

**Proceedings of the Sixteenth Session of the First Assam Legislative Assembly,
assembled under the provisions of the Government of India Act, 1935**

The Assembly met in the Assembly Chamber, Shillong at 2 p. m. on Friday the 23rd March, 1945.

P R E S E N T

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the nine Hon'ble Ministers and eighty-three hon. Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given).

(Starred Questions Nos.223-232 were not put and answered as the Questioners were absent.)

Leaseholders of *Khas* Government land in Sunamganj Town

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*233. Will Government be pleased to state—

- (a) The names of leaseholders of the *Khas* Government land in the town of Sunamganj ?
- (b) How many of such leaseholders are natives of that Subdivision and how many are outsiders ?
- (c) Terms and conditions of settlement given to persons who are not natives of that Subdivision ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

233. (a), (b) & (c)—Information has been called for.

(Starred Question No.234 was not put and answered as the Questioner was absent.)

Land Acquisition Department in the District offices

Babu KARUNA SINHDU ROY asked :

*235. (a) Is it a fact that officers are now badly required for work in the Land Acquisition Department in the district offices ?

(b) Is it a fact that the Subdivisional Officer, Karimganj cannot arrange payment of compensation to evicted persons from Patharkandi area as he is short of officers ?

(c) Will Government be pleased to state why the Subordinate Civil Service officers are not transferred from the Supply Department to the Land Acquisition Department for doing the above mentioned kinds of works ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

235. (a)—It is not clear from the Question, officers of what category the hon. Member has in his mind. Trained clerks and other subordinates are required for Requisition Branch of Deputy Commissioner's Offices. There is now no dearth of superior staff.

(b)—No.

(c)—All the officers deputed to the Supply Department have been returned by that Department for revenue work except two—one of whom is under orders of transfer to the Revenue Department.

(Starred Questions Nos.236 and 237 were not put and answered as the Questioners were absent).

UNSTARRED QUESTIONS

(To which answers were laid on the table).

Permits for import of food-stuffs in the Province

Srijut RAM NATH DAS asked :

158. Will Government be pleased to state—

- (a) The names of various food-stuffs for which permits are issued by Government for their import in Assam from other provinces ?
- (b) Whether at any time any tender has been called for by public notice to obtain such permits ?
- (c) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

- 158.(a)—Permits were issued in the past for peas, gram, Gur and onions.
- (b)—No.
- (c)—Government did not consider it necessary.

Wholesalers in Controlled Commodities

Maulana ABDUL HAMID KHAN asked :

159. Will Government be pleased to state—

- (a) The number of wholesalers in controlled commodities in the Subdivisions of Dhubri, Goalpara, Barpeta, Gauhati, Nowgong and Darrang (figures to be shown separately) ?
- (b) How many of them are Muslims, Hindus, Tribals and Marwaris (the figures to be given Subdivision by Subdivision) ?

160. Will Government be pleased to state—

- (a) The monthly quota of salt, sugar, kerosene, Atta, flour, Dal, Gur and mustard oil allotted in their permits to each of the wholesalers of Dhubri Subdivision during the last 12 months (figures to be shown month by month) ?
- (b) The quantity of each of the above commodities actually supplied by Government to each of the wholesalers during that period (figures to be shown month by month) ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

159.(a) & (b)—A statement is placed below.

Statement showing the number of wholesalers appointed in the Subdivisions of Dhubri, Goalpara, Barpeta, Gauhati, Nowgong and Darrang from Muslims, Hindus, Tribals and Marwaris

	Dhubri	Goalpara	Barpeta	Gauhati	Nowgong	Darrang	Remarks
Total number of wholesalers.	17	9	18	*45	21	41	*Of which appointments of 2 wholesalers have been stayed by Government.
Number of wholesalers appointed from Muslims.	4	1	5	4	3	4	
Number of wholesalers appointed from Hindus.	4	**2	11	29	12	15	**Combined Muslim.
Number of wholesalers appointed from Tribals.	1	Nil	2	2	Nil	Nil	
Number of wholesalers appointed from Marwaris.	7	5	Nil	10	6	16	

160. (a) & (b)—As the monthly quotas of supply to wholesalers vary according to the stock position, the labour involved in collecting the figures will not be commensurate with the result.

Suit against the Silchar Municipal Board and its Chairman

Babu KARUNA SINDHU ROY asked :

161. (a) Will Government be pleased to refer to the reply given to Unstarred Question No.128 (e) asked by Babu Lalit Mohan Kar, M.L.A. in the last November 1944 Session of the Assembly, regarding the civil suit brought by Babu Rabindra Kanta Sen against the Silchar Municipal Board and its Chairman and state whether the information asked for therein is now available ?

(b) If so, how much money has been spent by the Silchar Municipal Board on account of payment of (i) lawyers' fees and (ii) other expenses in connection with the said civil suits ?

(c) Is it a fact that the Chairman, Rai Bahadur Rukmini Kumar Das has been served with a notice under the Legal Practitioners Act by the District Judge, Sylhet, to show cause why he should not be suspended from practice in law courts for gross misconduct ?

(d) Is it a fact that the Subordinate Judge, Cachar dismissed with costs three appeals preferred by the Municipal Board, Silchar against the three decrees passed by the Sadar Munsif in suits brought by Srijut Prianath Deb and two others and passed severe stricture against the Municipal Board and its Chairman and also found as follows:—

“There is ill feeling between the Chairman, Rai Bahadur R. K. Das and the plaintiff Prianath Deb and that the Chairman reduced the tax of his own holding inspite of additions being made in his holdings whereas arbitrarily increased the tax of Srijut Prianath Deb”.

(e) In view of (i) the severe strictures made by (1) the Subordinate Judge, Cachar, (2) the Additional Judge, Sylhet and (ii) the notice served by the District Judge, Sylhet against the Chairman, Silchar Municipal Board, did Government take any action against him ?

(f) If not, why not ?

(g) Do Government propose to remove him from the Chairmanship ?

(h) Do Government propose to take necessary action regarding the reduction and increase of taxes as pointed out in the findings of the Subordinate Judge, Cachar, referred to in Question No. (e) above ?

(i)—If not, why not ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

161. (a)—Yes.

(b)—Rs.679-10-3 in all.

(c)—Government have no such information.

(d)—So far as the rejection of appeals is concerned, the reply is in the affirmative. As regards the alleged strictures, Government have not seen copies of judgments.

(e) & (f) No. The real party to the suits was the Silchar Municipal Board and the Chairman acted as the Board's chief executive. So the question of any action against the Chairman does not arise.

(g)—No, as the Board can remove a Chairman elected by them by a resolution.

(h)—No.

(i)—Assessment of Municipal taxes is a function of the Board and Government are not concerned in the matter.

Educational Institutions and their staff in the Assam Valley

Maulavi MATIOR RAHMAN MIA asked :

162. Will Government be pleased to state separately—
- The number of (i) Colleges, (ii) High English Schools, (iii) Middle English Schools, (iv) High Madrasas and (v) Middle English Madrasas in every Subdivision of the Assam Valley ?
 - The number of (i) Principals, (ii) Professors, (iii) Lecturers, (iv) School Teachers, (v) Maulavis, (vi) Inspectors, (vii) Deputy Inspectors and (viii) Sub-Inspectors in the Education Department with their scales of pay showing the places where they have been posted in the Assam Valley ?
 - How many of the employees mentioned in Question No. 162(b) above, belong to (i) Caste Hindus, (ii) Tribals, (iii) Scheduled Castes, (iv) Muslims, (v) indigenous Muslims, (vi) immigrant Muslims, with their names and addresses, and (vii) Others ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

162. (a), (b) & (c)—Reports for the details have been called for from the Sub-ordinate offices and it will take sometime to make the information ready.

Settlement of land in Chengjur Mauza in Karimganj Subdivision

Khan Bahadur Hazi ABDUL MAJID CHAUDHURY asked :

163. Will Government be pleased to state—
- Whether any land has since been settled with the inhabitants of Chengjur Mauza in the Karimganj Subdivision, District Sylhet, who were removed from their homes for the construction of the Patharkandi Project ?
 - If so, what area has been granted to each and the amount of land revenue payable by each of them ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

163. (a) & (b)—A report has been called for.

Khan Bahadur Maulavi MAHMUD ALI: Sir, may I know when we can expect to get the report ?

The Hon'ble Maulavi MUNAWWAR ALI: A report has long been called for Sir, and it has not yet come. It is expected shortly.

Textile Officers

Maulavi MATIOR RAHMAN MIA asked :

164. Will Government be pleased to state separately, with designations, the number of Textile Officers from the (i) Caste Hindus, (ii) Tribals, (iii) Scheduled Castes, (iv) Muslims, (v) indigenous Muslims, (vi) immigrant Muslims with their names and addresses, and (vii) others who have been appointed in the Province up to date since the creation of the Textile Department ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

164.—A statement is placed below. The information regarding the number of indigenous and immigrant Muslims is not readily available but is being collected. The Muslim candidates appointed, stated in their applications that they were natives of Assam, but that expression may include immigrant Muslims.

Statement showing the number with designations of Textile Officers excluding the Provincial, Deputy Provincial and Assistant Provincial Textile Commissioners.

Communities	DESIGNATION				
	Inspectors	Sub-Inspectors	Assistant Sub-Inspectors	Textile	Examiner
(i)					
Caste Hindus—					
Assam Valley ...	4	9	21	1	
Surma Valley ...	2	4	8	...	
(ii)					
Tribals—					
Plains ...	1	4	9	...	
Hills ...	1	3	1	...	
(iii)					
Scheduled castes—					
Assam Valley ...	2	2	6	...	
Surma Valley ...	...	2	1	...	
(iv)					
Muslims—					
Assam Valley ...	4	7	11	...	
Surma Valley ...	4	8	21	...	
(1) Indigenous Muslims	...	...	...	...
(2) Immigrant Muslims	...	...	...	...
(v)					
Others—					
Indian Christian ...	1	...	...	...
Ahom ...	1	1	2	...	
Domiciled ...	...	1	...	...

