

THE EUROPEAN COMMISSION

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**Proceedings of the Sixth 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 11 a. m., on Thursday the 23rd March 1939

**Complaint re receipt of answers to certain questions late from Government**

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir. Before we take up the questions, I like to rise on a point of order.

**The Hon'ble the SPEAKER:** In what connection?

**Maulavi MUHAMMAD AMJAD ALI:** With regard to questions, Sir. Notices of certain questions were sent to Government to elicit information earlier with a view to discuss certain matters but those questions are placed for answer after we have finished those discussions. So may I ask the Ministry through you, Sir, to see whether these informations may be supplied earlier?

**The Hon'ble the SPEAKER:** There is a practice that when an hon. member desires to utilise answers to some questions in any debate that he should indicate while sending notices of questions that the answers would be required for the purpose of being used in connection with some discussions. When that is done Government generally take care to supply informations in good time. But if there is really no such indication on the part of an hon. member at the time of sending notices of questions that certain answers would be required in connection with the discussion of any matter on the floor of the House, then I don't know how Government can understand that the answers would be so required and arrange to answer the questions before the discussion for which the informations are required is actually begun. Of course, I may ask Government to anticipate as far as practicable the intentions of members underlying the question tabled and arrange to answer those questions, in good time, the answers to which they understand are intended to be used in connection with some discussions on the floor of the House. But unless the members themselves indicate at the time of sending notices of questions their desire to utilise the answers in connection with the discussion on certain matters, I think, Government may not always be able to supply the information in time.

**Maulavi MUHAMMAD AMJAD ALI:** In case we indicate by writing that the answer will be required in connection with certain matter then will Government supply us the information?

**The Hon'ble the SPEAKER:** The hon. members will have to mention the dates also by which they will require the information.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I mentioned the date when I sent notice of a question.

**The Hon'ble the SPEAKER:** Is it so? Of course, there may be mistakes in some cases due to oversight.

**Maulavi MUHAMMAD AMJAD ALI:** There was a discussion on the administration of civil justice in Shillong the day before yesterday but the answers in that connection are coming to-day. It would have been very much profitable if these answers could have been given earlier.



**The Hon'ble the SPEAKER :** That discussion was raised on a cut motion and Government could not anticipate that the information would be required for that. If the member had indicated that the informations were being sought for the purpose of discussing a cut motion, then of course, Government would have supplied the informations required.

**Maulavi MUHAMMAD AMJAD ALI :** My hon. friend Maulavi Maqbul Hussain Chaudhury says that he indicated that the information would be required for that particular purpose ?

**The Hon'ble the SPEAKER :** Did the hon. member indicate that ?

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY :** Yes, Sir, I wrote in my letter that I would require the answer on such and such date.

**The Hon'ble the SPEAKER :** Of course, if such dates are given then I think, Government will do well to supply the informations in time.

## QUESTIONS AND ANSWERS

### STARRED QUESTIONS

(to which oral answers were given)

#### Wardha scheme of education

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY** asked :

\*148. Will Government be pleased to state what are the special features of the Wardha scheme of Education which they want to introduce in rural areas of this Province ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

148.—The question might best be briefly answered by quoting the words of Mr. Gandhi—"Education should be self-supporting. By education I mean an all round drawing out of the best in child and man, body, mind and spirit. Literacy is not the end of education nor even the beginning. It is only one of the means whereby man and woman can be educated. I would therefore begin the child's education by teaching it a useful handicraft and enabling it to produce from the moment it begins its training". The particular craft is made on the basis of general education, so that the student not only becomes an expert in the art but learns to take a real and intelligent interest in everything that he finds about him.

**Maulavi MUHAMMAD AMJAD ALI :** Sir, are we not following the Congress programme in this province regarding education ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** Yes Sir, as far as practicable.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** Sir, may I know from the Hon'ble Premier whether he has gone through the report of the Committee presided over by Dr. Zakir Hussain.

**The Hon'ble Srijut GOPINATH BARDOLOI :** Yes, Sir.

**Maulavi MUHAMMAD AMJAD ALI :** Is it a fact that the Wardha Scheme was evolved by Mahatma Gandhi ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** It was not really evolved by him. Of course, he had the outline, but the whole scheme was drawn up by a Committee of Experts which was called to Wardha by Mahatma Gandhi.



**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** Sir, is it a fact that in page 8 of the report of Dr. Zakir Hussain Committee, section 1, under heading 'Basic principle' it is written as follows:—"Any scheme of education designed for Indian children will in some respects radically differ from that adopted in the West. For unlike as in the West, in India the nation has adopted non-violence, as the method of peace, for achieving all-round freedom. Our children will therefore need to be taught the superiority of non-violence over violence".

**The Hon'ble Srijut GOPINATH BARDOLOI :** It may be Sir. I have got the quotations just now before me.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY :** May we know whether this includes the creed of non-violence ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** I think, Sir, the idea is that by this education, non-violence may be inculcated in the spirit of students.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** Is it a fact that Mahatma Gandhi is regarded by his followers as an 'Abatar' ?

**The Hon'ble the SPEAKER :** The hon. member can only ask for information regarding the administration of the Government. But whether Mahatma Gandhi is regarded by his followers as an 'Abatar' is not certainly a question which relates to the administration. I cannot allow any discussion of the Wardha scheme by means of questions and answers. But if the hon. member wants to discuss about it, he may table an appropriate cut motion.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** My question is relevant because the question is with regard to the special features of the Wardha scheme.

**The Hon'ble Srijut GOPINATH BARDOLOI :** It is for the Hon'ble Speaker to judge what is relevant and what is not relevant, but as I said, the education on the line of the Wardha scheme may inculcate a spirit of non-violence in the students.

**Maulavi ABDUR RAHMAN :** Sir, are Government aware of the fact that this scheme is highly denounced by the Mussalman institutions of the countries such as Jamyat-ul-Ulema and others ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** No, Sir. I can tell for the information of my hon. friend that this scheme has not been denounced by the Mussalmans.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** I challenge.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Will the Hon'ble Minister take it from me that the President of the last Jamyat-ul-Ulema Conference, held at Delhi, has denounced the scheme ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** I do not know that, but I can tell the hon. member that this scheme has been generally accepted. There was a little trouble in the Central Provinces over the Vidyamandir Scheme, which was supposed to have been drawn up somewhat in the line of the Wardha Scheme; but the difference has been amicably settled between the Muslim League and the Central Provinces Government.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Has the Hon'ble Premier read the Presidential address delivered by Maulana Abdul Huq Madani, the President of the Jamyat-ul-Ulema Conference at Delhi ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** No, Sir.



**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** May I invite his attention to the remarks in the Presidential address regarding the Wardha Scheme?

**The Hon'ble Srijut GOPINATH BARDOLOI:** If the hon. member kindly supplies me with a copy of the address, I shall be glad to go through it.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I am sorry that address was delivered in Urdu.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Is the Hon'ble Premier aware that the Hon'ble Maulavi A. K. Fazlul Huq, the Premier and Education Minister of Bengal, vehemently denounced the Wardha Scheme at the All-India Education Conference held in Patna?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I am not aware of that, but the grounds for his objection might have been other than religious.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Then how does the Hon'ble Minister make such sweeping remarks that Muslims did not condemn this scheme?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As far as I know, it was not condemned in the manner in which my hon. friend wants to do.

**Maulavi ABDUR RAHMAN:** The Hon'ble Premier just now said that he was not aware that Jamyat-ul-Ulema condemned this scheme. If he is convinced that the Jamyat-ul-Ulema in its last conference at Delhi denounced this scheme, is the Hon'ble Premier prepared to give up the idea of working out the scheme in this Province?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The main question is whether the scheme affects any religion. To my knowledge, it definitely does not. On the other hand it inculcates a spirit of belief.....

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Sir, the Premier is a non-Muslim, and so he does not know how this scheme will affect our religion. In this respect we know far more than him. We do not believe in the Congress principle of non-violence. I am a better authority regarding Muslim religion than he is.

**The Hon'ble the SPEAKER:** I may at this stage again intervene and point out to the hon. members that it is of no use to ask Government whether they are aware of the opinions held by Muslims of other provinces about the Wardha Scheme. The Government are trying to introduce this scheme, and if the scheme is not liked by the people of this Province, it is open to the hon. members to table a motion to discuss the undesirable features of the scheme and press upon the Government that the scheme ought not to be introduced. That would be the proper procedure. But I do not think it is fair from the standpoint of practical business to ask Government whether they are aware of what has been done elsewhere, or what the people of the other Provinces say about the scheme and so on.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Sir, we the Muslims are in a minority in this House, the Congress are the majority party and we are sure to be outvoted if we bring a motion suggested by you.

**The Hon'ble the SPEAKER:** The hon. member is to take a chance. It may be that all the members of the Congress-Coalition Party are not in favour of the Wardha Scheme.

**Maulavi MUHAMMAD AMJAD ALI:** Are we to submit to the tyranny of the majority?



**The Hon'ble the SPEAKER:** I cannot help the hon. member. It is the majority party which carries on the Government under a Parliamentary system of Government, which may be considered by some people as tyranny by the majority.

**Srijut GAURI KANTA TALUKDAR:** May I request the hon. questioner, Maulavi Dewan Muhammad Ahabab Chaudhury, to let the House know what is his creed—whether violence or non-violence?

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** (With emphasis) :— Violence (*Loud laughter.*)

**Mr. ARUN KUMAR CHANDA:** As the hon. member has professed violence as his creed, I would beseech the Hon'ble Speaker to ensure our safety in this House (*Laughter from all sides.*)

**The Hon'ble the SPEAKER:** I was really going to warn the hon. member as to the consequences of the acts he may undertake in pursuance of his profession of the creed of violence.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** In my creed, there is provision for *Jehad* and so I said I cannot subscribe to the creed of non-violence.

#### Administration of Civil Justice in Shillong

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY** asked :

\*149. Will Government be pleased to state—

(a) Whether the Code of Civil Procedure and the Indian Limitation Act are in force in the British portion of the Shillong town ?

(b) If not, why ?

(c) Is it a fact that the Indian Limitation Act is closely followed in the Courts of Shillong?

(d) Is it a fact that the same principle is not followed in the case of Civil Procedure ? If not, why not ?

(e) Do Government propose to direct the Shillong Court to follow henceforth the Code of Civil Procedure closely like the Indian Limitation Act ?

(f) Are Government aware that due to the non-enforcement of the Code of Civil Procedure in the British portion of the Shillong Town, all Government employees are deprived of the benefit of the provision of the Code of Civil Procedure ?

(g) If so, will Government be pleased to state whether they have taken any action, so that the Government employees in Shillong may get such benefit in future ?

