or Provincial Legislature or a Provincial Council shall be elected as a Governor or as a Deputy Governor he shall be deemed to have vacated his seat in the Federal or Provincial Legislature or in the Provincial Council as the case may be ”.

13. Suggestion by **Srijut KAMESWAR DAS**:—

“ That clause 6(1) should be made applicable to Deputy Governor also ”.

14. **Mr. HARENDRA NATH SARMA** to move:—

(1) That in sub-clause (2) after the word ‘Governor’ *add* the words ‘or the Deputy Governor’.

(2) That in sub-clause (3) after the word ‘Governor’ *add* the words ‘or the Deputy Governor, respectively,’.

(3) That in sub-clause (4) after the word ‘Governor’ *add* the words “and the Deputy Governor once determined by the Provincial Legislature” and after the word ‘office’ *delete* the ‘full stop’ and *add* the following:—“ except those fixed under the Schedule ”.

Clause 8

15. **Mr. HARENDRA NATH SARMA** to move :—

That after the word 'exercise' occurring in the eighth line add the words "in relation to the State concerned".

Clause 9

16. Suggestion by **Maulavi ABDUL HAI** :

"There should not be special responsibilities of Governor as provided under clauses 9 and 15 except—

(1) to safeguard the interests of the minorities which should be provided in the statute,

(2) to promulgate ordinances to prevent any grave menace to the peace and tranquillity of the Province,

(3) to summon, prorogue the Assembly and to dissolve the same by a Proclamation as provided under clause 15 (2)".

17. Suggestion by **Srijut KAMESWAR DAS** :—

"That sub-clause (2) should be as follows :—

'The summoning of the Provincial Legislature and dissolving it except that during the pendency of a charge for his removal he will not dissolve the Legislature'.

18. Suggestion by **Maulavi Md. NAZMAL HAQUE** :—

"That in sub-clause (2) the full discretionary power of the Governor in dissolving the Provincial Legislature be limited. The Governor may dissolve the Legislature on the advice of the Prime Minister."

19. **Srijut LAKSHMIDHAR BORAH**
SIDDHI NATH SARMA to move :—

That in sub-clause (4) delete the word in the first line beginning with "the appointment of" and the words "Public Service Commission and of" in the second line.

20. Suggestion by **Maulavi Md. NAZMAL HAQUE** :—

(1) "That a sub-clause (5) be added to the effect—safeguarding the interests of the minorities".

"That there should be provision for Muslim seat in the Cabinet".

Clause 10

21. **Srijut RAJENDRA NATH BARUA** to move :—

That in place of "Governor", the words "President of the Union" be inserted.

22. Suggestion by **Maulavi Md. NAZMAL HAQUE** :—

"That if any question arises whether a matter is one for the Governor's discretion or not, the decision of the Chief Justice of the Province shall be final and not the decision of the Governor".

Clause 12

23. **Mr. HARENDRA NATH SARMA** to move:—

That for the words “him and” occurring in the second line *substitute* the following:—“the Governor and they”.

24. Suggestion by **Srijut KAMESWAR DAS**—

“*Add* the following towards the close of the clause:—
‘but only so long as they have the support of the majority of the Legislature’”.

Clause 13

25. **Mr. HARENDRA NATH SARMA** to move:—

That in the proviso to sub-clause (2) after the word ‘office’ *delete* the ‘full stop’ and *add* the following:—“except those fixed by the Governor”.

Clause 14

26. **Mr. HARENDRA NATH SARMA** to move:—

That after the word ‘question’ occurring in the fifth line *add* the words “in any Court of law”.

27. **Maulavi ABUAL MAJID ZIAOSH SHAMS** to move:—

“That after clause 14, the following be inserted—
‘Notwithstanding anything contained in this Model Constitution or in the Schedule thereof, a healthy and democratic convention of the adequate representation of the Muslim community in the Ministry of the Province be established and for safeguarding their interests some weightage be given to the community’”.

28. Suggestion by **Maulavi MAHAMMAD ROUFIQUE**:—

“There should be definite provision in the Constitution itself for representation of minorities in the Council of Ministers instead of leaving it to the Governor to be guided by the Instrument of Instruction”.

29. Suggestion by **Maulavi ABDUL HAI**—

“The safeguards to the minorities to be included in the structure instead of including in the Instrument of Instructions”.
The schedules have not been given; so no suggestion can be offered. It is suggested that the schedules should be given for discussion”.

Clause 15

30. **Mr. HARENDRA NATH SARMA** to move:—

That in sub-clause (3) after the word ‘expiration’ *add* the words “from the date of issue thereof”.

Clause 16

31. **Mr. HARENDRA NATH SARMA** to move:—

That in sub-clause (1) after the word ‘matters’ *delete* the ‘full stop’ and *add* the following:—“and to act for them in such legal matters”.

32. Suggestion by **Maulavi Mahammad ROUFIQUE** :—

“That with regard to sub-clause (2), the provision requiring the Advocate General to retire from office upon the resignation of the Prime Minister should be omitted”.