Anomalies in connection with the Census Operation of 1941

Srijut SIDDHI NATH SARMA asked :

165. Will the Hon'ble Premier be pleased to state—

- (a) What action, if any, Government have taken so far to implement the assurance of rectification of various anomalies in connection with the Census Operation of 1941, given by him on the 4th December 1941 on the floor of the House during the discussion of an Adjournment Motion on the subject ?
- (b) Whether Government took any step to find out the correct figures of the followers of different religions including the Hindus which stood concealed in the figures published in the *Assam Gazette* of August 6th, 1941 ?
- (c) Whether it is a fact that steps were taken subsequently to find out the actual figures of Christians but not of the followers of Hindu religion ?
- (d) If so, why ?
- (e) Whether any steps were taken by Government to ascertain whether the Superintendent of the last Census Operation in Assam gave instructions contrary to the instructions issued by the Government of India in the matter of sorting and compilation of the Census figures ?
- (f) Whether the figures relating to Tea Garden Labour population which were wrongly sorted and compiled with the figures of the Tribal Community have since been corrected and published ?
- (g) If the replies to Questions Nos. 165(e) and (f) above be in the negative, whether the figures published in the *Assam Gazette* in August 1941 and also the figures which appear in the Census Report of Government of India in this respect are correct ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

165. (a)—The only assurance given to the House was that if it were found practicable to resort the Census returns and complete the various forms of tabulation for which there was a demand either for the purposes of Government or from sections of the public, this would be undertaken. This, in time of war, has proved neither financially nor administratively feasible.

(b)—No. The tabulation done under the orders of the Central Government did not admit of the extraction of figures for religious denomination, as was then explained to the House. The extraction of figures for communities was on the other hand possible owing to arrangements made by this Government as the result of the constantly expressed desire of the Assam Legislature for such information. There was no question whatever of figures for religion being concealed, but without re-sorting and fresh tabulation, as already explained, these figures cannot be determined.

(c)—No.

(d)—Does not arise.

(e)—This point was fully debated on the occasion quoted by the hon. Member, and the answer is, as then given, that no such instructions were given.

(f)—The question implies that there was an original incorrect sorting and that the work was re-done. This is not a fact; but it is true that the various tea garden labouring tribes had to be separated for the purposes of the communal table, from the Tribal peoples of Assam.

(g)—Both are correct, for the purposes severally in view, according to the form of publication.

Political Prisoners of Gauhati Jail

Srijut GAURI KANTA TALUKDAR asked :

166. (a) Are Government aware that the ward in which the "C" Division political prisoners of the Gauhati jail are at present required to stay is quite close to the general jail latrine and that the bad smell coming therefrom causes great inconvenience and discomfort to the said prisoners ?

(b) If so, do Government propose to take necessary steps so that the said prisoners are removed to some other ward free from such inconveniences ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

166. (a)—The reference apparently is to "C" Division prisoners convicted under the Defence of India Rules and confined in a barrack (66 ft. from the latrine) at their own request. They are possibly so disturbed at the time of clearance of the latrine.

(b)—The Superintendent is being directed to remove them to some other barrack if they so desire and it can be conveniently done.

Assessment of income-tax on Babu Durganath Bhattacharyya of Baniyachong

Babu SHIBENDRA CHANDRA BISWAS asked :

167. (a) Will Government be pleased to state whether Babu Durganath Bhattacharyya of Baniyachong was assessed to Agricultural Income-Tax for 1944-45 under Section 20 (4) of the Agricultural Income-Tax Act ?

(b) Is it a fact that the said Babu Durganath Bhattacharyya filed his accounts in this respect to the Agricultural Income-Tax Officer concerned ?

(c) Is it a fact that his income was assessed on the value of his paddy calculated at the rate of Rs. 10 per maund ?

(d) If so, will Government be pleased to state what was the ceiling price for paddy during the year for which he was taxed ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

167. (a)—Yes.
 (b)—No.
 (c)—Yes.
 (d)—It varied from Rs. 12-8-0 to Rs. 16-8-0 according to the type of paddy and the time of the year.

Government Primary Schools in Jaintia Hills and British portion of Khasi Hills

Rev. L. GATPHOH asked :

168. Will Government be pleased to state—

- (a) The total number of Government Primary Schools in (i) the Jaintia Hills and (ii) British portion of the Khasi Hills showing the population in each of these two areas separately ?
 (b) The number of Government Primary Schools for the (i) Mikirs (ii) Lalungs (iii) Kookis and (iv) Pnars in the Nongphyllut Elaka in the Subdivision of Jowai ?
 (c) Whether Government are aware that the Backward Tribal people mentioned in Question (b) above have made several representations to the Subdivisional Officer to give them Government Primary Schools ?
 (d) If so, what steps have been taken to meet the educational needs of these backward tribes ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

168. (a) (i)—The number of Primary Schools is 46 and the population of the British portion of the Jaintia Hills is 85,807.
 (ii) The number of Primary Schools is 23 and the population of the British portion of the Khasi Hills is 32,858.
 (b) (i)—4.
 (ii), (iii) and (iv)—Nil.
 (c)—Government have no information.
 (d)—The question does not arise.

Government Pleaders and Public Prosecutors in the Province

Maulavi ABDUR RAHMAN asked :

169. Will Government be pleased to state—

- (a) The period for which Government Pleaders and Public Prosecutors are appointed in the Province ?
 (b) The names of Government Pleaders and Public Prosecutors in each of the Subdivisions of the Province ?
 (c) For how long each of the present incumbents is holding his office ?
 (d) Whether the present Public Prosecutor of Sylhet has served the full term of his office ?
 (e) If so, whether Government propose to remove him and give a chance to others ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

169. (a)—All appointments of Government Pleaders and Public Prosecutors made after 1st July 1940 are for a period of three years and may be renewed for further periods if the incumbents are found fit and efficient.

Government Pleaders and Public Prosecutors appointed before 1st July 1940 will retire at the age of 60 years but may be retained for a further period in the interest of public service

(b)—The names of the Subdivisional Government Pleaders are given below :—

(i)—Khan Sahib Dewan Abdul Matin Choudhury, Government Pleader and Public Prosecutor ... Habiganj.

(ii)—Srijut Sailesh Chandra Kar Purkayastha, Public Prosecutor ... Maulvibazar.

(iii)—Srijut Bimal Ranjan Majumdar, Public Prosecutor ... Sunamganj.

(iv)—Rai Bahadur Anukul Chandra Sen, Public Prosecutor ... Karimganj.

There are no Government Pleaders at the last three places mentioned.

(c) and (d)—Government have called for this information, but it has not yet been received.

(e)—Does not arise at this stage.

Srijut MAHI CHANDRA BORA : May we know from Government what is the procedure in the selection of Government Pleaders and Public Prosecutors ?

The Hon'ble Srijut RUPNATH BRAHMA : That is altogether a new question, Sir.

Income of Nrippa Court of Wards' Estate

Rev. L. GATPHOH asked :

170. Will Government be pleased to state the income of the Nrippa Court of Wards' Estate from (i) Jaintiapur Bazaar (ii) Muktapur Bazaar and (iii) Muktapur Ferries, for the years 1941-42, 1942-43 ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

170.—The income was as follows :—

	1941-42	1942-43.
	Rs. a.	Rs. a.
Jaintiapur Bazaar	3,055 12	6,132 13
Muktapur Bazaar	305 0	250 0

No income accrues to the Estate from Muktapur ferry which is not under its management.

Officers of the Assam Survey Department

Maulavi ABDUR RAHMAN asked :

171. Will Government be pleased to state—

- Whether it is a fact that some officers of the Assam Survey Department have been deputed for work in the Military Department ?
- If so, under what terms and conditions ?
- Whether these officers get any extra allowance for joining the Military Department ?
- If so, how much in each case ?
- Whether it is a fact that some of those officers have been recommended by the Military authorities to be granted a special pay by the Provincial Government ?
- If so, what is the result of their recommendations ?
- Whether it is a fact that some of these officers submitted representations to Government for granting them special pay ?
- Whether it is a fact that their representations have been turned down ?

(i) Whether it is a fact that the officers whose services were lent to the Military Department have been debarred from usual promotion ?

The Hon'ble Mau'avi MUNAWWAR ALI replied :

171. (a), (b), (c) & (d)—The hon. Member's attention is invited to the replies given to Unstarred Question No. 95 asked by Mr. Kedarmal Brahmin during his Session of the Assembly.

(e)—No.

(f)—Does not arise.

(g) & (h)—There were representations to the Director of Surveys for a deputation allowance but as such an allowance is inadmissible in addition to the 50 per cent. increase on pay which they already enjoy, there were no grounds for approaching Government.

(i)—No.

The Assam Standard Weights and measures Bill, 1944

*The Hon'ble Mr. NABA KUMAR DUTTA : Sir, I beg to present the Report of the Select Committee on the Assam Standard Weights and Measures Bill, 1944, and to move that the Bill as reported by the Select Committee be taken into consideration.

The Bill was referred to the Select Committee by this House. The Select Committee considered this Bill in all its details and submitted certain recommendations. These recommendations are indeed very helpful inasmuch as they do away with the possibilities of any loophole in the measure. Bewildering diversities of weights and measures were existing at one time, and they are existing at present in the Province to such an extent that an organised working is not possible here without their standardisation. Although many other Provinces such as Bombay and Madras have taken comprehensive measures to tackle this problem, Sir, nothing was done so far in this Province with regard to this matter. I hope when this Bill will come into force, it will be beneficial to all communities in the Province.

With these words, Sir, I move my Motion.

The Hon'ble the SPEAKER : Before I place this Motion before the House I am to announce the message of His Excellency the Governor of Assam under sub-section (3) of Section 82 of the Government of India Act with regard to this Bill. The message is as follows :—

“Under the provisions of sub-section (3) of Section 82 of the Government of India Act, 1935, I, Andrew Gourlay Clow, Governor of Assam, hereby recommend to the Assam Legislative Assembly the consideration of the Assam Standard Weights and Measures Bill, 1944.”