\*150. (a) Is it a fact that there is a Government order for following the spirit of the Code of Civil Procedure by the Shillong Court and that the said order is not observed by the said Court ?

(b) (i) Is it a fact that the pay of an Assistant in the office of the Commissioner of Excise has been attached by the Shillong Court although his pay is not attachable according to the provisions of the Code of Civil Procedure ?

(ii) If so, have Government taken any action to relieve the victim from such an order of the Court and whether they have issued any order to the said Court asking not to pass such order in future ?



**The Hon'ble Babu KAMINI KUMAR SEN** replied :

149. (a)—No.

(b)—Because at present the administration of civil justice in Shillong town is governed by the rules framed by the Governor, prior to the 1st April 1937, under the powers vested in him by section 6 of the Scheduled Districts Act, XIV of 1874.

(c)—Yes: in disputes between persons who are not natives of the areas :—

Sadiya Frontier Tract.

Balipara Frontier Tract.

Naga Hills.

Khasi and Jaintia Hills.

Garo Hills.

Lushai Hills.

Lakhimpur Frontier Tract.

North Cachar Hills.

Sibsagar and Nowgong Mikir Hills Tracts.

(d), (e), (f) and (g)—Under rule 37, the Courts are guided by the spirit but not bound by the letter of the Code of Civil Procedure. If the reference in these questions is to section 60 of the Code as amended in 1937, it is a fact that the conditions, under which the salary of a Government employee can be attached, are there more liberal than those in rule 34(1) Proviso (i)(1) by which the Shillong Court is at present bound. It is not proposed however to amend this or any other rule till the question of the possibility of introducing the Code in Shillong town has been examined and Government hope to do so shortly.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Is the Hon'ble Minister aware of the fact that the Shillong Municipality and Cantonment fall within the British Indian territory?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Is the Hon'ble Minister aware of the fact that the Civil Procedure Code extends throughout the length and breadth of British India?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Then how does he say that the Civil Procedure Code does not apply to the British portion of the Shillong town in view of the fact that Shillong Municipality and Cantonment are within British Indian Territory?

**The Hon'ble Babu KAMINI KUMAR SEN:** Even in British India, the partially excluded and excluded areas are not governed by the Civil Procedure Code. Besides that even in included areas there are places which are governed by Regulation made under the Scheduled Districts Act referred to in reply to question 149(b).

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Is the Hon'ble Minister aware of the fact that the Order-in-Council of 1936 has excluded this area from the Governor's Excluded areas?

**The Hon'ble Babu KAMINI KUMAR SEN:** I am not aware of that.

**Srijut ROHINI KUMAR CHAUDHURI:** May I know what are the Hon'ble Minister's objections to introducing the Code of Civil Procedure in Shillong Courts so far as the British territory is concerned?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have no objection to that. Government are considering this question, and they hope to come to a solution shortly.



**Srijut DEBESWAR SARMAH:** Does the Hon'ble Minister know that the Code of Civil Procedure is sometimes not followed even in the "Included" areas? What does the Hon'ble Minister propose to do if certain munsiffs having summary powers passed decree against *Pro forma* defendants against whom no relief was sought. The appellate Courts probably have little time to look into these small matters.

**The Hon'ble the SPEAKER:** I think Government has no jurisdiction to interfere in a matter like this. It is the concern of the Appellate Courts.

**Srijut DEBESWAR SARMAH:** I suppose Government has powers to exercise their discretion in the matter of granting powers to any munsiff and this power should be carefully bestowed?

**The Hon'ble the SPEAKER:** I do not see what possible answer can be given if a Court passes a decree against a *pro forma* defendants. This is to be tested in appellate Courts. Courts generally show good reasons when they pass a decree against a defendant. What can Government do. The matter is purely judicial, and remedy can be obtained in appellate Courts. And I therefore think it is not a proper question.

**Srijut DEBESWAR SARMAH:** I submit Sir, the civil administration is functioning and the Government should see that judicial powers are not abused.

**Srijut ROHINI KUMAR CHAUDHURI:** Am I to understand that relating to the administration of civil justice in Shillong, the Scheduled Districts Act is shortly going to be revised?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir. As I have already said the other day, we have already arranged to call a Conference which will be held in the first week of May to consider this question.

**The Hon'ble Babu KAMINI KUMAR SEN** replied:

150. (a)—Yes. So far as Government is aware the rule (37) is observed.

(b) (i)—Yes.

**Srijut ROHINI KUMAR CHAUDHURI:** The question was 150(b)(i)—"Is it a fact that the pay of an Assistant in the office of the Commissioner of Excise has been attacked by the Shillong Court although his pay is not attachable according to the provisions of the Code of Civil Procedure?"

The reply is—"b(i)—Yes."

How can that take place? The spirit of the Civil Procedure Code has not been followed in that particular case?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have replied that the spirit is followed, but the Court is not bound to follow the letter of the Civil Procedure Code.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** The spirit of the law has not been followed here. There is a departure, Sir. May I get from the Hon'ble Minister if the spirit has been observed in this particular case?

**The Hon'ble Babu KAMINI KUMAR SEN:** But the Court is not bound to follow the letter of the Civil Procedure Code.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** When there has been a departure in this case, how can he say that the spirit is maintained?

**The Hon'ble The SPEAKER:** I think this is a matter of opinion. Different people may understand the spirit of the law in different ways.

**Maulavi MUHAMMAD AMJAD ALI:** May I know whether the spirit of the law has got to be followed judicially or arbitrarily?



**The Hon'ble Babu KAMINI KUMAR SEN:** I have already said that 'spirit' is a delightfully vague term. It is for the Court to interpret it in any way it thinks fit.

**Maulavi MUHAMMAD AMJAD ALI:** Will the Hon'ble Minister explain whether the spirit of the law has been observed judicially or arbitrarily?

**The Hon'ble the SPEAKER:** The Hon'ble Minister has already replied that 'spirit' is a vague term, and I was telling the House that different people might understand it differently.

**Maulavi MUHAMMAD AMJAD ALI:** May I know from the Hon'ble Minister his views as to the spirit of the law?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already said that 'spirit' is a delightfully vague term. It is difficult to define it.

**Srijut ROHINI KUMAR CHAUDHURI:** Does the Hon'ble Minister find any difficulty in saying that in this case the spirit was not followed?

**The Hon'ble Babu KAMINI KUMAR SEN:** Sir, all that I can say is that it can be interpreted in any way.

**Srijut ROHINI KUMAR CHAUDHURI:** In view of such outrageous conduct, will the Hon'ble Minister be pleased to expedite the application of the Civil Procedure Code in Shillong?

**The Hon'ble the SPEAKER:** He said that a Committee has been appointed, and it will sit by the first week of May.

**The Hon'ble Babu KAMINI KUMAR SEN** replied:

150. (b)(ii)—The member is referred to the reply to question No.149 (d), (e), (f) and (g).

#### Establishment of a Medical School at Sylhet

**Mr. BAIDYANATH MOOKERJEE** asked:

\*151. (a) Is it a fact that the people of Surma Valley are pressing Government for a long time for starting a Medical School at Sylhet?

(b) Will Government be pleased to state whether they propose to open the Medical School at Sylhet from July next?

**The Hon'ble Srijut RAMNATH DAS** replied:

151. (a)—Yes.

(b)—The hon. member may refer to the replies given to the starred question No.47 asked at this session by Maulavi Abdur Rahman, M.L.A.

**Mr. BAIDYANATH MOOKERJEE:** My question was: Will Government be pleased to state whether they propose to open the Medical School at Sylhet from July next? The reply referred to was relating to one regarding standard of medical teaching. It does not matter whether it is a college or a school.

My point is whether they intend opening a medical institution either a school or a college from the next session?

**The Hon'ble Srijut RAMNATH DAS:** It is not possible to open the school from July next.

**Mr. BAIDYANATH MOOKERJEE:** May we have some idea? If not from July next, may we expect that it will be opened from July 1940?

**The Hon'ble Srijut RAMNATH DAS:** I cannot give a definite period. This much I can say that it is under the consideration of Government, and Government will consider.



**Mr. BAIDYANATH MOOKERJEE:** May I know from which year it has been under the consideration of the Government?

**The Hon'ble Srijut RAMNATH DAS:** From 1927 (*laughter*).

**Mr. BAIDYANATH MOOKERJEE:** May I know from the Hon'ble Minister what are the matters that are standing in the way of opening a medical institution at Sylhet?

**The Hon'ble Srijut RAMNATH DAS:** Government is not in a position to finance the scheme.

**Mr. BAIDYANATH MOOKERJEE:** If the financial position improves in the near future, will the Hon'ble Minister take up the matter in hand?

**The Hon'ble the SPEAKER:** This is a hypothetical question.

**Babu HARENDRA NARAYAN CHAUDHURI:** May I have from the Hon'ble Minister, if the Agricultural Income-tax Bill be passed he will look into the matter?

**The Hon'ble the SPEAKER:** This is again a hypothetical question.

**Mr. BAIDYANATH MOOKERJEE:** Are we to understand that if the finances improve he will consider the matter favourably?

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

**Maulavi MUHAMMD AMJAD ALI:** Are we to understand that if the finances improve, it has been decided to start the school?

**The Hon'ble Srijut RAMNATH DAS:** There are many projects lying with us.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** May I ask if this project will be given preference?

**The Hon'ble Srijut RAMNATH DAS:** In addition to many other schemes with me there are other projects which are not in my portfolio but which may be important.

**Mr. BAIDYANATH MOOKERJEE:** Will the Hon'ble Minister be pleased to inform the House that so far as his portfolio is concerned this is one of the most important projects?

**The Hon'ble the SPEAKER:** The Hon'ble Minister has already replied.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Will the Hon'ble Minister be pleased to state that of all new projects, this Medical School of Sylhet will receive the first preferential treatment?

**The Hon'ble Srijut RAMNATH DAS:** Yes, I admit it, but I also admit that the Dibrugarh Medical School should also be improved.

**Srijut ROHINI KUMAR CHAUDHURI:** May I know whether the Hon'ble Minister is prepared to take into consideration after the Agricultural Income-tax Bill is passed?

**The Hon'ble the SPEAKER:** That question has already been asked.

**Maulavi MD. MAQBUL HUSSAIN CHAUDHURY:** Is Mr. Baidyanath Mookerjee willing to join us in a vote of censure against the Government in this matter?

**The Hon'ble the SPEAKER:** This is really in the nature of a hypothetical question.



**Srijut ROHINI KUMAR CHAUDHURI:** Am I to understand that the Hon'ble Minister will give Sylhet the first claim over other departments, or to the Berry-White Medical School?