33. Suggestion by **Maulavi Md. NAZMAL HAQUE** :—

“That with regard to sub-clause (2), the retirement of the Advocate General should not be dependent upon the resignation of the Prime Minister, but he may be removed by Governor on the advice of the new Council of Ministers on the resignation of the former Prime Minister”.

Clause 17

34. **Mr. HARENDRA NATH SARMA** to move :—

That after the word ‘Governor’ *delete* the ‘full stop’ and *add* the following :—“or the Acting Governor, as the case may be”.

Clause 19

35. **Mr. HARENDRA NATH SARMA** to move :—

That in sub-clause (2) after the word ‘scale’ *add* the words “as nearly as possible”.

36. Suggestion by **Srijut KAMESWAR DAS** :—

“In sub-clause (2) *substitute* ‘75 to 80 thousand’ for ‘lakh’ in the third line”.

37. **Mr. RAJENDRA NATH BARUA** to move :—

“That in sub-clause (2) in place of ‘for every lakh of population’ the phrase ‘for every seventy-five thousand of the population’ be inserted.

38. Suggestion by **Srijut KAMESWAR DAS** :—

That in the Note after sub-clause (4) *omit* “for Universities, or,” in the sixth line.

39. Suggestion by **Dr. EMRAN HUSAIN CHAUDHURY** :—

“That in clause 19 and in the ‘Note’ beneath there is no provision made for the special representation in the Legislative Assembly for Universities, or for Labour, or for Women. There ought to be special provision for special representation for Universities, labour and women”.

Clause 20A

40. **Mr. HARENDRA NATH SARMA** to move :—

That in sub-clause (1) after the word ‘question’ *add* the words “in any Court of Law” and after the word ‘procedure’ *delete* the ‘full stop’ and *add* the following :—

“except proceedings relating to the election of a Deputy Governor”.

Clause 22

41. Srijut RAJENDRA NATH BARUA to move :—

Paragraph 1. This Assembly recommends to the Indian Constituent Assembly that in section 22 of the Model Provincial Constitution, the following may be incorporated in the schedule mentioned herein :—

“The residential qualification of electors be limited to the indigenous inhabitants and to those non-indigenous inhabitants who have been continuously in Assam for a period of ten years before the preparation of the new electoral roll”.

42. Suggestion by Srijut KAMESWAR DAS :—

“The constituencies voters qualifications and other particulars to be prescribed for the 1st election meant for the schedule should be submitted to the Assembly before finalisation”.

Clause 23

43. Srijut LAKSHMIDHAR BORAH
SIDDHI NATH SARMA to move :—

That in line one of sub-clause (2)(a) after the words “Provincial Legislature” insert the words “within six months”.

PART II

Clause 1

44. Srijut LAKSHMIDHAR BORAH
SIDDHI NATH SARMA to move :—*The Provincial Judiciary*

That in line 21 after the words “mutatis mutandis” add the following :—
“with the following additions to clause 3(d) of section 220 of the Act :—
‘or District or Sessions Court’”.

establishment of the High Court in Assam and a Motion in that behalf will soon be placed for the consideration of the hon. Members.

†Maulavi Saiyid MUHAMMAD SAADULLA: Will the Hon'ble Minister please repeat his answer to No.139 (a) ?

†The Hon'ble Srijut RUPNATH BRAHMA: The Government is not aware of any such intimation from the Government of Bengal.

†Maulavi Saiyid MUHAMMAD SAADULLA: Was no intimation received from the Bengal Government ?

†The Hon'ble Srijut RUPNATH BRAHMA: No, Sir.

†Speech not corrected,

Delete : the words and sentences beginning with " but judges " and ending with " Province " in line 5.

and

Substitute : " Judges of the Provincial High Court be appointed by the Governor of the Province concerned in consultation with Chief Justice and the Premier of the Province ".

PART III

45. Srijut LAKSHMIDHAR BORAH
SIDDHI NATH SARMA to move :—

The appointment of the Chairman and member of each Provincial Public Service Commission shall be made by the Governor on the advice of his Ministers.

The proviso to Section 265(1) of the Government of India Act, 1935, be deleted.

Section 265 : Government of India Act, 1935 :

Substitute the words " Governor of the Province on the advice of his Ministers " for the words " Governor of the Province in his discretion ".

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39. Suggestion by **Dr. EMRAN HUSAIN CHAUDHURY** :—

" That in clause 19 and in the 'Note' beneath there is no provision made for the special representation in the Legislative Assembly for Universities, or for Labour, or for Women. There ought to be special provision for special representation for Universities, labour and women ".

Clause 20A

40. **Mr. HARENDRA NATH SARMA** to move :—

That in sub-clause (1) after the word 'question' add the words "in any Court of Law " and after the word 'procedure' delete the 'full stop' and add the following :—
" except proceedings relating to the election of a Deputy Governor ".