Motion moved :

“That the Assam Standard Weights and Measures Bill, 1944, as reported by the Select Committee, be taken into consideration.”

Mr. W. D. RUTHERFURD : Mr. Speaker, Sir, I rise to bring forward a few points for the consideration of Government ; but before doing so, I wish to congratulate the Select Committee for the care with which they have carried out their task and for the good job they have made of it.

My first point is to impress on Government that the whole effectiveness of this new and beneficial legislation depends upon the quality and size of the staff which is to be responsible for putting it into effect.

Next, it is to be hoped that Government will make convenient arrangement for the verification and stamping of existing weights, weighing machines, etc., for on reading through the Bill it would appear that Government imagines that all weights and measures can be brought to some central place for checking. This would be

most inconvenient and troublesome to the majority of users and expensive and delicate weighing machines could easily be either broken or put out of adjustment if taken by lorry or bullock cart or other vehicle to some central depot probably over long distances and rough roads. We hope then that a staff of touring officers of high integrity will be able to work round their districts through time, verifying and stamping the weights and measures in the actual places of business in much the same manner as the Boiler Inspectorate at present carries out its duties.

Sir, we should also like to know the status of the proposed Superintending and Inspecting Officers and we should like to have Government's assurance that the qualifications necessary for Superintendents should not be inferior to the qualifications of an officer of Class I of the Assam Agricultural Service.

Now I wish to say a few words regarding the "dry measure". It is well known to the Government of Assam that practically all tea concerns are issuing large quantities of rice, paddy and other food-stuffs to their workers at cheap concession rates. The common method of issuing rations is to use a wooden box or "khati" to measure out the quantities allowed and these boxes are made in different sizes to hold a certain quantity say 2, 4 or 8 seers of the commodity for convenience and quickness in issuing to large numbers of people. As these food-stuffs rations are not being issued for profit or "trade" and, it is also obvious that these wooden measuring boxes may not be accepted as suitable for stamping under the provisions of this Act, can Government give a ruling whether this present system of measuring out rations may be continued after the Act comes into force and if not, what alternative method can Government suggest as a practical working method of issuing bulky food-stuffs to large numbers of people without causing inconvenience and delay to the workers.

Lastly, on page 16, in describing the "Standard Dry Measure of Capacity" in the "explanation", the unit of capacity is given as equivalent to the volumes occupied by 160 tolas of air free distilled water, etc., etc. Now, for all practical purposes it would be desirable to have a simple definition of this "capacity measure" in terms of cubic inches and this additional definition I would ask Government to add to the rules.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I would like to make a few observations on the Bill and on the Report of the Select Committee that has been presented before the House. For many years past there has been a persistent demand for such a piece of legislation. Such a measure was long overdue. The Central Act was passed in the year 1939. But we could not come forward with our own Bill till the year 1944. Again we have taken a full year to present the Report of the Select Committee before the hon. House.

It is really surprising, that at the time of the first reading, the Bill did not engage the serious consideration of the hon. Members of this House. When the Bill was introduced in the last Budget session of the Assembly, not a single Member except hon'ble Mr. Palmer participated in the debate.

I am sorry, Sir, that I am not feeling happy over the drafting of the Bill. In some places even very simple matters have been couched in such complicated language that it is apt to confuse an ordinary mind. The Select Committee tried to improve upon it as best as it could, but in spite of its best endeavours, the complications persist and I find it difficult to put a straight interpretation to more than one clause of the Bill.

At the present moment, the people at large are being prosecuted under the Defence of India Rules and the various control orders. I apprehend that the Bill in the present form will afford additional scope for such persecution in one form or another. As for an example I may refer to Clauses 17 and 29. These two Clauses read together justify my apprehension. The term 'reasonable' has not been defined anywhere in the body of the Bill. It is too elastic. Who is to say what time is reasonable for such inspection? Is it the Inspector himself?

Then again, the insertion of the word 'neglects' in Clause 29 puts a dangerous colouring to the whole matter. It puts the ordinary man in an awkward position. It

virtually places him at the mercy of the Inspector. The Inspector may interpret it according to his own convenience and may apply the penal clause against the victim. These are some of the serious defects, which should be remedied before the Bill is put in the Statute Book.

Then again, I feel that too much wide power has been vested upon the Inspector—who, if unscrupulous, can use his powers to the utmost disadvantage of the trader and the common man. This will give rise to the common disease—bribery and corruption.

Then I will refer to Clause 17, sub-clause (5). Herein, a period of a month's grace has been provided for rendering incapable of use any defective or any unadjustable old weight. But the reasons for such grace period has not been provided anywhere in the Bill?

The Hon'ble the SPEAKER: Was not the hon. Member, a member of the Select Committee?

Maulavi ABDUL BARI CHAUDHURY: I was a Member of the Select Committee but in spite of my best endeavours I could not cure all the defects.

Nor any corresponding provision has been made for an appeal or reference within this period. The reference under Clause 18 is quite separate and cannot apply to this sub-clause.

As matters stand, this will provide another avenue for corruption.

Last of all I will refer to the penal clauses. I will refer the hon. Members to Clause 24. This Clause seeks to penalise only the sellers. But at the present moment, when there are so many monopoly purchasers, it is not the seller alone who resorts to short weight tactics, but the monopoly agents taking advantage of their position as such can compel the seller to part with their goods at inflated weights. So there ought to be sufficient brake against these unscrupulous buyers. Clause 25 is no safeguard against them.

Lastly, Sir, I would submit that the penalty proposed has been too disproportionate to the crime as provided in the Bill.

So, Sir, my submission would be that this Bill should not be pushed further at this session of the Assembly. For reasons well-known to the hon'ble Members, the Members are not in the proper frame of mind to consider the merits and demerits of the Bill at the present moment. As such, I don't think it should be passed so hurriedly. With these words, Sir, I resume my seat and expect that the House will accept my suggestions.

The Hon'ble Mr. NABA KUMAR DUTTA: Mr. Speaker, Sir, I am rather surprised that my hon. Friend, Mr. Abdul Bari Chaudhury, wants to bring so many amendments at this moment. He was a member of the Select Committee and he could have easily brought these before the Committee. In any way, I cannot commit anything now, and if the hon. Members desire they can discuss these amendments. But for myself, I find it difficult to accept these amendments at this stage.

With regard to the suggestion about the measuring boxes used in tea estates, I think it would be better if the Indian Tea Association would submit their suggestions afterwards. Let this measure continue for some time and the Indian Tea Association can afterwards give their suggestions as to how to mark these boxes. That will be a very beneficial help to the labourers as well as to the Department.

Regarding the question of bringing all weights and measures to a central place, Sir, if we do not allow this—the responsibility will be shifted from the owners to the officers which we do not want to do. I therefore cannot accept the suggestion. I have nothing further to add, Sir.

The Hon'ble the SPEAKER: The question is:

“That the Assam Standard Weights and Measures Bill, 1944, as reported by the Select Committee be taken into consideration.”

The question was adopted.

The Hon'ble the SPEAKER: Consideration of the Assam Standard Weights and Measures Bill, 1944, clause by clause, may proceed now.

Clause 3

The Hon'ble Mr. NABA KUMAR DUTTA: I beg to move that in sub-clause (4), for the words "Primary Standards" in the first line, the words "Reference Standards" be substituted.

This we propose to do as desired by the Master of Mint, Calcutta. He says, "the term 'Reference Standards' should correctly be used throughout instead of 'Primary Standards'. The only primary standards of weight in India are the Iridio-platinum weights in the custody of the Bombay Mint, from which are derived all the sets of provincial reference standard weights." This is why we have brought this amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (4), for the words 'Primary Standards' in the first line, the words 'Reference Standards' be substituted."

The Amendment was put as a question before the House and adopted.

The Hon'ble the SPEAKER: The question is:

"That Clause 3, as amended, stands part of the Bill."

The question was adopted.

Clause 5

The Hon'ble Mr. NABA KUMAR DUTTA: I beg to move:

(i) That in sub-clause (1) for the words "Primary Standards" occurring in the third and fourth lines, the words "Reference Standards" be substituted.

(ii) That in sub-clause (2) for the words "Primary Standards" occurring in the fourth line, the words "Reference Standards" be substituted.

(iii) That in sub-clause (3), for the words "primary standards" occurring in the first line, the words "Reference Standards" be substituted.

(iv) That in the marginal heading to clause 5, for the words "Primary Standards" the words "Reference Standards" be substituted.

The Hon'ble the SPEAKER: Amendments moved:

(i) That in sub-clause (1) for the words "Primary Standards" occurring in the third and fourth lines, the words "Reference Standards" be substituted.

(ii) That in sub-clause (2), for the words "Primary Standards" occurring in the fourth line the words "Reference Standards" be substituted.

(iii) That in sub-clause (3), for the words "Primary Standards" occurring in the first line, the words "Reference Standards" be substituted.

(iv) That in the marginal heading to clause 5, for the words "Primary Standards" the words "Reference Standards" be substituted.

The Amendments were put as a question before the House and adopted.

The Hon'ble the SPEAKER: The question is:

"That Clause 5, as amended, stands part of the Bill."

The question was adopted.

Clause 6

The Hon'ble Mr. NABA KUMAR DUTTA: I beg to move that in sub-clause (3)(a), for the words "primary standards" occurring in the second line, the words "Reference Standards" be substituted.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (3)(a), for the words "primary standards" occurring in the second line, the words "Reference Standards" be substituted. I am putting it as a question. The question is:

"That in sub-clause (3) (a), for the words "primary standards" occurring in the second line, the words "Reference Standards" be substituted.

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That Clause 6, as amended, stands part of the Bill."

The question was adopted.

Clause 30

Mr. W. D. RUTHERFURD : I beg to move that the word "knowingly" occurring in the first line be deleted.