**The Hon'ble Srijut RAMNATH DAS:** I have already given a reply.

### Treasury defalcations

**Mr. KEDARMAL BRAHMIN** asked:

\*152. (a) Will Government be pleased to state the total number of Treasury defalcations which occurred during the last ten years in the Province?

(b) What is the total loss, the Government incurred in each Treasury in these defalcations?

(c) What steps have been taken by Government to prevent such defalcations and to protect Government against such loss?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied:

152. (a)—Three; viz., Jorhat, Gauhati and Sylhet.

(b)—

	Amount defalcated			Amount recovered			Loss		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Jorhat ...	6,067	0	0	6,067	0	0	nil.		
Gauhati ...	27,195	13	6	13,415	10	6	13,780	3	0
Sylhet ...	73,965	13	0	1,700	0	0	72,265	13	0

(c)—The defalcations were mainly due to slackness and negligence in observing the rules. All Officers, who were found guilty, were adequately punished.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** May I ask the Hon'ble Minister whether this includes the Tahsil Office at Patharkandi?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The above information only refers to Treasuries.

**Mr. KEDARMAL BRAHMIN:** Have the Government taken steps to prevent such defalcations in the future?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The supervision of these Treasuries is regulated under the rules prescribed by the Government, and Government have issued instructions to the local officers to the effect that they are to exercise stricter vigilance over their Treasuries.

**Mr. KEDARMAL BRAHMIN:** Do the Government take cash security from the Officer in Charge?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Not from the Officer in Charge, but from the Treasurer.

**Mr. KEDARMAL BRAHMIN:** Were the parties responsible punished?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** In some cases they were prosecuted, and in other cases the matter is *sub judice*.

**Srijut ROHINI KUMAR CHAUDHURI:** May I know why there was such a small recovery in the case of Sylhet?



**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Because the persons who were found guilty either could not pay or were already in Jail.

**Srijut ROHINI KUMAR CHAUDHURI:** Is it not a fact that in the case of the Gauhati Treasury a portion was realised from the Treasurer, the Treasury Officer and the Deputy Commissioner?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Yes, a portion of the amount was realised from them.

**Srijut ROHINI KUMAR CHAUDHURI:** Then why was this not done in the case of the Sylhet Treasury?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Because the Deputy Commissioner of Sylhet was not considered to have slackened in the work of supervision.

**Srijut ROHINI KUMAR CHAUDHURI:** Was the Deputy Commissioner of Gauhati found guilty?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** It was found that he had not done his supervision work properly.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** May I know if the treasuries are audited?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Yes, Sir.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Are they inspected and audited annually?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Not annually but frequently.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** By whom?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** By the Deputy Commissioner and other officers.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Are they experts in it?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** They are expected to know something of Treasury work.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Were they not equally responsible for these defalcations due to their laches and negligence for supervision?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** No, Sir. So far as we are aware they were not.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Was there any enquiry made to find out who was responsible for the negligence?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** All these matters were enquired into.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** May I know if any committee has ever been called?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** No committee has ever been called.

**Srijut ROHINI KUMAR CHAUDHURI:** Is it not a fact that the Treasurer of the Sylhet Treasury is a brother-in law of one of the members of the Congress Party in the Assembly?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am not aware of that, Sir.

**Srijut ROHINI KUMAR CHAUDHURI:** I mean the party sitting behind the Government benches.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am not aware of that.

**Srijut ROHINI KUMAR CHAUDHURI:** Will the Hon'ble Minister be pleased to enquire?



**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Yes, Sir.

**Srijut KAMESWAR DAS:** May we know when this defalcation took place at Sylhet?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am not in a position to give the exact date, but it took place before we took over charge of the Government.

**Srijut KAMESWAR DAS:** May we know the approximate date?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** It was between two and three years ago.

**Srijut GAURI KANTA TALUKDAR:** May I know what punishment was given to the officers responsible?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** There were many officers involved and I am unable to give the details until I go through the papers.

**Srijut GAURI KANTA TALUKDAR:** The persons responsible were certainly Government servants and a portion of the money could have been easily recovered from them.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Punishment has been given by this Government also.

**Re an additional Anglo-Persian Teacher in the Dhubri Government High School**

**Maulavi GHYASUDDIN AHMED** asked:

\*153. (a) Are Government aware that the Dhubri Government High School contains the largest number of Moslem boys in the Province?

(b) Is it a fact that there has been a persistent demand for an additional Anglo-Persian teacher in the Dhubri Government High School?

(c) Are Government aware that Nowgong and Jorhat High Schools have additional Anglo-Persian teachers though the number of Moslem boys is less than that of the Dhubri Government High School?

(d) Is it a fact that Government have been promising to provide an additional Anglo-Persian teacher at Dhubri for the last 4 or 5 years?

(e) Is it a fact that the Director of Public Instruction has been recommending an additional Anglo-Persian teacher for this school for some years?

(f) If so, do Government propose to give effect to the Director of Public Instruction's recommendations immediately?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied:

153. (a)—This does not appear to be a fact.

(b)—Yes.

(c)—Yes. So far as the Jorhat School is concerned. There is only one Islamic teacher in the Nowgong School.

(d)—No, but only said in the August session, 1937, that the matter would be considered.

(e)—Yes.

(f)—The matter is under consideration.



**Maulavi GHYASUDDIN AHMED:** May I know from the Hon'ble Premier whether he had consulted the Government records before he prepared this reply?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The matter has been brought to my notice—that is all I can say.

**Maulavi GHYASUDDIN AHMED:** Does he consider the urgency of the case and if so whether he is going to appoint an additional teacher?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have already said that the matter is under consideration.

**Maulavi MUHAMMAD AMJAD ALI:** May I know how many pupils of the Anglo-Persian classes would justify the appointment of two Anglo-Persian teachers?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No definite standard of the student population is fixed. It is always granted according to the exigency of the case.

**Maulavi MUHAMMAD AMJAD ALI:** Then what is the justification for appointing two teachers at Jorhat?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The matter was possibly considered urgent by the Department.

**Maulavi MUHAMMAD AMJAD ALI:** Then why the same was not done in the case of Dhubri High School?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I said the matter is under consideration.

**Maulavi JAHANUDDIN AHMED:** May I know what is the number of Muhammadan students of the Jorhat High School and Dhubri High School respectively?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The number in Jorhat High School will be surely slightly lesser than that of Dhubri High School.

**Maulavi JAHANUDDIN AHMED:** Then why Government do not consider it urgent as regards the Dhubri High School?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I said the matter is under consideration. If the case was so urgent it would have been better for the last Government to take action. At present we are considering the matter.

**Maulavi JAHANUDDIN AHMED:** May I know whether he will be able to consider the matter before 1st of April?

**The Hon'ble Srijut GOPINATH BARDOLOI:** That is difficult to say. It may be possible to consider the matter before 1st of July at any rate.

**Maulavi JAHANUDDIN AHMED:** If the matter is very urgent, will the Hon'ble Minister take it up seriously?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I said the matter is under consideration and by the time the school will be reopened after the summer vacation, Government will come to some decision.

**Maulavi GHYASUDDIN AHMED:** May I know what is the difficulty for considering the question? Is it financial?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I think it was on the ground of finance that the last Government could not provide money.

(Starred questions Nos. 154-156 standing in the name of Rev. J. J. M. Nichols-Roy were not put and answered as the member was absent.)



**Newspaper article re the Mauzadar of Telahi**

**Srijut SARVESWAR BARUA** asked :

\*157. (a) Has the attention of Government been drawn to an article published in the Bi-weekly "Assamiya" of the 21st October 1938 under the caption "উত্তৰ লক্ষ্মপুৰৰ কৰ্তৃপক্ষৰ ওপৰ চকুৱানে?"

(b) If so, has any enquiry been held to ascertain the truth or falsity of the allegations made therein about the Mauzadar of Telahi?

(c) Have Government received a representation from a large number of people of Telahi Mauza, dated the 7th January 1939, complaining of various mal-practices and oppressions committed by the said Mauzadar?

(d) If so, has any enquiry been held and any report received about the allegations made in the representation?

(e) If so, will Government be pleased to lay the report on the table?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

157. (a)—Government have seen the article.

(b)—The allegations in the article were also brought to the notice of Government by some raiyats of the mauza through a petition. A report was called for and an enquiry was made by the Subdivisional Officer. The Deputy Commissioner has effected a settlement which has received the approval of the Commissioner.

(c)—Government received a copy of the representation addressed to the Deputy Commissioner, Lakhimpur.

(d) and (e)—No action is taken on copies sent to Government where the authority to whom the original is sent is competent to take action.

**Srijut RAJENDRA NATH BARUA** : With regard to (c), may I know what is the nature of oppressions and mal-practices of the Mauzadar concerned?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : It was complained that the Mauzadar concerned had realised revenues in full from the raiyats in respect of the year 1937-38 though they were remitted on account of flood. It was also complained that the Mauzadar had interfered with the election of the Chairman of the Village Authority.

**Srijut SARVESWAR BARUA** : Will Government take any action on the report which has been received from the Deputy Commissioner?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : Action has already been taken. The Mauzadar has been compelled to take leave for one year. If found necessary, further action will be taken.



## UNSTARRED QUESTIONS

(To which answers were laid on the table)

**Travelling and halting allowances drawn by the Hon'ble Ministers****Maulavi MABARAK ALI** asked :

93. Will Government be pleased to state the amounts drawn separately by each of the Hon'ble Ministers as their travelling and halting allowances in the months of December 1938, January and February 1939 ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

93.—The hon. member is referred to the statement supplied in reply to unstarred question No.49(a) and (b) asked by Khan Bahadur Haji Abdul Majid Chaudhury, M.L.A., in this session of the Assembly.

**Appointments in the Cement Factory, Chhatak****Babu KARUNA SINDHU ROY** asked :

94. Will Government be pleased to state—

- (a) The number of people of Chhatak who have been appointed as clerks in the Cement Factory there and the number of people who applied for those posts ?
- (b) If any such appointments have since been made ?
- (c) If not, why not ?
- (d) Is it a fact that some clerical appointments have been made at the Cement Factory, Chhatak, at the dictation of some local landlords there ?
- (e) Are Government aware that a European, having no technical qualification has been appointed as the Manager of the Factory ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

94. (a) to (e).—Government are not responsible for the internal management of the Company provided the terms of the lease are carried out. They are therefore not in a position to answer the questions unless a breach of the terms of the lease is involved.

**Damages of Crops caused by floods in some Mauzas of Dibrugarh****Srijut JOGESCHANDRA GOHAIN** asked :

95. Will Government be pleased to state—

- (a) Whether they received informations regarding damages of crops caused by floods as well as insects in Rahmaria, Jamira, Larua and some other Mauzas of Dibrugarh during the last year ?



