

REPORT  
OF  
THE COMMITTEE ON SUBORDINATE  
LEGISLATION  
ASSAM LEGISLATIVE ASSEMBLY

FOURTEENTH ASSEMBLY



TWENTY FIFTH REPORT

Presented to the HOUSE on 25<sup>th</sup> February, 2019

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT.  
DISPUR::GUWAHATI-6.

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COMPOSITION OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION

CHAIRMAN

1. Shri Prodig Hazarika, MLA.

MEMBERS

2. Shri Brindaban Goswami, MLA
3. Shri Pranab Kalita, MLA
4. Shri Bolin Chetia, MLA
5. Shri Ashok Kumar Singhi, MLA
6. Shri Mrinal Saikia, MLA
7. Shri Bir Bhadra Hagjer, MLA
8. Dr. Numal Momin, MLA
9. Shri Charan Boro, MLA
10. Shri Ranoj Pegu, MLA
11. Shri Rajdeep Goala, MLA
12. Shri Abdur Rashid Mandal, MLA
13. Shri Nizam Uddin Choudhury, MLA.

OFFICIAL

1. Shri M. K. Deka, Principal Secretary,
2. Shri M. K. Sarma, Deputy Secretary,
3. Shri Gokul Kalita, Under Secretary,
4. Smti. M. Boruah, Committee Officer.



INTRODUCTION

I, the Chairman, Committee on Subordinate Legislation, Assam Legislative Assembly having been authorized by the Committee to present the report on their behalf, present this twenty fifth report of the Committee.

The Committee on Subordinate Legislation was re-constituted on 6<sup>th</sup> September, 2018 (which is annexed at Annexure-I) by the Hon'ble Speaker, Assam Legislative Assembly to scrutinize the Rules, Sub-Rules, Regulations, Bye- Laws, Orders etc of its various provisions passed by the Assam Legislative Assembly from time to time.

Accordingly, the Committee held its sitting on 6<sup>th</sup> June, 2017 and 5<sup>th</sup> September, 2018 respectively and finalized its twenty fifth report on 20<sup>th</sup> February, 2019.

The Committee places on records its appreciation to the Commissioner & Special Secretary and other Officials to the Government of Assam, Public Works Department for their kind cooperation during the deliberation on the meetings.

The Committee places on records its appreciation for the assistance rendered to the Committee by the Officers and staff of the Assam Legislative Assembly attached to the Committee on Subordinate Legislation.

Place : Dispur,  
Date: 20<sup>th</sup> February, 2019.

SHRI PRODIP HAZARIKA  
Chairman  
Committee on Subordinate Legislation

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## REPORT

The Committee on Subordinate Legislation, Assam Legislative Assembly in its meeting held on 16<sup>th</sup> November, 2016 had decided to examine 'The Assam Public Works (Regulations) of Road Development and Road Transport Act, 2010' to examine whether the rules so framed are in accordance with the provisions of the relevant Acts.

In this connection, the Committee has directed this Secretariat to intimate the department concern and request for furnishing the relevant Act & Rules etc and to present before the Committee's meeting schedule to be held on 6<sup>th</sup> June, 2017.

Accordingly, Public Works Department (Roads) had furnished the 'The Assam Public Works (Regulations) of Road Development and Road Transport Act, 2010' without relevant rule for scrutiny and examination by the Committee in its next meeting.

During the course of discussion, the Committee had opined that 'the Assam Public Works (Regulations) of Road Development and Road Transport Act, 2010' was passed by the House in 2010 and till date the relevant rule has not yet been framed as required under section 22. The Committee also opined that without the rule how the department concern can take necessary action regarding development process mentioned in the Act and during the course of action plan how the department go through the disputes arising at that time. The ASEB placed their electric posts on the road, the PHE also excavated the road for water supply without the prior permission of the PWD (R) department due to non availability of the rule. Therefore, it is urgently necessary to frame the Rule to overcome the problems arising during implementations of this Act.



As desired by the Committee, the Department concern expressed their views as follows:

“It is clear that unless and until the rules are framed, the department will not continue the work according to the Act, however the department will continue their works as per existing manual of the PWD(R) department. Before framing the rule it is necessary to discuss with the various Govt. departments in respect of ‘The Assam Public Works (Regulations) of Road Development and Road Transport Act, 2010’ accordingly.”

**Observation and Recommendation:**

In view of above the Committee has observed that it is difficult to know why the department could not frame the relevant rule in accordance with the Act in proper time which is regretted.

Therefore the Committee has recommended that the necessary rule in respect of ‘the Assam Public Works (Regulations) of Road Development and Road Transport Act, 2010’ should be framed immediately and placed it before the next Session of the Assembly.

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ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

**NOTIFICATION**

Dated Dispur, the 6<sup>th</sup> September, 2018.

No. LASLC 1/2016/1672 : In pursuance of Rule 251 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, the Hon'ble Speaker, Assam Legislative Assembly has been pleased to nominate the following members of the Assam Legislative Assembly to constitute the Committee on Subordinate Legislation, Assam Legislative Assembly.

1. Shri Prodip Hazarika, MLA	&	Chairman
2. Shri Brindaban Goswami, MLA	-	Member
3. Shri Pranab Kalita, MLA	-	Member
4. Shri Rajdeep Goala, MLA	-	Member
5. Shri Bolin Chetia, MLA	-	Member
6. Shri Ashok Kumar Singhi, MLA	-	Member
7. Shri Mrinal Saikia, MLA	-	Member
8. Shri Bir Bhadra Hagjer, MLA	-	Member
9. Dr. Numal Momin, MLA	-	Member
10. Shri Charan Boro, MLA	-	Member
11. Shri Ranoj Pegu, MLA	-	Member
12. Shri Abdur Rashid Mandal, MLA	-	Member
13. Shri Nizam Uddin Choudhury, MLA	-	Member

And, in Pursuance of Sub-Rule(1) of Rule 198 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, the Hon'ble Speaker has been pleased to appoint Shri Prodip Hazarika to be the Chairman of the Committee.

The term of the Committee shall be for a period of one year from the date of its constitution or till a new Committee is constituted.

Sd/- M.K.Deka,  
Principal Secretary,  
Assam Legislative Assembly.



2019

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