My reason for moving this amendment is that it is surely an Inspector's duty to make quite certain that he does not stamp a weight or weighing instrument or dry measure in contravention of the provisions of this Act, so that whether he commits an offence *knowingly* or *unknowingly* he is guilty of a breach of duty and should be liable to the penalty. The word "knowingly" therefore in my opinion is unnecessary and should be omitted.

The Hon'ble Mr. NABA KUMAR DUTTA : I have no objection to this.

The Hon'ble the SPEAKER : Amendment moved :

"That the word 'knowingly' occurring in the first line be deleted."

Then I am putting it as a question. The question is :

"That the word 'knowingly' occurring in the first line be deleted".

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That Clause 30, as amended, stands part of the Bill."

The question was adopted.

Clause 31

The Hon'ble Mr. NABA KUMAR DUTTA : I beg to move :

(i) That in Sub-clause (2)(a) for the words "primary standards" occurring in the second line, the words "Reference Standards" be substituted.

(ii) That in Sub-clause (2) (d) (i), for the word "primary" in the second line, the word "reference" be substituted.

The Hon'ble the SPEAKER : Amendments moved :

"(i) That in Sub-clause (2)(a) for the words 'primary standards' occurring in the second line, the words 'Reference Standards' be substituted.

(ii) That in Sub-clause (2) (d) (i) for the word 'primary' in the second line, the word 'reference' be substituted.

The Amendments were put before the House as a question and adopted.

The Hon'ble the SPEAKER : The question is :

"That Clause 31, as amended, stands part of the Bill."

The question was adopted.

Clause 33

Mr. W. D. RUTHERFURD : I beg to move that for the words "officer prescribed by the Provincial Government in this behalf", occurring in the second and third lines, the words "Director of Agriculture" be substituted.

My reason for moving this amendment is that this Act should be administered uniformly throughout the Province and, as we understand that it will be administered by the Department of Agriculture, we want a responsible officer for sanctioning any prosecution and this officer should be the "Director of Agriculture".

The Hon'ble the SPEAKER : Amendment moved :

"That for the words 'officer prescribed by the Provincial Government in this behalf', occurring in the second and third lines, the words 'Director of Agriculture' be substituted".

The Hon'ble Mr. NABA KUMAR DUTTA : It is difficult to accept this amendment, Sir, because the Superintendent may or may not be a Marketing Officer. If he be a "Marketing Officer" then we can substitute "Director of Agriculture". But the whole marketing scheme is still on a temporary basis and unless we make it permanent we do not know whether we can put "Director of Agriculture" in charge of this measure. If we put "Marketing Officer" we can safely put him under the Director of Agriculture. So it is better to leave it as it is.

Clause 33—concl'd.

The Hon'ble the SPEAKER : The question is :
"That for the words 'officer prescribed by the Provincial Government in this behalf' occurring in the second and third lines, the words 'Director of Agriculture' be substituted".

The Motion was negatived.

The Hon'ble the SPEAKER : The question is :

"That Clause 33 stands part of the Bill".

The question was adopted.

First Schedule

The Hon'ble Mr. NABA KUMAR DUTTA : Sir, I beg to move that in paragraph 3(1) (d) of Part I, after the word "pound" the word "avoirdupois" be inserted.

Sir, this word has been suggested by the Master of Mint. He said, "the word 'avoirdupois' should be inserted after 'pound' or 'ounce' wherever these words occur, in order to avoid any possibility of confusion between the Avoirdupois Series and the Troy or Apothecary's Series. Both the latter series also contain Pound and Ounce units".

As advised by the Master of Mint, we have inserted this Amendment, Sir.

The Hon'ble the SPEAKER : Amendment moved :

"That in paragraph 3(1) (d) of Part I, after the word "pound" the word "avoirdupois" be inserted".

The Amendment was put as a question and adopted.

The Hon'ble Mr. NABA KUMAR DUTTA . I beg to move :

(ii) That in paragraph 3(1) (e) of Part I, after the word "ounce" in the first line and "pound" in the second line, the word "avoirdupois" be inserted.

(iii) That in paragraph 3(1) (f) of Part I, after the word "pounds" the word "avoirdupois" be inserted.

(iv) That in paragraph 3(1) (g) of Part I, after the word "pounds" the word "avoirdupois" be inserted.

The Hon'ble the SPEAKER : Amendments moved :

(ii) That in paragraph 3(1) (e) of Part I, after the word "ounce" in the first line and "pound" in the second line, the word "avoirdupois" be inserted.

(iii) That in paragraph 3(1) (f) of Part I, after the word "pounds" the word "avoirdupois" be inserted.

(iv) That in paragraph 3(1) (g) of Part I, after the word "pounds" the word "avoirdupois" be inserted.

The Amendments were put as a question and adopted.

The Hon'ble the SPEAKER : The question is :

"That the first schedule, as amended, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That all the other clauses of the Bill stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the second and the third schedules stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the title and preamble of the Bill stand part of the Bill."

The question was adopted.

The Hon'ble Mr. NABA KUMAR DUTTA : Mr. Speaker, Sir, I beg to move that the Assam Standard Weights and Measures Bill, 1944, be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Standard Weights and Measures Bill, 1944, be passed."

Mr. A. WHITTAKER : Mr. Speaker, Sir, I find the Hon'ble Minister's replies to the suggestions emanating from this group are very disappointing. I suggest that he has not applied his mind to any of those suggestions. The first question put by my hon. Friend, Mr. Rutherford, was—do boxes used for measuring grain issued to the labourers come within the terms of this particular Bill? The Hon'ble Minister's reply is, "let the Indian Tea Association submit their proposal to Government in this matter". The question is a perfectly simple one—does this Bill, or does it not, apply to those particular boxes? If the Hon'ble Minister does not know the answer to this question, let him answer, "I will enquire into the matter". It is not a correct answer to say, "let the Indian Tea Association submit their proposal to Government". We are not asking for any favour, we are not asking to submit any proposal, but we are asking a perfectly simple question. If the answer is not a simple one, we would like the Hon'ble Minister to enquire into the matter.

Secondly, Sir, we asked that the officer to sanction prosecution should be more accurately defined. The Hon'ble Minister's reply is that Government have not made up their mind who the officer will be and which Department will administer this Bill. That seems to me a very belated admission of an omission.

Thirdly, Sir, my hon. Friend Mr. Rutherford asked whether the Hon'ble Minister would consider putting in the Schedule or giving a ruling at some later time defining a dry measure in terms of cubic inches. That suggestion was entirely ignored. And finally, Sir, when we made the perfectly reasonable suggestion that a large number of weighing instruments, once put down on site, cannot be moved from that place without seriously damaging their delicate parts, the Hon'ble Minister said that would not be possible because he did not want his touring officers to take on this responsibility.

I submit, Sir, for offers of co-operation of this kind to be met by answers, which suggest lack of insight into ordinary commercial practice, is not very encouraging. If the Hon'ble Minister chooses to maintain this attitude, the only remedy to people, who have gone through the Bill more carefully than he has, is to ask the Upper House to introduce amendments which will have the unfortunate effect of delaying this well-meant measure for a long period. I therefore ask the Hon'ble Minister if he will be good enough to reconsider the answers he gave to my hon. Friend, Mr. Rutherford.

† The Hon'ble Mr. NABA KUMAR DUTTA : Sir, with regard to the boxes that are being used by tea gardens and which are manufactured locally, whether they will come under the Bill or not, I cannot say anything at the moment without consulting the Legal Remembrancer. Any way, Sir, it seems now that they will come under the Bill because they are, after all, dry measures.

With regard to the officer who will be able to sanction prosecution, it all depends which department will be responsible for working out of this measure. If it be left to the Agriculture Department, and if the Marketing Section is made permanent, then of course the Director of Agriculture will have to look after the working of the Bill. Of course that will be decided by Government when this Bill will be passed by the Upper House.

With regard to the other points raised by my hon. Friend, Mr. Whittakar, these would be considered by Government in due course, and we will certainly do our best to help the villagers and see that they are not harassed in any way.

Mr. A WHITTAKER : Mr. Speaker, Sir, I am sorry to be persistent ; but I must emphasise the main point that a certain number of very expensive weighing instruments depend on accurate balance and on remaining on fixed sites in business premises. These weighing machines cannot be carried over a long distance by any kind of transport along the kind of roads we have here without having their balance upset. The request is for some consideration for owners of a particular class of weighing instruments and not for owners of any class of weights. We are asking for no substantial concession. I quite agree that all weights should be carried to central

places and should there be tested and stamped. We are asking for a concession only to those persons who have introduced the most up-to-date weighing instruments. More persons should be encouraged to do so by not having their machines smashed in the process of getting them examined by in expert Government Officers.

The Hon'ble Mr. NABA KUMAR DUTTA : I will remember these suggestions made by hon. Mr. Whittaker.

The Hon'ble the SPEAKER : The question is :

"That the Assam Standard Weights and Measures Bill, 1944, be passed".

The question was adopted.

The Assam Debt Conciliation (Amendment) Bill, 1945

The Hon'ble Maulavi MUNAWWAR ALI : Mr. Speaker, Sir, I beg to move that the Assam Debt Conciliation (Amendment) Bill, 1945, be taken into consideration.

I am sure, Sir, that the hon. Members have had sufficient time to go through this Bill closely. The Statement of Objects and Reasons has made the broad purpose of this Bill quite clear. For recapitulation of the hon. Members I will re-state.

"The Bill seeks to remedy difficulties encountered in administration of the Act in connection with the definition of a debtor, his appearance before a Board and his recovery of property from the possession of a creditor after an order under section 8(2) of the Act. Opportunity has been taken at the same time to provide for the appointment of a Vice-Chairman of each Board, who will be able to officiate for the Chairman in the latter's enforced absence and so avoid the delay entailed by waiting for the Chairman's return to effect disposal of pending cases".

This short Bill envisages four different Amendments. In the first place, it enlarges the scope of the definition of a debtor. In the second place it provides for a Vice-Chairman. In the third place it makes provision for putting the debtor in possession and in the fourth place it provides for the attendance of the debtor also.