- (b) Whether Government received representations from the Raiyots of the above-mentioned affected areas praying for remission of land revenue for the year on the above grounds ?
- (c) If so, did Government make any enquiry in response to the above representations ?
- (d) If not, do Government propose to make an immediate enquiry and grant remission to those who really deserve it and pending enquiry, to issue orders staying realisation of land-revenues in those areas ?
- (e) If not, why ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

95. (a)—Damage caused by flood to granaries, Sali seedlings etc., in some of the villages in the mauzas mentioned situated along the Brahmaputra was reported by Deputy Commissioner in July last. Except a copy of resolutions passed by a local Congress organisation in Jamira, Government do not appear to have received any intimation of damage by insects.

(b)—Copies of resolutions sent to the Deputy Commissioner and a copy of a petition addressed to the President of the Dibrugarh District Congress Committee were received from Larua and Jamira Mauzas.

(c)—Government do not take action on these copies sent to them when the originals have been sent to the local authorities who are competent to take action in the light of the rules or instructions incorporated in the Land Revenue Manual.

(d)—Government will ascertain whether any case called for relief under the rules or instructions referred to above and if so, whether relief was granted.

(e)—Does not arise.

#### **Settlement of the stalls of the Dibrugarh Court**

**Srijut JOGESCHANDRA GOHAIN** asked :

96. (a) Are Government aware that there are two Tea stalls and one sweet-meat stall at Dibrugarh Court and these stalls are annually settled on very high bid in public auction to the great inconvenience of the litigant public and others concerned ?

(b) If not, do Government propose to make an enquiry and settle these stalls at a reasonable upset price and pending decision, to issue orders staying settlement of those stalls ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN** replied :

96. (a)—Government are aware that there are three stalls, but have received no complaints about these.

(b)—No.

#### **Damages to Roads and Bridges due to floods in Nowgong**

**Srijut MAHI CHANDRA BORA** asked :

97. (a) Are Government aware that successive floods from the Brahmaputra caused extensive damages to roads and bridges in this year in the Western part of the district of Nowgong ?



(b) Are Government aware of any representation from the Nowgong Local Board for financial assistance to get the damages repaired ?

(c) Are Government aware that with the limited resources of the Board and unaided by the Government, it is not possible for the Board to restore normal condition in the flooded areas ?

(d) Will Government be pleased to state what response it has made to the representation of the Nowgong Local Board for financial assistance ?

(e) Are Government aware that the claim for financial assistance for the restoration of normal conditions in the flood-devastated area in Nowgong is a just and proper one ?

(f) Do Government propose to consider the case on its merit and render necessary assistance to the Board at least for the restoration of the normal condition existing before the flood ?

(g) Will Government be pleased to state whether they have received any report from the Executive Engineer about flood damages to roads and bridges in Nowgong ?

(h) Is it a fact that the Executive Engineer did not visit the flooded area for inspection of the damages ?

(i) Is it a fact that the report submitted by him, i.e., Executive Engineer was made in office without seeing the local conditions ?

**The Hon'ble Babu KAMINI KUMAR SEN** replied :

97. (a)—Yes.

(b)—Yes.

(c)—Government appreciate the Board's difficulties.

(d)—Government are awaiting the report of the Inspector of Local Works.

(e)—Government fully sympathise with the Board, but cannot overlook the fact that the floods have seriously impaired their own financial position.

(f)—Government will consider the case.

(g)—The reply is in the negative.

(h) and (i)—Do not arise, but Government will enquire.

### **Appointment of Assistant Surgeons**

**Maulavi NAZIRUDDIN AHMED** asked :

98. Will the Hon'ble Minister-in-charge of the Medical Department be pleased to state—

(a) The total number of Assistant Surgeons in the Assam Medical Service in the Civil and the Public Health Departments and the number represented by various communities ?

(b) What steps Government propose to take to fill up the percentage of Muslim representation in those Departments ?

99. (a) Is it a fact that Government have recently notified for the recruitment of Assistant Surgeons in the Public Health Department, stating that preference will be given to the under-represented communities ?

(b) If so, will the Hon'ble Minister-in-charge please state the number of vacancies and how these are going to be filled up by candidates from different communities ?



**The Hon'ble Srijut RAMNATH DAS** replied :

98. (a)—Prior to the recent appointments of three temporary Assistant Surgeons in the Public Health Department, the cadre stood as follows :—

Medical Department	...	...	...	...	37
Public Health Department	...	...	...	...	7
					<hr/> 44
			Vacant	...	2
					<hr/> 42

Of these, five were Muhammadans, eight Hindus of the Assam Valley, twelve Hindus of the Surma Valley, one a Domiciled Hindu, one a member of the Tribal people, and fifteen "others" (non-domiciled Bengalis.)

(b)—Government's policy is to make recruitments so far as possible in proportion to the communal claims and also to consider with regard to the requirements of the department and the need of maintaining efficiency, whether it is possible to make up deficiencies in the existing cadre.

99. (a)—The advertisement stated that preference would be given to candidates possessing the Diploma of Public Health (which is so important a requisite in the Public Health Department that it would have been included in the minimum qualifications if it were not that there is shortage of persons possessing it) or prepared to take it at their own cost as a condition of confirmation. Government, however, also reserved the right to give preference to under-represented communities.

(b)—The three vacancies were filled on a temporary basis by—

- (1)—a Surma Valley Hindu possessing the diploma of Public Health and also a special qualification in malariology ;
- (2)—an Assam Valley Hindu who is expected shortly to obtain the diploma ;
- (3)—a Muhammadan who gave the necessary undertaking.

Pending the time when the Assam Valley Hindu can complete his course and join the appointment, a Surma Valley Hindu possessing the diploma was offered the appointment on a purely temporary basis, without any claim to consideration for appointment in future.

#### **Announcement of the result of the election to the Public Accounts Committee.**

**The Hon'ble the SPEAKER :** Order, order. I shall now announce the result of election of seven members to the Public Accounts Committee. The following are declared elected :—

1. Khan Bahadur Maulavi Sayidur Rahman,
2. Mr. Kedarmal Brahmin,
3. Mr. Baidyanath Mookerjee,
4. Srijut Purandar Sarma,
5. Babu Shibendra Chandra Biswas,
6. Babu Karuna Sindhu Roy, and
7. Mr. F. W. Hockenhull.



**Re Grant of motor license to Srijut Mohini Mohan Goswami over  
the Shillong-Gauhati Road.**

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Mr. Speaker, Sir, before we begin the other business of the House, I crave your indulgence to permit me to make a statement before the House on a point of personal explanation. The other day I was accused of making a false allegation by the Hon'ble Premier regarding the grant of a license to Srijut Mohini Mohan Goswami.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I never said like that.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Then I did not get the paper to support the authenticity of my statement. Now I have got the paper with me and I will read a portion from it. The Hon'ble Mr. Gopinath Bardoloi, the Premier of Assam, writes, 'we fully recognise the services of Srijut Mohini Mohan Goswami in the cause of the Congress Party in the Assembly, particularly in securing the co-operation of the tribal group'. Not only this. Another statement was made by no less a person than Mr. Subhas Bose, the President of the Indian National Congress. The paper says "Mr. Subhas Bose, the President of the Indian National Congress remarks what you have done is good enough but we want more from you". Again the paper says "Probably the most beautiful appreciation of Srijut Goswami flows from the pen of Mr. Arun Kumar Chanda, Member of Legislative Assembly, Barrister-at-Law, the Deputy Leader of the Congress Party in Assam Legislative Assembly". He writes, "It is an act of barest gratitude to acknowledge what Mr. Mohini Mohan Goswami has done to put my party into power in Assam. He is one of those silent but sincere workers who ceaselessly strove against the heaviest of odds to achieve this end".

**The Hon'ble the SPEAKER:** I may tell the hon. member that he was going to make a statement with regard to what the Hon'ble Premier said, but the statement is going far beyond that. He has also included other members whose statements were not referred to yesterday. The hon. member should only confine to what the Hon'ble Premier said yesterday.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** My question was whether the Hon'ble Premier wrote a letter of recommendation and as a reward for his services he was given the contract.

**Mr. ARUN KUMAR CHANDA :** What is the date of the certificate granted by the Premier?

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** The date of the paper which published this is 1st of February, 1939.

**Mr. ARUN KUMAR CHANDA :** Had the Hon'ble Mr. Bardoloi become the Premier when he gave that certificate?

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Yes.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I may explain the position. I am afraid the hon. member has misunderstood me. I said on that occasion was that I did not give any certificate to anybody after I had assumed office and my statement remains true just now as before. I did not say also that the hon. member was making a false statement. What I said is that if anything had appeared in a paper to the effect that I had given a certificate at a particular times that was false. I never accused the hon member of making a false statement. I consider it beneath the dignity of any member to accuse his colleague in this House of falsehood or any charge of that kind.



**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Will the Hon'ble Premier withdraw the words "false statement" ?

**The Hon'ble the SPEAKER:** He never said that the hon. member was making a false statement.

**The Assam Commissioners' Powers Distribution Bill, 1939**

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to move that the Assam Commissioners' Powers Distribution Bill, 1939 (introduced in and passed by the Assam Legislative Council) be taken into consideration.

Sir, the Secretary of State has sanctioned the abolition of the post of the Commissioner of the Surma Valley and Hill Division. It is proposed to give effect to this from the 1st April 1939. From that date the work at present done by the Commissioner will devolve on the Commissioner of the Assam Valley Division. The primary object of the Bill is to legalise this. Moreover, in order to relieve the Commissioner of some of his present statutory duties, provision is made in the Bill for the transfer to the Revenue Tribunal of the powers of the Commissioner as an appellate and revising Court in revenue matters. This will also achieve the object of adding considerably to the work of the Revenue Tribunal which is not at present a full time job. Further more it is proposed to relieve the Commissioner of certain of his statutory duties under the Assam Local Self-Government Act and the Assam Municipal Act. Lastly by the addition of the words "or such other authorities as the Provincial Government may direct" or corresponding words, provision has been made for the discharge of duties devolving on the Commissioner in the event of the remaining post of Commissioner being also abolished. Sir, this Bill was introduced and passed in the Upper House in the earlier part of this month when the Legislative Council met during this month. I commend this Bill for the acceptance of this House with the hope that hon. members will help us in expediting this legislation so that the work for which the Bill is sponsored may be undertaken from the beginning of 1st April 1939.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We on this side of the House, Sir, welcome this Bill ; for it is a necessary corollary to the attitude which the Government previous to this, took. I thank all hon. members of this House that they by their vote enabled the then Government headed by me to press upon the Secretary of State the abolition of one of the Commissioners in the province which has been accepted. I mentioned then that as the Commissioner has been given certain statutory duties under various Acts, it would be impossible to abolish both the Commissioners at the same time. I am glad, Sir, that the reasoning which I advanced at that time has been accepted by my erst-while critics, viz., the present Cabinet. (*Hear, hear and cheers.*)

My purpose in standing before this House now is not to congratulate myself for having converted my friends opposite to my point of view but to criticise their action in taking away one right of appeal from the litigants in the province by this Bill. In all matters, relating to proprietary rights over immovable property revenue court is the cheaper and the speedier court. And to take away a valuable right of appeal from the litigants is a serious matter ; for it concerns the property, and immovable property of the people. I wish, Sir, the relief of the only Commissioner of some of his duties, the Ministry had thought of relieving him of some other functions.