If hon. Members will turn their attention to Clause 2, they will see that "in clause (e) of section 2 of the principal Act, after the word 'assigns' the words 'and it has been found that some of the joint debtors escape the consequence of this Act because of the fact that they happen not to be agriculturists in the sense of this Act that view, it has been seen that a whole case has fallen through on that very reason. It is to avert such being the case that this provision is proposed to be incorporated.

Turning to Clause 3, the hon. Members will find a provision for a Vice-Chairman and the other provisions which follow on the same line are merely consequential and that this provision is salutary has to be admitted on all hands, because in the absence of the Chairman the whole essential activities of the Board remain suspended. Therefore this provision has been considered to be urgent and provision has been made accordingly.

Now, Sir, when a Debt Conciliation Board arrives at a decision for possession being given to the debtor regarding certain properties, in practice it has been found that there is no provision to put a party into possession. So provision has been made accordingly.

I think, Sir, hon. Members will agree that all the provisions, proposed to be enacted, are essential for the effective working of this Act. I, therefore, should feel sure that there will be no two opinions about the acceptance of these provisions in those four different directions.

With these few words I would request the hon. Members of this House to lend their support to this Motion.

The Hon'ble the SPEAKER : Motion moved :—

"That the Assam Debt Conciliation (Amendment) Bill, 1945, be taken into consideration."

(After a pause)

I am taking it that no debate is going to be held.

The question is :

“That the Assam Debt Conciliation (Amendment) Bill, 1945, be taken into consideration.”

The question was adopted.

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, I beg to move that the Assam Debt Conciliation (Amendment) Bill, 1945, be passed.

The Hon'ble the SPEAKER: Motion moved :

“That the Assam Debt Conciliation (Amendment) Bill, 1945, be passed.”

(After a pause)

I am putting it as a question.

The question is :

“That the Assam Debt Conciliation (Amendment) Bill, 1945, be passed.”

The question was adopted.

The Sylhet Non-Agricultural Urban Tenancy Bill, 1945

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, I beg to introduce the Sylhet Non-Agricultural Urban Tenancy Bill, 1945.

In this connection, Sir, I beg to draw your attention to the fact that it has not been possible for us to place this Bill into the hands of the hon. Members in advance of the requisite time that is necessary under the provisions of the Assembly Rules

The Hon'ble the SPEAKER: The Hon'ble Minister should move the next Motion.

The Hon'ble Maulavi MUNAWWAR ALI: I beg, Sir, to move that the Sylhet Non-Agricultural Urban Tenancy Bill, 1945, be circulated for eliciting public opinion thereon.

The Hon'ble the SPEAKER: Please mention a date.

The Hon'ble Maulavi MUNAWWAR ALI: By the 31st July next.

Maulavi ABDUL BARI CHAUDHURY: May I suggest the 15th of May, 1945 ?

The Hon'ble the SPEAKER: Does the Hon'ble Minister accept the date ?

Maulavi MUNAWWAR ALI: I should have no objection if that date be acceptable to the hon. House, at the same time, I must mention that this Bill is of far-reaching consequence. We, therefore, thought it fit to let it go for circulation.

* Mr. A. WHITTAKER: In view of contentious nature of this Bill I should like to suggest a longer period.

The Hon'ble Maulavi MUNAWWAR ALI: The hon. Members have had copies of this Bill for about a week in their hands and I think they have gone through the Objects and Reasons—the main and salient features of this Bill, because it is a Bill of contentious nature, the subject matter having been dragged from day to day and year to year since 1937. The matter is of paramount importance to all concerned. I will, therefore, Sir, with your permission, try to bring to the notice of the hon. Members as much of the salient aspects of the Bill as possible.

This Bill in the main seeks to make better provision relating to the law of landlords and tenants in respect of the non-agricultural tenancies in the urban areas of the district of Sylhet and to give better protection to the non-agricultural tenants of these areas. Urban areas have been defined in the Bill and it is intended that the provisions of the Bill would apply to all non-agricultural tenancies, included within the Municipal areas and small towns of the district. The present position of the tenants in such areas is in several respects precarious and unless protected by some special contract

entered into between the landlord and tenant, the tenant has practically no fair security of tenure and is liable to be ejected, if the landlord so wanted, on six months' notice and his rent is also liable to enhancement at any time and up to any amount. This Bill gives the tenant, who has been holding land continuously for a period of 12 years, a right of occupancy in the holding and such right has been made both *heritable* and *transferable*.

The liability of the tenant to be ejected has been confined to two cases only, *viz.*, (1) when he is in arrear in the payment of rent and (2) where he has used the land in a manner which has materially impaired its value or has used it for a purpose other than and inconsistent with the purpose of the tenancy or has rendered the land unfit for the purpose of the tenancy. In each of such cases, the ejection can be made in execution of a decree passed by a competent court. But in case of such ejection, the interests of the tenants are protected by a provision made for the payment of compensation by the landlord to the tenant in respect of any building erected and any improvement made by the tenant on the holding. The amount of such compensation is to be determined by the court in the same proceedings, in the event of a decree for ejection being passed, and if the landlord fails to deposit the amount in court within the time fixed by the court, his claim for ejection is to fail.

Tenants have also been given the right to erect *pucca* structures, dig tanks and to plant, fell, and utilise or dispose of any timber on the land, and, in general to use the land of the tenancy in any manner not inconsistent with the purpose of the tenancy or which does not materially impair the value of the land.

As regards rent, it has been provided in the Bill that the rent for the time being payable will be presumed to be fair and equitable, until the contrary is proved, and that enhancement of rent can be made only upto the customary rate payable by persons holding similar tenancies in the vicinity and where such customary rate does not exist or cannot be ascertained, up to such limit as the court holds to be fair and equitable. The factors which a court should take into account in determining a fair and equitable rent, have also been indicated. These are—

- (1) the existing rent and the period during which it has remained without enhancement ;
- (2) the rent paid for similar tenancies in the vicinity ;
- (3) special conditions and incidence, if any, of the tenancy, and
- (4) costs incurred for making any improvements to the land of the tenancy.

It has further been provided that rent once enhanced by contract or through the intervention of court, shall not be further enhanced within a period of ten years next following and not by more than two annas in the rupee.

Provision has been made for progressive increment of rent, whereby an increment of rent, when allowed by a court, may be spread out over a period not exceeding five years, if the court considers that an immediate increase will cause hardship to the tenant.

Provision has also been made for reduction of rent by the court, if the existing rent is held to be unfair and inequitable.

It will thus be seen that all necessary provisions have been made to place the rights of the tenant on a sure and fair footing and to protect him from ejections and enhancements which might be considered arbitrary and oppressive.

Transfers of occupancy holdings have been made subject to the payment of a landlords' fee, which has been fixed at 20 per cent. of the value of the tenancy or the method of such transfers, and elaborate provisions have been made regarding transfer, a right of pre-emption has been given to the immediate landlord of the tenancy and also to the co-sharer tenants, in case of a transfer of a portion or share of a tenancy, with priority to the latter, and the procedure for the enforcement of the right of pre-emption under different circumstances have been laid down. But the right of pre-emption will not apply to a dedication for religious, educational or charitable purposes, a transfer by way of Wakf under the Muslim Law, a transfer to a

co-sharer and a transfer by way of sub-lease or partition, or by bequest or gift in favour of husband or wife or of any relation by consanguinity within three degrees of the testator introduced by private members or donors, including an adopted son under the Hindu Law.

Special provisions have been made with regard to tenancies for specific religious, charitable or educational purposes, which have been given the status of permanent tenancies, whatever be the period of the lease or occupation and it has been provided that the tenants of such tenancies shall not be ejected except on the ground that the land was being used for any purpose other than the respective religious, charitable or educational purposes or was not being used for such purposes.

Finally, the provisions of the Bill will be given retrospective effect in respect of all suits and proceedings which would be pending at the date of the commencement of the Act.

It may thus be fairly claimed that whereas the tenant has been given a permanent right on 12 years' occupation, with protection against arbitrary ejections and enhancements, etc. the interests of the landlord have also been properly safeguarded, consistently with the conferment of the permanent right to the tenant. The Bill, as framed, should thus be held to be more comprehensive and less contentious, in accordance with the assurance given by the Government in the previous Assembly Session, than its predecessor Bills.

I think, Sir, I have brought forward all the salient features and the main aspects of the provisions of the Bill to the hon. Members to enable them to make up their mind to lend their whole-hearted support to the Motion that I have mooted.

The Hon'ble the SPEAKER: Motion moved:
 "That the Sylhet Non-Agricultural Urban Tenancy Bill, 1945, be circulated for eliciting public opinion thereon by the 31st July, 1945."

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I beg to move an Amendment to the Motion.

I beg to move that instead of sending the Bill for eliciting public opinion it should be sent to a Select Committee consisting of the following Members:--

1. The Hon'ble Minister-in-charge of the Bill,
2. Babu Rabindra Nath Aditya,
3. Maulavi Abdul Aziz,
4. Maulavi Abdul Bari Chaudhury,
5. Babu Bipin Behari Das,
6. Babu Dakshina Ranjan Gupta Chaudhuri,
7. Maulavi Mabarak Ali, and
8. The Mover.

In place of Maulavi Amjad Ali I have put the name of Maulavi Mabarak Ali, for I find that the Bill concerns the people of the Surma Valley only. I also suggest that four Members are to form the quorum and that the report is to be submitted by the 30th June, 1945.

Sir, my intention in moving this Amendment is very simple. It is a known fact to the hon. Members of this House that this sort of legislation has been urged upon on the floor of this House since 1939. First, if I remember aright, a non-official Bill was introduced in the year 1939 and, later on, as many as three such Bills were introduced under the name of Sylhet Non-Agricultural Tenancy Bill. The Bill, which was in the name of Maulavi Abdul Aziz, got the first place in the ballot and it was virtually moved. Then it was sent for eliciting public opinion and after the Bill had received public opinion it again came up before the House and was referred to a Select Committee. The Select Committee thought it necessary that the hon. Members of the Committee should visit each of the subdivisional headquarters of the district and virtually they did so. The Hon'ble Minister-in-charge of Revenue also was kind enough to tour round the subdivisional headquarters of the District and the Select Committee examined innumerable cases both for and against the Bill.

As far as I remember, Sir, the opinions gathered by the Select Committee were in favour of a legislation—rather an early legislation—of that nature but during the last Session when the Bill came up before the House as amended by the Select Committee, the Hon'ble Minister-in-charge of Revenue assured the House that a more comprehensive Bill would be brought forward by the Government themselves. The House then accepted the assurance of the Hon'ble Minister and the result is the present Bill placed before us to-day. This Bill has emerged out of the recommendations of the Select Committee, and as such, I do not find any necessity for the Bill to be again sent for eliciting public opinion. Sir, it is a fact that a Bill of this nature.....

The Hon'ble the SPEAKER: At this stage before the hon. Member proceeds further, I wish to know whether the Hon. Member is sure that such an Amendment is in order. I do not think that this Amendment can be moved to a Motion for circulation. I wish to know the hon. Member's view. The Hon'ble Minister-in-charge moves the Motion for circulation, and I think, no other Member is entitled to move any Amendment to the Motion for circulation. If the Hon'ble Minister had moved a Motion for referring the Bill to a Select Committee, then the hon. Member would have been within his rights to move his Amendment. So, no other Member would be within his rights to move that the Bill be referred to a Select Committee of this House.

In this connection I may refer to Rule 58, sub-rule 2 and sub-rule 3, which are very clear and I am afraid I cannot allow the hon. Member to move his Amendment.

Babu RABINDRA NATH ADITYA: May I request the Hon'ble Minister to move that the Bill be referred to a Select Committee instead of moving for eliciting public opinion?

The Hon'ble the SPEAKER: He cannot also do that after having given notice of a Motion for circulation of the Bill for eliciting public opinion.

The Hon'ble Maulavi MUNAWWAR ALI: I gave the assurance in the last November Session of the Assembly and since then only two months and a half had elapsed within which period it was not humanly possible to go through all the pros and cons of the nature that I have described to-day. On the other hand the position was like this. An expert would have to be recruited under the aegis of the Hon'ble Calcutta High Court, who would take about 6 months' time to evolve a Bill. So there was no chance of introducing this here at this Session. What I did was that I called for the assistance of our Advocate General and by his invaluable collaboration, it has been possible for us to bring this Bill forward at this Session.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move an Amendment and to state that the Bill be circulated for eliciting public opinion thereon by the 31st May. The scope of the Bill is limited to the urban areas of the district of Sylhet only. A similar Bill was introduced on the floor of this House by hon. Maulavi Abdul Aziz and that Bill was circulated for eliciting public opinion thereon. Thereafter the Bill was referred to a Select Committee and the Members of the Select Committee visited all the towns of the district of Sylhet to gather public opinion. In the circumstances the opinions of the public in general are too well-known; so there was absolutely no necessity for the present Motion. If the Hon'ble Minister-in-charge still insists that the Bill be circulated for eliciting public opinion a shorter date should be presented. Sir, we expect an earlier Session this year—I hear that a Session is going to be called by the month of June or July. My anxiety is that the opinions should be made available to the hon. Members before that Session begins.

The Hon'ble the SPEAKER: Amendment moved.

“That the Bill be circulated for eliciting public opinion thereon by the 31st May, 1945”.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, I beg to support the Amendment moved by Maulavi Abdul Bari Chaudhury. As to the principle of the Bill it was discussed threadbare when a Bill of similar nature was brought before the House by my hon. Friend Maulavi Abdul Aziz. It has been said by some that it is an innovation in the annals of the tenancy Bills of our country. But there is such

an Act in the Madras Presidency, and a Bill to that effect is being mooted, I understand, by the Government of Bengal. So, Sir, as to the urgency of this particular Bill, I think, there will be no two opinions in the whole House. As has been said by Maulavi Abdul Bari Chaudhury, there was a great anxiety to see that the Bill be referred to a Select Committee, as the other Bill, as drafted by Maulavi Abdul Aziz, was circulated for eliciting public opinion and after that the Members of the Select Committee went to all the subdivisions of the district of Sylhet and got in touch with the public to get their opinions. After that they themselves submitted their report and in that report the Hon'ble Revenue Minister was a party. But in the present case the Hon'ble Minister has not come with a proposal for sending the Bill to a Select Committee. But since, Sir, you have been pleased to decide that a Motion for referring it to a Select Committee is not in order, I wholeheartedly support the Motion of my hon. Friend Maulavi Abdul Bari Chaudhury. There are certain difficulties in the Bill of which mention has already been made. I think, Sir, when the whole matter will come up before the House, after obtaining the public opinion by the 31st May, 1945, it will be decided whether the Bill will be required at all to be referred to a Select Committee or it will be disposed of by the House.

With these words, Sir, I beg to support the Motion moved by Maulavi Abdul Bari Chaudhury.

Maulavi ABDUL AZIZ: Mr. Speaker, Sir, I beg to support the Amendment moved by Maulavi Abdul Bari Chaudhury. Sir, this Tenancy Bill has been before the House from the year 1938. When the first Bill of this nature came before the House it was only for the town of Sylhet. It was passed by this House, but rejected by the Upper House. And again it was passed by this House and again the Bill was sent back to the Upper House. At this stage a Joint Session of both the Houses was due, but for reasons best known to Government, no Joint Session was held. In 1941, I introduced a Bill to cover all the urban areas of the district of Sylhet. Sir, from 1941 to 1944, that Bill was before the House. This was first published for eliciting public opinion and then it was referred to a Select Committee and the Select Committee decided to hold a local enquiry and accordingly the Members of the Select Committee visited all the different towns of the district of Sylhet. In the Select Committee I was also a Member. We took the evidence of both the landlords and the tenants which were duly recorded and finally the Select Committee unanimously came to a decision as to the need of such a legislation. When the report of the Select Committee came before the House during the last November Session, the Hon'ble Revenue Minister assured us that the Government would bring in a more comprehensive Bill and on that assurance I withdrew that Bill. Now the Hon'ble Revenue Minister has brought this Bill for which I must thank him for all he has done in this connection. When my Friend Maulavi Abdul Bari Chaudhury tells us that there will be an early Session of the Assembly this time I think it is better that the date for receiving public opinion should be 31st May, 1945, and not later. Sir, the principle of the Bill has been well discussed in the House and it is well known to the public in general. However, Sir, when the Hon'ble Minister-in-charge of Revenue says that as the Bill has not been drafted by an expert some modifications here and there might be required, I do not like to oppose the Motion to get public opinion thereon, and as an earlier Session is going to be held this year, it is quite fair that the date for receiving public opinion should not be later than 31st May, 1945.

With these words, Sir, I support the Motion.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, this question of the Sylhet Non-Agricultural Urban Tenancy Bill is pending practically for the last 7 years and the Hon'ble Minister-in-charge gave us assurance in the last November Session that he would come forward with a new Bill on behalf of Government and so we decided not to press the Bill of Maulavi Abdul Aziz for being passed in that Session. While I thank the Hon'ble Minister for having implemented

his assurance to this House by bringing forward this Bill, we are also disappointed to find that a dilatory Motion for eliciting public opinion has been moved by him instead of straightaway referring the Bill to a Select Committee. As has already been said by some hon. Members, this question was thoroughly mooted in this House and the public opinion of Sylhet over this question is too well known to need a further reference to it. The arguments put forward by the Hon'ble Minister that he had to draft the Bill in haste and therefore he might lend himself to certain inaccuracies are not at all convincing. Sir, with regard to this argument we can submit that these difficulties might have been obviated if the Bill would have been referred to a Select Committee. It requires no public opinion on this matter. The verdict of the public is already overwhelmingly in favour of this Bill.

One question that I raised on a similar occasion was this that the Sylhet Non-Agricultural Tenancy Bill should not be confined to urban areas only. We are now thinking in terms of future developments not only of urban areas but semi-urban areas and industrial and commercial areas as well which will find due recognition in the plan for post-war developments and already similar areas which are not properly urban areas but nevertheless have got some urban facilities developed in the district of Sylhet *e. g.*, Chhatak, Srimangal, Badarpur and Kuaura. These are some of the places which are not urban areas but nevertheless they have got other facilities and people in different walks of life come to stay in those areas either for purpose of trade, commerce or industry or for other purposes. So the tenants in these areas, which are developing fastly in the district of Sylhet, require protection as much as the urban people require it. This is why for future developments of the district it is necessary that there ought to be certain provisions in the Bill by which the Government could extend the operation of this Act to other areas by means of a Notification. But since in the definition the Government limit it only to urban areas or rather municipal areas, I don't think it will be possible for other areas to get the benefit of this legislation except the 5 towns in the district of Sylhet. But this might be done by relaxing the definition of the word 'urban' in order to embrace any other area that may be so defined by a Notification in the official Gazette. This is one of the suggestions that I like to put forward to the Hon'ble Minister even at this stage. By delaying this legislation for 7 years, I think, Sir, we have done more harm than good to those people for whom this Bill was intended because most of the vigilant landlords have taken advantage of this time lag and have already evicted many of their tenants and they are now cautious enough not to grant a long-term lease to their new non-agricultural tenants. So by flirting with this important question we are putting the non-agricultural tenants to further complications and difficulties. This is why it is all the more necessary that the passing of this Bill should be expedited. This question brooks no further delay. Now, there is no way out for us except accepting the Amendment which is intended to accelerate the process of circulating the Bill for taking public opinion and with this end in view I cannot but support the Motion of my hon Friend Maulavi Abdul Bari Chaudhury.

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, I may in short say, by way of reply, that the question before us is whether to accept this date or any other suitable date. I have already said, Sir, that whichever date will be acceptable to the Hon'ble House will also be acceptable to us.

The Hon'ble the SPEAKER: Then I am putting the Amendment of Maulavi Abdul Bari Chaudhury to the vote of the House.