My hon. friend has said that by this provision, they are giving more work to the Revenue Tribunal, an institution which has been imposed upon us by the present constitution. But, Sir, in my opinion the curtailing of one right of appeal to the Commissioner and providing for one appeal only direct from the Deputy Commissioner's orders to the Revenue Tribunal will scare away many of the would-be litigants from coming up to Shillong. An Appellate Court right at the locality has not got such scares of unseen expenditure as an appellate court at a distance. I am sure that many would-be appellants would be deterred from coming up in appeal to the Revenue Tribunal. Whereas had there been a Court of Appeal at hand at the headquarters at Gauhati there would be no such difficulty or inconvenience.

Then, Sir, my friends of the Treasury Benches when they were in the Opposition were loudest in criticising the Revenue Tribunal and claiming that it should be abolished. As a matter of fact, I had suggested such a course while discussing our address for establishment of a High Court for Assam. I stated that we could very well do away with the Revenue Tribunal if we invest the same rights upon one of the judges of the proposed High Court. Now, Sir, under the provisions of the present Bill we are going to perpetuate the Revenue Tribunal with the highest paid post excepting that of the Governor in the province. Moreover, Sir, we had heard, while my friends were in the Opposition, that the Commissioner's inspection of Local Self-Government Institutions like the Municipal Boards and the Local Boards and its power over the budget estimates of such institutions were a nuisance and unwarranted and, therefore, our Self-Government institutions should so far as possible be made autonomous. I am sorry to find that that point of view has now been altogether lost sight of by my friends. I said, Sir, that I welcome this Bill but the provision in sub-clause (2) of clause 3 in taking away the main point upon which I thought the Hon'ble Ministers who are so much attuned to the theory of personal liberties—and I include a right of appeal as one of the important civil liberties, were keen, has derogated from its utility.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I am thankful to the hon. Leader of the Opposition for saying that he supports the principle of the Bill. He has, however, objected to the provision which purports to take away the appellate power from the Commissioner and to transfer the same to the Revenue Tribunal.

Sir, he is aware that we on this side of the House are trying for the abolition of the second post of Commissioner as well. Therefore what we have done now, is in consonance with our action and intention of abolishing the second post of Commissioner. It is for this reason that the provision has been incorporated and we feel the change should be made.

As regards the other matter, which the hon. Leader of the Opposition has referred to, namely, his attitude to the Revenue Tribunal, is one about which the Government have not yet come to any decision and therefore it is difficult for me to commit one way or the other, unless and until the whole matter has been thoroughly inquired into and a definite attitude taken up by us. His suggestions and views are certainly helpful and will be taken into consideration by us when we take up that matter. I hope, Sir, the hon. Leader of the Opposition will now waive his objection.



**The Hon'ble the SPEAKER :** The question is that the Assam Commissioners' Powers Distribution Bill, 1939 (introduced in and passed by the Assam Legislative Council) be taken into consideration.

The motion was adopted.

### Demands for Grants

#### GRANT No.3

#### (9.—STAMPS)

**The Hon'ble the SPEAKER :** Hon'ble members would notice that Demands for Grants is to be taken up after 2 p.m., or as soon as item 2 on the list of business is finished. But as item 2 has been finished early, we get an hour's time at our disposal. I therefore propose to allot 15 minutes more to Stamps than has already been allotted, 15 minutes more to Navigations, etc., and another half an hour more for items 6 to 14.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 39,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940 for the administration of the head 9.—Stamps."

**The Hon'ble the SPEAKER :** The motion moved :—

"That a sum not exceeding Rs.39,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 9.—Stamps".

**Babu HIRENDRA CHANDRA CHAKRAVARTY :** I beg to move, Sir, that the provision of Rs.10,000 under Grant No. 3, Major head—9.—Stamps, Minor head—B.—Judicial—Charges for the sale of Stamps (total), at page 44 of the Budget, be reduced by Rs.50, i.e., the amount of the whole grant of Rs.39,300 do stand reduced by Rs.50.

My intention, Sir, is to criticise the future policy of the Government in the matter of Stamp duties for not repealing the Assam Stamp Amendment Act of 1936.

Sir, by the Act of 1936 Government increased the duties on Stamps and Court-fees and the measure was a temporary one for only three years. The term of the Act expires, I think, with the financial year ending on the 31st March 1939. We expected, Sir, that the Government would introduce a Bill repealing the Stamp and Court-fees Act, 1936. It was argued previously on many occasions by almost all the members of the House that this measure is really very harassing to the general public. We find now, Sir, that civil litigation has enormously increased and tenants and landlords have very often to approach the courts for rent and other suits and they are compelled to bear the burden of enhanced court-fees and stamps. This is a very cruel taxation on the people and I request that the Hon'ble Finance Minister will at once give us an assurance that he is going to repeal these amending Acts of 1936.

**The Hon'ble the SPEAKER :** Cut motion moved :—

"That the provision of Rs.10,000 under Grant No. 3, Major head—9.—Stamps, Minor head—B.—Judicial—Charges for the sale of Stamps (total), at page 44 of the Budget, be reduced by Rs. 50, i.e., the amount of the whole grant of Rs. 39,300 do stand reduced by Rs. 50."

**Maulavi ABDUR RAHMAN :** There is another \*motion in my name, Sir, which relates to the same head and I would like to have your indulgence to speak a few words.

\* That the total provision of Rs. 39,300 under Grant No. 3, Major head—9.—Stamps, at page 43 of the Budget, be reduced by Rs. 100, i.e., the amount of the whole grant of Rs. 39,300 do stand reduced by Rs. 100.



**The Hon'ble the SPEAKER:** Yes.

**Maulavi ABDUR RAHMAN:** Sir, as has been referred to by the hon. mover, this enhancement was introduced only for three years and that was a temporary measure. Since then, Sir, we have to see whether the financial position of the province is being improved. What the Budget tells us is this. Even in last year's Budget it was found that under "Stamps" the Government sustained a loss of Rs. 11,000, if I remember aright. Even this year also it has been admitted in the Memorandum that Government has not been a gainer. Some loss has been sustained by the Government due to the enhancement of stamp duty. While we are not practically gaining anything, why should we cling to this enhancement for another three years? The Hon'ble Finance Minister in his speech has said that Government has decided to prolong it for another three years.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** He has corrected that in his reply.

**Maulavi ABDUR RAHMAN:** I am sorry, Sir. I now understand that has corrected it. I shall hear his reply. Sir, my point is that when the enhancement of stamp duty has not added any thing to the financial condition of the province, why should we be so harsh to impose such heavy taxation on the shoulder of the poor people. As has been observed by the hon. mover, this enhanced taxation will hit the poor people much. The Mahajans and Mirasdars will take the help of the court and get the decrees passed against the poor people and thus ultimately these poor people will be hard hit. Then, Sir, as regards the documentary matters we find that because of the enhanced rate, people are to pay one rupee in place of eight annas and if one has to execute a document of Rs. 100, one has to pay  $1\frac{1}{2}$  of the charge. When it is evident, Sir, that it is not improving the financial condition of the province, may I request the Hon'ble Finance Minister to see his way not to extend the period? He should also remember that this is also a public demand. The period has already expired and I should appeal to him that he should not get it extended for another three years. It has been found, Sir, that the public are very much opposed to this enhancement of stamp duties. With these few words, I support the motion.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Mr. Speaker, Sir. The previous Government made it clear that the life of this Act is only for a term of three years. Notwithstanding that promise there was a pressure from other groups as well as from our group that this must be repealed at once. We also remember that the Congress people were proclaiming that they are out for the relief of the masses from all sorts of taxation. Now when the fight is going on in the country between the Zamindars on the one hand and the tenants on the other, between Mahajans on one side and the debtors on another side, it is of urgent necessity that these people should be allowed to seek justice from the court. It is needless to remind my hon. friends on the other side of the House that it was their promise to give relief to these people. We know public memory is short. But I find their memory is still shorter. I can only remind them that they will have to show their face to their constituency. Having regard to their solemn and eloquent promise which they gave out both in this House as well as outside and also in view of the pressing needs of the people, I once more remind them that these people should be relieved from enhanced charge on this score. I have already said that in cases not only the Zamindars and the rich money lenders have got to go to court but also the poorer people have to proceed and seek justice in the courts of law.



Not only the Zemindars are to pay the tax but the poor people have also got to bear the burden. In the law courts they have also got to pay their quota particularly in view of the fact that a section of the Congress people are creating disaffection between masses and masses—between communities and communities and classes and classes. It is required that they should also help these poor people so that they may also approach the court for justice. When the Hon'ble Revenue Minister went to our side on tour, hundreds and thousands of memorials were submitted to him by the Mirasdars saying that they were undone because the tenants have been given false promise of no rent campaign throughout the whole district and so they should not pay any rent. Even with the knowledge of the Hon'ble Minister, thousands of villagers were invited to come and they got the assurance from him that they will not have to pay anything on account of their arrears of rent but here I may tell him that the Zamindars and Mirasdars are not going to tolerate this position.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information. Is it a fact that certain Minister called some people from villages on the promise of giving them blankets?

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** That particular Minister is not here. The people of my subdivision which has got the notoriety of litigation have also been given the false hopes that they will not have to pay any rent.

**The Hon'ble the SPEAKER:** How all these can be relevant? The hon. member should speak relevant facts.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Sir, when there will be litigation, these people will have to sell their lands for giving stamps. Under the pressure of execution of decrees, there would be no other alternative than to pay the enhanced stamp duty.

**The Hon'ble the SPEAKER:** The hon. member has exceeded his time limit.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** All right Sir, with these few words, I support the cut motion.