The question is:

"That the Sylhet Non-Agricultural Urban Tenancy Bill, 1945, be circulated for eliciting public opinion thereon by the 31st of May, 1945."

The question was adopted.

Statement by the Hon'ble the Speaker regarding the procedure to be followed in respect of Bills circulated for eliciting public opinion

The Hon'ble the SPEAKER : Now, with regard to the procedure that is being followed regarding the matter of eliciting public opinion I wish to make a short statement. I wish to draw the attention of the Hon'ble Minister-in-charge to a statement which I made on the floor of the House on the 2nd December, 1941. In that statement I pointed out that the procedure that was being followed would create a great deal of confusion in the public mind and sometimes opinions came to the Assembly Department and sometimes opinions were sent to Government direct with the result that considerable difficulty was experienced in selecting opinions for publication. Just to avoid that the statement was made suggesting a procedure and asking Government to bring forward a Motion before the House for the adoption of that procedure ; but that has not yet been done. However, I wish to point out that if with regard to this Bill that procedure is followed the difficulty that I have pointed out will not again be experienced.

In that statement hon. Members would find that with regard to Government Bills I suggested this procedure :

“Now in the case of a Government Bill—(i) it should be circulated to such persons, Bodies or Associations as may be suggested by the administrative department concerned as at present and (ii) with the concurrence of the Government Department concerned in each case the opinion of the public at large may also be invited. This may be done either by a covering notification republishing the Bill in the Gazette if it has not already been published under Assembly Rule 51. In this case also the opinions should come through the Government agencies selected by the Department concerned and not direct. If the House has no objection, the selected Government agencies in this case also should forward only such opinions as are found to be of representative character and worthy of consideration. I consulted the various provinces in the matter and have come to the conclusion that the procedure suggested by me, following Bengal and the Central Assembly, is likely to solve a good deal of difficulties if approved by the House.”

Although no such Motion was brought before the House for approval, I would nevertheless suggest that it would relieve us from a good deal of confusion if the procedure, I suggested, be followed.

Motion regarding extension of the term of the Agricultural Marketing Scheme

The Hon'ble Mr. NABA KUMAR DUTTA : Mr. Speaker, Sir, I beg to move—that this House approves that the term of the Agricultural Marketing Scheme, which will expire on the 31st March, 1945, be extended till the end of the year 1945-46.

The House is familiar with the history of this marketing scheme in this province which was inaugurated with the financial aid from the Government of India. In the year 1935, the Government of India agreed to help the Provincial Governments with finances in order to enable them to start organised marketing of agricultural produce. The Government of India allotted Rs.50,000 for this Province and the Province took advantage of that aid and prepared a scheme in 1935. It was continued for 5 years from 1935, on the expiry of which the scheme was extended for another 2 years, and then from year to year.

Sir, for a long time in the country attention was paid more to agricultural produce than to marketing. But as a result of the catastrophic fall of the world prices of agricultural produce in the pre-war days, attention of the country was paid to the marketing aspect as well. It was felt that the two great losses which a farmer sustains are in uneconomic producing and uneconomic marketing. The works of this scheme have suffered to a great extent on account of the present war conditions. The staff of this scheme have been trying their best to help the agriculturists of the Province as far

as possible. I give below annual expenditure of this scheme from the year 1935-36 up to 1944-45 and the contribution received from the Government of India—

Annual expenditure in—		Of which Government of India contributed			
	Rs.				Rs.
1935-36	... 16,855	...	...	...	10,000
1936-37	... 17,304	...	...	...	10,000
1937-38	... 13,960	...	...	...	10,000
1938-39	... 17,862	...	...	...	10,000
1939-40	... 16,108	...	...	...	10,000
1940-41	... 24,629	...	...	...	15,000
1941-42	... 24,309	...	...	...	13,500
1942-43	... 23,209	...	...	...	9,750
1943-44	... 27,279	...	...	...	5,500
1944-45	... 34,794	...	...	...	5,500

In the year 1945-46 also we expect to get the same amount of Rs. 5,500 from the Government of India.

Hon. Members are aware that there is a Central Marketing Section and this undertakes the work in collaboration with the Provincial Marketing Schemes. The work of this Scheme can be divided mainly under 3 heads—(1) Survey work, (2) Development work and (3) work of grade standard. With regard to survey work our marketing staff have already submitted 35 survey reports as required by the Government of India. These reports are necessary for future development of organised marketing and they were mainly in connection with castor seeds, table poultry, honey, bees, fibres other than cotton and jute, sesamum, niger seeds, etc. The detailed informations collected in respect of the above survey reports were submitted to the Government of India as required by them. With regard to grading work, the department has been able to appoint several graders in the Province during the year 1945-46. Altogether 14 parties were appointed in the year 1945-46 in the Province and the total number of eggs graded were nearly 63 lacs and for these graded eggs a premium of Rs.26 was paid for every thousand. The marketing section has appointed one commissioned agent in Calcutta the name of which is Messrs. Bhattacharya and Company, 10, Machuabazar Street, Calcutta. Through this agent our producers were able to sell their produce in Calcutta. The working of this scheme was supervised in Calcutta by the Marketing Officer so as to guard the interests of Assam producers. The sale proceeds of the fruits that were sold in Calcutta through this agency was Rs. 2,730 in the year 1944-45. The sale proceeds have not been good on account of war-time conditions as well as transport difficulties. But, Sir, the conditions have recently greatly improved, and I hope, Assam agriculturists will be able to send more produces to Calcutta and better prices will be obtained by them. Besides the work done by the officers under this scheme, the Marketing Officer also helps the Department in selecting seeds and testing them. He has got to go to other provinces. Last year we sent the Marketing Officer to Bihar to purchase pulse seeds. The Marketing Officer was in contact with the United Provinces Government and could get a promise of 25,000 maunds of Ag-mark ghee, and the United Provinces Government have promised to send this quantity as soon as railway wagons are available. They won't send the whole lot at a time, but 1,000 maunds per month. The officers of the Marketing Section also helped the Grow-More-Food-Campaign in various ways, such as, in distribution of seeds, manures, etc. The staff also collect news reports every week and send them to the Government of India as well as to other provinces. They also get the figures of potatoes exported from Shillong every year and send the price-list to different provinces. Fortnightly price-lists of vegetables from important producing centres of the Province were obtained and supplied to New Delhi. Fortnightly reports of prices and stock of paddy at different places of the Province were collected and sent to the Government of India as required by them.

So, Sir, from these the hon. Members will find that the officers of this

Department are not sitting idle and it will be unwise to discontinue the scheme. I therefore hope the hon. Members will see their way to extend the scheme till 31st March, 1946.

The Hon'ble the SPEAKER: Motion moved:

"That this House approves that the term of the Agricultural Marketing Scheme which will expire on the 31st March, 1945, be extended till the end of the year 1945-46."

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, last year, this Motion was opposed by myself and Mr. Blennerhassett, but after hearing the explanation of the Hon'ble Premier we agreed to vote for the Motion, which was passed. The Motion was for extension of the scheme for one year only. This year also there has been a Motion for another year's extension. But I do not find any reason to oppose this Motion this year because we have seen that this particular item has been included in the Post-War Reconstruction Scheme. I would therefore suggest that these annual schemes be linked up, year by year, to the big scheme of Post-War Reconstruction which is before us. For this very reason, I think, this scheme should be approved by all.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir. May I enquire whether the money that will be contributed by the Central Government for the current year has been received?

The Hon'ble Mr. NABA KUMAR DUTTA: They have written to us that they will give Rs. 5,500 this time also.

Mr. BAIDYANATH MOOKERJEE: May I enquire why this amount has not been included in the Budget?

The Hon'ble Mr. NABA KUMAR DUTTA: We did not hear anything when the Budget was prepared.

Mr. BAIDYANATH MOOKERJEE: I am not talking of next year. There was a Budget provision of Rs. 10,000 for the current year, but in the revised no amount has been shown. I have got a shrewd suspicion in my mind, and therefore, I am enquiring. While there was a Budget estimate of Rs. 10,000 for the current year, why has no amount been shown against the revised estimate?

The Hon'ble Mr. NABA KUMAR DUTTA: We did not know the amount at the time of preparing the Budget. We received the amount late in the year.

Babu NIRENDRA NATH DEV: Mr. Speaker, Sir, we have been opposing this Marketing Scheme for the last few years, and for good reasons. The Hon'ble Minister-in-charge concluded his remarks by saying that it would be unwise not to extend the scheme for another year, but after hearing him I am constrained to remark that it would be the most wise thing to close down the scheme at once. All that the Hon'ble Minister could say in favour of the scheme was that Messrs. Bhattacharya and Co., had been appointed agents in Calcutta for selling our goods there. I do not think there was any necessity for a separate department in order to find a Calcutta agent for selling our goods there. All else the Marketing Department did, was in connection with purchasing goods for this Province. The Hon'ble Minister said that the Marketing Officer went to Bihar and the United Provinces to purchase pulse seeds and Ag-mark ghee, and he was arranging wagons, etc. All these things are done by the Civil Supply Agency, Messrs. Shaw Wallace & Co., and the Trade Adviser in Calcutta. What is the use of duplication of the same functions by so many agencies? So, Sir, after hearing the Hon'ble Minister I am constrained to remark that it would be the most wise thing to close down this Department even now.

The Hon'ble Mr. NABA KUMAR DUTTA: This year we sent our senior Marketing Officer to Bihar to select seeds there when we made purchases of pulse seed there. The agent in Calcutta was appointed not recently but in the year 1935 and that has since been continued. We need an agent in Calcutta where Assam pine-apples and oranges can be sold; otherwise it will be difficult to manage.

The Hon'ble the SPEAKER: The question is:

"That this House approves that the term of the Agricultural Marketing Scheme which will expire on the 31st March, 1945, be extended till the end of the year 1945-46."

The question was adopted.

Amendments to The Assam Motor Vehicles Rules, 1940

The Hon'ble the SPEAKER: Now the consideration of the Amendments* to the Assam Motor Vehicles Rules, 1940, item by item, may be taken up.

There are no Amendments to these Amendments of the rules as laid on hon. Members' tables.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I beg leave to move that the Amendments to the Assam Motor Vehicles Rules, 1940 be adopted. On the very date that we sat for this Session, the proposed Amendments were laid on the table of each hon. Member. The main Amendment is for showing a concession to those drivers who had proceeded overseas in order to serve in the Army. For example we propose to add this Rule 6A:—

"The licensing authority, if he is satisfied that the applicant previously held a license and was by reason of his absence out of India on service in army units abroad prevented from obtaining or renewing a license in accordance with the Act on the expiry of his previous license, may exempt him from paying either in part or in full all or any of the fees payable for grant or renewal of a licence or fees for tests in that connection."

Similarly some concession has been given as regards renewing a licence as mentioned in clause 12 (d). Then in rule 33 we want to bring the Salvage and A. R. P. Services or the Assam Transport Organisation under the exemption from payment of fees. The other rules as hon. Members will find more or less are mere changes of clerical nature.

The Hon'ble the SPEAKER: Motion moved:

"That the Amendments to the Assam Motor Vehicles Rules, 1940 be approved by the House."

(After a pause)

I am putting it as a question.

The question is:

"That the Amendments to the Assam Motor Vehicles Rules, 1940, be approved by the House."

The question was adopted.

The Hon'ble the SPEAKER: Then we have got private Members' business if time permits. We have got only five minutes more.

(Voices:—the House may be adjourned now)

Adjournment

The Assembly was then adjourned till 11 A. M., on Saturday, the 24th March, 1945.

SHILLONG,
The 14th June, 1945.

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

APPENDIX F

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

Sir, I beg to lay the following Amendments to the Assam Motor Vehicles Rules, 1940, on the table :—

(1) After Rule 6 in Chapter II of the Assam Motor Vehicles Rules, 1940 insert the following as a new rule :—

6A. The licensing authority, if he is satisfied that the applicant previously held a licence and was by reason of his absence out of India on service in army units abroad prevented from obtaining or renewing a licence in accordance with the Act on the expiry of his previous licence, may exempt him from paying either in part or in full all or any of the fees payable for grant or renewal of a licence or fees for tests in that connection.

[Home Department Notification No. HMV. 14/43/12, dated 6th December 1940.]

(2) After clause (c) of Rule 12 in Chapter II of the Assam Motor Vehicles Rules, 1940 insert the following as a new clause :—

(d) No fee shall be charged for the test if the applicant previously held a licence granted or renewed under any provision of law which was in force in British India at the time it was granted or last renewed, to drive a vehicle of the class to which the application refers and was prevented, by reason of absence out of India on service connected with the present war, from obtaining or renewing a licence in accordance with the provisions of the Act, on the expiry of the previous licence.

[Home Department Notification No. HMV. 14/43/12, dated 6th December 1943.]

(3) In Rule 33 of the Assam Motor Vehicles Rules, 1940 :—
Substitute a 'comma' for the word 'or' between the words 'Police Force' and 'Fire Brigade' occurring in the first and second lines, and for the words 'when licences are issued to them' substitute the words 'Salvage and A. R.P. Services or the Assam Transport Organisation when licences are issued to them to drive motor vehicles belonging to the respective organisations'.

[Home Department Notification No. HMV. 14/43/12, dated 6th December 1943.]

- (4) 1. Rule 34, substitute "45" for "44" in the last line of sub-rule (a).
2. Rule 36, substitute "41" for "40" in the penultimate line.
3. Rule 39, substitute "38" for "37" in the first line of sub-rule (a).
4. Rule 41, omit Balipara Frontier Tract, Sadiya Frontier Tract and Naga Hills and the corresponding entries against them in sub-rule (a).
5. Rule 42, substitute "41" for "40" in the last line of sub-rule (a).
6. Rule 56, substitute "58" for "57" in the last line of sub-rule (b).
7. Rule 58, in the heading substitute "manufacturers" for "manufactures".
8. Rule 57, Note, substitute the word "Superintendent" for the words "Deputy Commissioner in charge" in the 2nd line of the Note.
9. Rule 67, substitute "k" for "f" in the 3rd line and "62" for "61" in the 4th line of sub-rule (a).
10. Rule 79, substitute "80" for "81" in the last line and "78" for "79" in the 3rd line of sub-rule (a).
11. Rule 83, substitute "81" for "82" in the 2nd line of sub-rule (a) and "82" for "83" in the 2nd line of sub-rule (a).
12. Rule 95, substitute "147" for "149" in the 3rd line of clause (i).
13. Rule 100, substitute "102" for "104" in the 3rd line of sub-rule (m) and omit the "Note" thereunder.
14. Rule 109, substitute "81" for "82" in the last line of sub-rule (c) and "82" for "83" in the last line of sub-rule (c).
15. Rule 111, substitute "203" for "206" in sub-rule (b).
16. Rule 115, substitute "41" for "40" in the last line of sub-rule (1) (b).

17. Rule 134, *insert* "and" between Tura-Mankachar and Tura-Phulbari and *omit* the words "and Dimapur-Manipur" in the third and fourth lines of sub-rule (d).

18. Rule 167, *substitute* "147" for "149" in the first line.

19. Rule 176, *substitute* "136" for "138" in the second line.

20. Rule 202, *substitute* "111" for "113" in the second line.

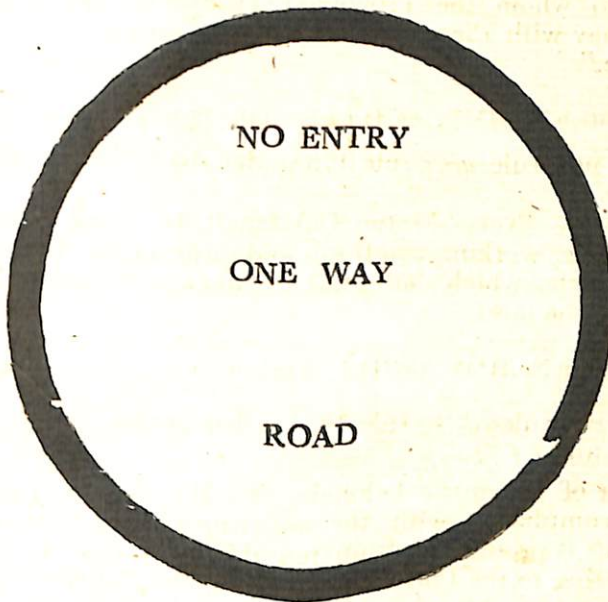
21. Fourth Schedule—

(i) *Insert* the words "and Lakhimpur Frontier Tract" after the words "North Lakhimpur Subdivision" after Lakhimpur against Upper Assam Region, as amended by Notification No.HMV.98/42/6, dated the 11th August, 1942.

(ii) *Insert* within parenthesis the words "exceeding North Cachar Hills" after Cachar against Surma Valley Region.

22. Mandatory Signs—

Insert the following as a new sign No.11(a) after sign No. 11.



Red circle on white ground.
Letters to be red.

2 Ft. Diameter

[Home Department Notification No.HMV. 98/42/13, dated the 27th March 1944.]

(5) *Rule 2 (f)*—*Add* the following below the definition of Inspector of Motor Vehicles:—

"For the purpose of inspection of Assam Transport Vehicles only, the term Inspector of Motor Vehicles shall include an Area Manager or Workshop Superintendent of the Assam Transport".

[Home Department Notification No.HMV. 120/43/7, dated the 20th April 1944.]

(6) *Rule 46(a)*—*Insert* the word "and the Director, Assam Transport in respect of the Assam Transport Vehicles only" between the words "Registering authority" and "may" occurring in the 4th line under Rule 46, Clause (a).

Rule 46 (c)—*Insert* the following at the end of Clause (c) of Rule 46:—
"No application for certificate of fitness will be necessary in the case of the Assam Transport Vehicles".

Rule 46 (h)—Insert the following as *Note* at the end of Clause (h) of Rule 46 :—

“*Note*.—No inspection fees shall be payable in respect of Assam Transport Vehicles”.
[Home Department Notification No. HMV. 120/43/7, dated the 20th April 1944.]

(7) Insert the following as a new rule after rule 200 :—

200A. Nothing in Chapter VI of the Act, or the rules in this Chapter shall be deemed to apply to a vehicle belonging to any authorized Fire Brigade, Ambulance or A.R.P. Service, when proceeding to the scene of any fire, accident, or air raid incident, provided that such vehicle is equipped with a gong or horn approved in this regard by the Registering Authority, and such gong or horn is continuously sounded.

[Home Department Notification No. HMV. 85/44/5, dated the 21st August 1944.]

(8) In sub-rule (a) of rule 73 after the words ‘as the case may be’ in the third line, insert the following :—
“or by any other officer to whom the Provincial Transport Authority or the Regional Transport Authority may with the approval of Government delegate all or any of its powers under this rule.”

[Home Department Notification No. HMV. 86/44/6, dated the 13th September 1944.]

(9) Insert the following as a new rule after rule 173 under the head “Special Rules applicable to Motor Cabs” :—

Rule 173A. *Fitting of Meters*.—Every Motor Cab shall be fitted with a meter which shall be maintained in proper working condition and adjusted to the legal fares. A seal shall be attached to the meter which shall not be broken without the permission of the Authority authorised to fix the fares.

[Home Department Notification No. HMV. 152/44/5, dated the 12th October 1944.]

(10) Insert the following as sub-rule (d) to rule 196, and re-number the existing sub-rules (d) and (e) as sub-rules (e) and (f) :—

“(d) In the case of a driver of a vehicle belonging to the Assam Transport organisation, it shall be sufficient compliance with the provisions of sub-section (1) of section 86 of the Act if the licence is produced within ten days by the Area Manager under whom the vehicle is operating to the Officer-in-charge of the Police Station within whose jurisdiction the office of the Area Manager is situated”.

[Home Department Notification No. HMV. 42/44/18, dated the 13th October 1944.]