**Maulavi JAHANUDDIN AHMED:** Mr. Speaker, Sir. I rise to speak a few words in support of this motion. Every one of the members of this Assembly knows very well that a large sum of money is realised from this stamp duty. Sir, I would like to place one point regarding the fact that almost every pie of it is realised from the poor class of people. The Hon'ble Minister may say in his reply that most of the cost are borne by the Zamindars or the Mahajans of the province but I should like to say that the cost of the stamp is ultimately realised from the poor tenants or debtors by way of executions of decrees. It is really very difficult for these poor class of people to pay this enhanced cost of litigation by way of stamp duties. Sir, I would like that the Hon'ble Minister in charge will try to have it reduced, so that the poor classes of the people of this Province may be relieved to some extent.

With these few words, Sir, I support the motion of the hon. mover.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir. In the statement I made in reply to the speech on budget discussion of the hon. Leader of the Opposition, I made it clear that 'his suggestion would be taken into consideration by the Government when the question of extending this Act comes before them. Sir, if it is the desire of the hon. members of the House that we should not extend the Stamp (Amendment) Act, we shall certainly take their suggestion into consideration and give effect to it as soon as the Amendment Act expires towards the end of the year (hear, hear). More than that, Sir, it is unnecessary for me to say anything in this connection.



**Srijut ROHINI KUMAR CHAUDHURI:** The Hon'ble Minister says "if it is the desire of the hon. members of this House.....". He should like to see what is the desire of the House by pressing this motion.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I had given that assurance in the hope that the hon. mover will withdraw his motion. If, however, he presses his motion, we shall have to oppose it.

**The Hon'ble the SPEAKER:** The question before the House is—  
"That the provision of Rs. 10,000 under Grant No. 3, Major head—  
9.—Stamps, Minor head—B.—Judicial—Charges for the sale of Stamps (total), at page 44 of the Budget, be reduced by Rs. 50, i.e., the amount of the whole grant of Rs. 39,300 do stand reduced by Rs. 50".

The Assembly divided

AYES—27

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|---|---|
| 1. Babu Hirendra Chandra Chakravarty.       | 14. Maulavi Ghyasuddin Ahmed.                     |
| 2. Srijut Jogendra Narayan Mandal.          | 15. Maulavi Jahanuddin Ahmed.                     |
| 3. Dr. Mahendra Nath Saikia.                | 16. Maulavi Muhammad Maqbul Hussain Choudhury.    |
| 4. Srijut Rohini Kumar Chaudhuri.           | 17. Khan Sahib Maulavi Mudabir Hussain Chaudhuri. |
| 5. Maulavi Abdul Aziz.                      | 18. Maulavi Munawwar Ali.                         |
| 6. Maulavi Abdul Bari Chaudhury.            | 19. Maulavi Muzarrof Ali Laskar.                  |
| 7. Maulana Abdul Hamid Khan.                | 20. Maulavi Namwar Ali Barbhuiya.                 |
| 8. Maulavi Abdul Matin Chaudhury.           | 21. Maulavi Sheikh Osman Ali Sadagar.             |
| 9. Maulavi Abdur Rahman.                    | 22. Maulavi Saiyid Sir Muhammad Saadulla.         |
| 10. Maulavi Dewan Muhammad Ahbab Chaudhury. | 23. Khan Bahadur Maulavi Sayidur Rahman.          |
| 11. Maulavi Muhammad Amjad Ali.             | 24. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.   |
| 12. Maulavi Ashrafuddin Md. Chaudhury.      | 25. Miss Mavis Dunn.                              |
| 13. Maulavi Badaruddin Ahmed.               | 26. Srijut Binode Kumar J. Sarwan.                |
|   | 27. Rev. L. Gatphoh.                              |

NOES—64

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|--|---|
| 1. The Hon'ble Srijut Gopinath Bardoloi. | 5. The Hon'ble Babu Akshay Kumar Das.           |
| 2. The Hon'ble Mr. Fakhruddin Ali Ahmed. | 6. The Hon'ble Maulavi Md. Ali Haidar Khan.     |
| 3. The Hon'ble Babu Kamini Kumar Sen.    | 7. The Hon'ble Srijut Rupnath Brahma.           |
| 4. The Hon'ble Srijut Ramnath Das.       | 8. The Hon'ble Khan Bahadur Maulavi Mahmud Ali. |
|  | 9. Kumar Ajit Narayan Dev.                      |



NOES—64—concl'd.

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|--|------------------------------------|
| 10. Mr. Baidyanath Mookerjee.            | 37. Srijut Purandar Sarma.         |
| 11. Srijut Beliram Das.                  | 38. Srijut Purna Chandra Sarma.    |
| 12. Srijut Bepin Chandra Medhi.          | 39. Babu Rabindra Nath Aditya.     |
| 13. Srijut Bhūban Chandra Gogoi.         | 40. Srijut Rajani Kanta Barooah.   |
| 14. Babu Bipin Behari Das.               | 41. Srijut Rajendra Nath Barua.    |
| 15. Srijut Bishnu Ram Medhi.             | 42. Srijut Sarveswar Barua.        |
| 16. Babu Dakshinaranjan Gupta Chaudhuri. | 43. Babu Shibendra Chandra Biswas. |
| 17. Srijut Debeswar Sarma.               | 44. Srijut Siddhi Nath Sarma.      |
| 18. Srijut Ghanashyam Das.               | 45. Maulavi Dewan Ali Raja.        |
| 19. Srijut Gauri Kanta Talukdar.         | 46. Maulavi Muhammad Amiruddin.    |
| 20. Srijut Haladhar Bhuyan.              | 47. Col. A. B. Beddow.             |
| 21. Babu Harendra Narayan Chaudhuri.     | 48. Mr. A. H. Ball.                |
| 22. Srijut Jadav Prasad Chaliha.         | 49. Mr. F. W. Blennerhassett.      |
| 23. Srijut Jogendra Chandra Nath.        | 50. Mr. J. R. Clayton.             |
| 24. Srijut Jogeschandra Gohain.          | 51. Mr. W. R. Faull.               |
| 25. Babu Kalachand Roy.                  | 52. Mr. F. W. Hockenhull.          |
| 26. Srijut Kameswar Das.                 | 53. Mr. W. J. Gray.                |
| 27. Babu Karuna Sindhu Roy.              | 54. Mr. D. B. H. Moore.            |
| 28. Mr. Kedarmal Brahmin.                | 55. Mr. R. A. Palmer.              |
| 29. Srijut Krishna Nath Sarmah.          | 56. Mr. Benjamin Ch. Momin.        |
| 30. Srijut Lakshesvar Borooah.           | 57. Srijut Bhairab Chandra Das.    |
| 31. Babu Lalit Mohon Kar.                | 58. Srijut Bideshi Pan Tanti.      |
| 32. Srijut Mahadev Sarma.                | 59. Srijut Dhirsingh Deuri.        |
| 33. Srijut Mahi Chandra Bora.            | 60. Mr. Jobang D. Marak.           |
| 34. Srijut Omeo Kumar Das.               | 61. Rev. J. J. M. Nichols-Roy.     |
| 35. Srijut Paramananda Das.              | 62. Srijut Karka Dalay Miri.       |
| 36. Rai Bahadur Promode Chandra Dutt.    | 63. Srijut Khorsing Terang.        |
|  | 64. Srijut Rabi Chandra Kachari.   |

**The Hon'ble the SPEAKER:** Order, order. The result of the Division is: Ayes 27, Noes 64. The motion is lost. Now the question is: "That a sum not exceeding Rs.39,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 9.—'Stamps'". The motion was adopted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I wish to make a statement as to why we have opposed this motion. I had given an assurance that when question of the extension of these Amendment Acts come before the Government, we shall take into consideration the suggestions made by the hon. members, as well as the views of our party. As the present motion does not refer to the objects we all have in view, we have been compelled to oppose it.

### GRANT No. 8.

#### (18B.—NAVIGATION, ETC.

**The Hon'ble Maulavi Md. ALI HAIDAR KHAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.47,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head '18B.—Navigation, Embankment and Drainage Works'.



**The Hon'ble the SPEAKER :** Motion moved.

"That a sum not exceeding Rs.47 700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head '18B.—Navigation, Embankment and Drainage Works'".

**\*Babu HIRENDRA CHANDRA CHAKRAVARTY :** I beg to move, Sir, that the provision of Rs.6,000 under grant No. 8, Major head—18B.—Navigation, Embankments and Drainage Works, Minor head—2.—Extension and improvements at page 55 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs. 47,700 do stand reduced by Rs.100.

Sir, by this cut motion I want to express before the House the local needs of the people. Sir, the Bakri Haor is situated on the northern part of the Hailakandi Subdivision, and it covers almost half of the northern portion of the Subdivision. Sir, this haor is much like a pond having raised sides on all sides, and when the rains set in, the water accumulates and makes the whole plot of land impossible for cultivation by the people. I would therefore request Government to take up such works so that there might be such drainage to make the land cultivable. Sir, recently the Hon'ble Finance Minister paid a visit to our subdivision, and I understand that he passed through that area, and it is needless for me to impress on him the need for this measure. He has seen for himself that there is a real distress due to this fact. They cannot sow any seed for any crop. So I think he will accept my suggestion.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** Mr. Speaker, Sir, I quite realise the necessity for drainage in that locality, and a system of drainage is required for the whole province. We have however got our difficulties, and we have got no money at present at our disposal to take up such schemes in a systematic way. We are however thinking of opening a Waterways Division as early as possible, and with more funds which we expect by the passing of the taxation Bills, we hope to take up such measures in the near future.

With this assurance the hon. member will do well to withdraw his motion.

**\* Babu HIRENDRA CHANDRA CHAKRAVARTY :** On the assurance given, I beg leave of the House to withdraw my motion.

The motion was, with the leave of the House, withdrawn.

**Maulavi ABDUL BARI CHAUDHURY :** I beg, Sir, to move that the total provision of Rs.47,700 under Grant No. 8, Major head—18B.—Navigation, Embankments and Drainage Works at page 55 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.47,700 do stand reduced to Rs.100.

Sir, my intention in bringing this motion is that the sum allotted for the purposes of embankment and drainage is too inadequate to meet the requirements of the province. This nominal sum will not be able to give adequate relief to the people in any part of the province.

Up till now, Sir, the Government of Assam has not paid any serious consideration to the embankment and drainage system of the rural areas. As a result of this indifference floods and famine have only been too frequent entailing the impoverishment and ruin of the people. A judicious and timely intervention on the part of the Government could prevent a good many of these floods.



The Government, Sir, could not see its way in starting an irrigation department which would bring much relief to the low-lying agricultural areas of the province. Sir, the *dhalas* in the subdivisions of Sunamganj and Habiganj are already creating havoc in the rural areas and contributing largely to the widespread miseries of the people.

The dole provided will not serve any useful purpose. The Government should have given more serious consideration and attention to this vital problem.

With these words, Sir, I commend my motion to the acceptance of the House.

**The Hon'ble the SPEAKER :** Cut motion moved :

"That the total provision of Rs.47,700 under Grant No. 8, Major head—18B.—Navigation, Embankments and Drainage Works at page 55 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs. 47,700 do stand reduced by Rs. 100."

**Maulavi JAHANUDDIN AHMED :** Mr. Speaker, Sir, I like to point out to the Hon'ble Minister a very important channel in our district. I would request him to take up that channel which is open in the summer season when there is sufficient rain and dries up in the winter. It is a channel which runs through Bilashipara up to Dudhnath and I hope the Hon'ble Minister will note it down and try to have this channel opened for throughout all the seasons of the year.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY :** Mr. Speaker, Sir, so far as this problem is concerned, it is probably needless for me to impress upon the Hon'ble Minister who also comes from our district about the urgency of this department for the protection of our peasantry from flood and famine. I hoped that our popular Ministry should have been more active in this matter than to come with a heavy legislation for taxation without knowing really what are the needs of the peasantry of our valley. Without caring to know from Mr. Desai, who had been to our district some months back to study the needs and requirements of the peasantry in our valley and to look to the Sylhet tenancy law, the Revenue Minister will take a luxurious and needless tour on the same score, call Mr. Desai again to Sylhet for tenancy law, bring people in thousands and spend public money and cause vexation and loss to poor unsophisticated peasantry.

**The Hon'ble the SPEAKER :** The hon. member should directly come to the point.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY :** Now, I shall tell my hon. friends who are in charge of the administration of the province that so far as the needs and requirements of the poor peasants of our province are concerned, much more could have been done by providing money for drainage and embankments for them than by all these taxation Bills. Those who have any idea of the peasants know fully well the local difficulties of these people and they cannot shut their eyes to the inadequacy of the fund that has been provided for drainage and embankments. It cannot be said that this is only the first time that we are urging Government for this. Already the survey of drainage and splitting up of *Khals* were taken up by the last Government and now one year has since passed. During the winter season much could have been done. Sir, one year's loss to the entire peasantry of this province due to inadequate grant for drainage and embankment is a serious one. It may not be serious for the Hon'ble.....

**The Hon'ble the SPEAKER :** Was the entire crop of the district destroyed by the last flood ?



**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Yes in some locality. It may not be known here that the drains now silted up could be opened during this winter. There are various valuable plots of land with paddy about ready to be cut, but just at that time you will find that serious damages are caused to them because they are not getting either water or protection. I should also say that apart from the question of fertility of the soil that could be improved if drains are kept open, there are also other benefits. It also improves the sanitation of the people due to the fact that the old *khals* and drains cannot close down due to better drainage system in the country. But what we find now? We find that polluted water brings with it all kinds of diseases and bad climate as a result of which there are frequent diseases and epidemics. So, Sir, I urge upon the Government that without unnecessarily wasting the public money on unnecessary scheme or doubtful projects, at least it would be better for them to provide that money for embankment and drainage in the province which will go a good deal to improve the condition of the poor peasantry.

**The Hon'ble Maulavi Md. ALI HAIDAR KHAN:** Mr. Speaker, Sir. It has been said by Maulavi Abdul Bari Chaudhury that the grant has been inadequate. This is to be judged by the progress we have made in regard to the schemes taken up. I think that the work which we are going to take up will be covered by this amount and I do not think that it can be said that this amount is inadequate. It may be said that we have not marked out any areas for drainage and embankment at present. I admit that, but I have already replied to a cut motion brought by Mr. Hirendra Chandra Chakravarti and said that we would be doing something in that respect as early as possible. We are also going to introduce a Bill very shortly and probably it will be published soon.

**Maulavi MUHAMMAD AMJAD ALI:** What is that Bill?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** Drainage and Embankment Bill.

As regards the points raised by Maulavi Ashrafuddin Md. Chaudhury and Maulavi Jahanuddin Ahmed, I have taken note of those and in course of time when that Water Ways Division is opened, I will do my best to consider those points also.

**Maulavi ABDUL BARI CHAUDHURY:** In view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn. ✓

**The Hon'ble the SPEAKER:** The question is that a sum not exceeding Rs.47,706 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "18B.—Navigation, Embankment and Drainage Works."

The motion was agreed to.

### Adjournment

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



## After Lunch

## GRANT No.6.

## (12.—Charges on account of Motor Vehicles Taxation Act).

**The Hon'ble Srijut GOPINATH BARDOLOI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.2,69,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "12.—Charges on account of Motor Vehicles Taxation Act".

**The Hon'ble the SPEAKER:** The motion moved :

"That a sum not exceeding Rs.2,69,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 12.—Charges on account of Motor Vehicles Taxation Act."

For this grant and for Grants Nos.6, 7, 13, 15, 25, 27, 28, 26 and 14 we have got only one hour to discuss. But here I find many cut motions.

**Srijut ROHINI KUMAR CHAUDHURI:** We shall move only one motion, No.3.

I beg to move Sir, that the total provision of Rs.2,69,000 under Grant No.6, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 51 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.2,69,000 do stand reduced by Rs.100.

Sir, in the course of my budget speech the other day, I made a remark which was absolutely ignored in the Government reply, a remark to the effect that great public uneasiness has been caused by the manner in which the permits for private lorries were distributed by the Government. I would add, Sir, that the manner in which this has taken place has caused a blot on the reputation, fair reputation of the Hon'ble Prime Minister for his puritanic habits, and would also suggest that instead of distributing the permits according to the merit of each application, advantage has been taken to reward his supporters by distribution of his patronage. I have, therefore, tabled this motion so that the Hon'ble Prime Minister may clear the atmosphere. And if he succeeds in doing that, I can assure him that nobody would feel more happy than myself.

**The Hon'ble the SPEAKER:** The hon. member may come to his point.

**Srijut ROHINI KUMAR CHAUDHURI:** As, I have clearly stated my object in making this motion, I hope you will give me some latitude and more than usual time so that the whole position may be clearly stated.

Sir, hon. members have before them a copy of the list showing the persons to whom permits for lorries have been given. If the list is examined, it will be found that not a single permit has been given either to a member of the Schedule Castes or a member of the plains Tribal. As regards the latter it will be possibly urged that no application was received from members of the plains Tribal and as regards Schedule Castes it may be said that the decision of the Government was confined to the two applicants for such permits. My complaint first of all is why should such a state of things happen and why was not any notice issued inviting applications for these permits? Again, Sir, looking at the list it will be found that amongst the successful candidates only four concerns belong to the class of people who were actually engaged in some sort of motor business before they got the permits. I mean the United Fruit Company, Maula Bux, Bhajanlal Srinivas and the Cachar Joint Stock Company Limited



There is no doubt that these concerns are *bonafide* ones engaged in some sort of motor business. So far so good. Although there is strong reason to doubt if these persons would have been granted permits at all if they had not just before their getting permits helped the present Government in particular ways, I need not name any particular individual; but it is a matter of common knowledge that a member of this House belonging to the Government party is interested in one of the permit holders, namely the United Fruit Company. It is also well known that the second permit holder in the list is the proprietor of what is now commonly known as the Rookwood Prison, a citadal of new Congress court. I doubt very much if No. 3 namely Bhajanlal Srinivas would have got any permit at all but for the kind help of one of my hon. friends in this House and one whose name has been very frequently mentioned in this House namely Mr. Prabhudayal Himatsinghika. As regards the others, I shall not be very wrong in saying they had absolutely no motor business before. As for the Cachar Company, well, Sir, I doubt if it would have got the permit if a representative of this Company had not been or not very active in affording transport facilities to the Hon'ble Ministers of this Government in their tours. I shall not be far wrong in saying that all the other men had absolutely no motor business before. They are not carrying on their business, and if the accounts of Marwari firms who had previously owned the very lorries which are now plying in the names of the present permit holders are examined, it will be found that there has been an out and out sale of these permits. But I doubt whether Government can afford to make that enquiry, because that will annoy those gentlemen who have been instrumental in seeing the present Ministers in their present position.

**Srijut GAURI KANTA TALUKDAR:** Were there any people among the scheduled castes who were professionals?

**The Hon'ble the SPEAKER:** He has not yet taken up the cases of the Scheduled Castes.

**Srijut ROHINI KUMAR CHAUDHURI:** It is necessary, Sir, to state all this to enable us to consider the case of the Scheduled Castes. Because, if the lorries had not been distributed as a matter of patronage, some members of the Scheduled Castes would have been fortunate enough in getting permits. I repeat Sir, that if the accounts of the Marwari firms were examined, Government would find clear evidence that there has been an out and out sale of the permits. Sir, in order to satisfy the supporters of the Government, Government has to go back upon its own order, because at one time it was given out that the old lorries will have the permit for two years and afterwards that order was withdrawn, because none of the supporters of Government would agree to run a *bonafide* business and purchase new vehicles.

**The Hon'ble the SPEAKER:** The hon. member has spoken for about 12 minutes.

**Srijut ROHINI KUMAR CHAUDHURI:** Now, I come to the question of the Scheduled Castes. Only one man, Babu Nil Lohit Das, was given a permit. It may be, Sir, that it was not known to the Hon'ble Prime Minister that Babu Nil Lohit Das is the brother-in-law of the Hon'ble Babu Akshay Kumar Das. If my information is correct, the Hon'ble Prime Minister did not know that he was a relation of Mr. Das and that on subsequent information, the former wrote a letter to Mr. Das that it was a scandalous matter and as such he should ask his brother-in-law to withdraw his license. If this is true, certainly in one sense it goes to the credit



of the Hon'ble Prime Minister, but casts a discredit on one of his colleagues, Hon'ble Mr. Das as he did not mention this fact to the Hon'ble Prime Minister at the time of granting the permit.

Then, Sir, I also know as a fact that the Hon'ble Minister in charge of Excise, whose brother-in-law is Babu Nil Lohit Das, had actually arranged to finance him, had helped in the preparation of the draft of the agreement between Babu Nil Lohit Das and the Marwari firm and had encouraged him so far as to get his license and everything ready. Only the Hon'ble Prime Minister put his foot down and said that the license should not be granted to him and thus pressure was put upon him to surrender his licence. Now, Sir, if it is a fact that this gentleman, Babu Nil Lohit Das, was a *bona-fide* business man and that after due consideration he was given his permit, his permit should not have been cancelled merely because he happens to be a relation of a Minister or merely because it would affect the stability of the Ministry.

**The Hon'ble the SPEAKER:** What the hon. member is now saying really cancels the other argument he advanced in order to establish the alleged discreditable conduct of the Hon'ble Minister in charge of Excise in not disclosing the fact of his relationship with the permit holder to the Hon'ble Premier.

**Srijut ROHINI KUMAR CHAUDHURI:** I simply want to put both sides of the question. If the Hon'ble Prime Minister also knew that this gentleman was a brother-in-law of his colleague and gave the permit to him, then it is a discredit to him. It may be also said that it is a discredit to the whole Ministry that the license was cancelled merely because he happened to be a relation of one of the Ministers. So it can be interpreted in two ways. My point is this, that after the cancellation of this license, why was not any fresh notice given inviting applications from members of the Scheduled Castes, if they were really in sympathy with their people? Between the decision of cancellation and the date of the actual issue of the license to another supporter of the Hon'ble Prime Minister, a long time must have elapsed and during this time a fresh notice might have been issued inviting applications from members of the scheduled castes. I also do not approve of the principle that was promulgated the other day by the Hon'ble Prime Minister that Rai Sahib Sonadhar Das was not granted a license because of his being a Member of the Upper House. That is a principle which can be carried too far. A contractor under the Government in that case will never be eligible for a membership in either of the Houses because in that case he will have to give up his business altogether. What I wanted to say, Sir, is that this Government has absolutely nothing but lip sympathy for the members of the Scheduled Castes, and as soon as they found that Mr. Akshay Das had no objection to have his brother-in-law's license cancelled, opportunity was taken to give it to another man.

Then as regards the permit granted to Mr. Abdulla; it was subsequently cancelled and afterwards in the month of March a permit was granted to Mr. Syed Ahmed and that permit was granted on conditions which are really disgraceful. The conditions imposed were that a portion of his income derived from the Marwari firm should go to Mr. Das's brother-in-law, another moiety should go to Mr. Abdulla himself (*shame, shame*) and that the third should be enjoyed by Mr. Syed Ahmed. These are the conditions of the agreement made in the presence of the Hon'ble Prime Minister himself at Gauhati.

As regards the permit given to Mr. Mohini Mohan Goswami, I bring this matter again to give my hon. friend Mr. Marak an opportunity of contradicting what has appeared in the press about him. He is alleged to



have said that Mr. Goswami was the weapon for breaking the Saadulla Ministry, and that he is preserving the present Ministry, and therefore there is no wonder that a license was granted to him. And similar statements are also attributed to my hon. friend Mr. Chanda. I hope that Messrs. Chanda and Marak will say that the newspaper report is false. I very much believe...

**Mr. ARUN KUMAR CHANDA :** I do not deny that I gave a certificate to Mr. Goswami as I give to many others.

**Srijut ROHINI KUMAR CHAUDHURI :** So the hon. member does not deny. That is the way in which the permits have been granted in utter disregard of claims of either the Scheduled Castes or the Tribal people of the plains.

**The Hon'ble the SPEAKER :** Cut motion moved :

"That the total provision of Rs.2,69,000 under Grant No.6, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 51 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.2,69,000 do stand reduced by Rs.100".

**Mr. JOBANG D. MARAK :** I am very sorry to hear the charge against my friend Srijut Mohini Mohan Goswami. I say, Sir, there is no power, or any influence in the world which can change me into any form but my own personal conviction. These charges, I think, are quite false. Sir, is there any ruling for restricting the grant of licence or permit to any deserving person who may be related to any of the Member of the Cabinet ? I want an answer about that.

**The Hon'ble the SPEAKER :** I am not competent to give a ruling on this point. (*Laughter*).

**Mr. JOBANG D. MARAK :** I want to know, Sir, whether there is any rule for restricting the grant of any permit to a deserving person who may be related to any Minister ?

**The Hon'ble the SPEAKER :** This question has been practically answered by Mr. Chaudhuri because he has said that there cannot be any objection to grant any permit to any relative of a Minister when that relative is found to fulfil the conditions under which such a grant can be made.

**Dr. MAHENDRA NATH SAIKIA :** Mr. Speaker, Sir. I rise to support the motion. The other day, Sir, I had a talk with a prominent member of the Congress Coalition Party about the grievances of the Scheduled Caste people regarding the settlement of lorries and he told me in reply, "Do you think that the Scheduled Caste community will be benefited by the settlement of a lorry with a particular gentleman" ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** Is that relevant, Sir ? He should not give out a discussion which he had privately with a member of the Congress group.

**Dr. MAHENDRA NATH SAIKIA :** What I want to say is this that if that be the idea of the Members of the Congress Coalition Party, then in that case in many matters of profitable concerns, we the scheduled caste people may be ignored.

**Mr. BAIDYANATH MOOKERJEE :** Should Government be censured for that ?



**Dr. MAHENDRA NATH SAIKIA :** Sir, the other day the Hon'ble Prime Minister repeatedly gave evasive replies to a question regarding the settlement of lorries. Sir, my question was — on what basis or consideration, settlement of lorries was made with the individual tenderers? His reply was that the settlement of the 9 private lorries was made in order to keep competition between the private lorry holders and the Commercial Carrying Company to the benefit of the public. But, Sir, that was not what I wanted to know. He explained in his answer as to why the creation of the services of the nine private lorries was made. He did not reply to my question to the point. He just tried to evade it.

**The Hon'ble the SPEAKER :** Now the opportunity has been given to the Hon'ble Premier to give a proper reply.

**Dr. MAHENDRA NATH SAIKIA :** Sir, I quite appreciate the policy that was adopted at the first instance for the settlement of the lorries. As I understand one gentleman from the Scheduled Castes, Babu Nil Lohit Das got a licence for a lorry. We did not mind whether he belongs to this Valley or that Valley. But when he could not comply with the conditions, his licence was cancelled and the settlement of the said lorry was made with a Caste Hindu. Here I should like to mention that according to the general settlement rules that particular lorry ought to have been re-advertised and the same privilege as was offered at the first instance ought to have been offered to another Scheduled Caste people in the subsequent settlement, but it was not done so. The Scheduled Caste people were totally ignored in the subsequent settlement. Out of the two tenderers from the Scheduled Castes one was Rai Sahib Sonadhar Das Senapati who is also a Member of the Legislative Council. His case ought to have been taken into consideration in view of the loyal and social services which he rendered for the last forty years for the uplift of the Scheduled Castes and other backward people of this province. Besides he has got a cattle firm here at Shillong which is so costly to maintain and deserves encouragement from the Government. Taking all these into consideration, Government ought to have provided him with a licence to run the lorry. I may mention here that he had a licence for a lorry in the previous years and that he has a lorry of his own still now. Now, Sir, to our utter disappointment we find that the cause of the Scheduled Caste people are going to be ignored. With these few words, I support the motion.

**Mr. KEDARMAL BRAHMIN :** Sir, I rise to oppose the motion as it stands. If the principle as enunciated in this cut motion is accepted by this Hon'ble House, then, I think, it will not be a sound one. Sir, these lorries should not be granted on communal basis. The other day it was stated by the Hon'ble Prime Minister that the object of granting these lorries is to compete against the Commercial Carrying Company and if that is so, I submit, Sir, that the lorries should be given only to the merchants to whichever caste they may belong. Sir, my hon. friend Mr. Chaudhuri referred to the case of Messrs. Bhajanlal Srinivas and said that this firm got the lorry only through me. But I can tell him that perhaps it would have got a lorry even if my hon. friend Sir Md. Saadulla had remained in office, because he has got a big firm which deals in motor cars, etc., from a pretty long time.

**Srijut ROHINI KUMAR CHAUDHURI :** I do not question that. I said that he deserves to get one which he may not have got for certain other circumstances. (Laughter).



**Mr. KEDARMAL BRAHMIN:** I may inform the Hon'ble House that there was no such private lorries previously. I have heard that late Sir Laurie Hammond forced some Marwari people to take licences in 1928 or so to run the private lorries to compete against the Commercial Company and they are the pioneers in this line.

**The Hon'ble the SPEAKER:** The hon. member need not tell that ; the House has already been made aware of it.

**Mr. KEDARMAL BRAHMIN:** Sir, I should thank the present Government in this connection for their equitable distribution of the permits and request that Government will adopt business-like policy in granting these lorries to the merchants in future.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I rise to support the motion. Certain facts have been stated in this Hon'ble House charging the present Government of the offences of favouritism and nepotism, and those charges are undenied. Sir, the present Government is run by a disciplined party, and so far my information goes, Congress is not a body which can be charged with favouritism, but here, so far as this Congress Government is concerned, we find that the case is otherwise. We get it from the reply to a question that one Srijut Mohini Mohan Goswami has been granted a license to ply a lorry in the Gauhati-Shillong road. Mr. Goswami rendered great services in the breaking of the Saadulla Ministry and in installing the present one in its present position. We heard this morning from my hon. friend Maulavi Dewan Ahbab Chaudhury that his services have been acknowledged by the Hon'ble Premier and by the Deputy Leader of his party, Mr. Chanda. Even the Congress President, Mr. Bose recognised the services of Mr. Goswami in installing the present Ministry to the office. My friend Mr. Chanda also said that he (Mr. Goswami) was instrumental in persuading the tribal members to join the Congress Coalition. So, may I not take it that the Hon'ble Premier and his party are really inclined towards this man, and so they have given him the license in recognition of the services rendered by him? Is it not quite natural that being inclined towards that man the Hon'ble Premier could not exercise freedom of mind and justice. In reply to a question the other day the Hon'ble Premier said that in matter of granting permits of lorries the principle was to distribute among the deserving persons. I do not question that as I am not fully aware of the financial position of Mr. Goswami, but my point is when a man like Mr. Goswami (to whom the Ministry is grateful) is concerned, justice cannot be expected. Sir, when the Congress people were on this side of the House, they criticised the Saadulla Government with favouritism. But while they are in power, they themselves are guilty of the same charge. They are inconsistent in their action. The other day the Hon'ble Finance Minister said that they live to learn. If this is their maxim, I congratulate them and say let them live for longer period to learn how to be inconsistent, how to acquire the habit of favouritism and nepotism.

With these words, Sir, I support the motion.

**Mr. ARUN KUMAR CHANDA:** Mr. Speaker, Sir, my name has been mentioned so many times in this debate that I really feel very much flattered that so much notice could be taken of a certificate which I granted to a friend. I may inform my friends who are willing to have the benefit of such certificates that I shall most gladly grant them when they need them. If they derive any benefit out of them no one will feel happier than myself (laughter).



Sir, it is a subtle sense of humour on the part of the Opposition to have set up my friend Mr. Rohini Kumar Chaudhuri to move this cut motion. He has accused this Government of favouritism. Let him remember that one of the charges which was levelled against his Ministry was that of undiluted favouritism. However, Sir, since his fall from office, it appears that he has employed himself in intercepting letters and also eaves dropping! Is that how he got to know what negotiations had been going on in the Premier's house? It is pathetic to find an *ex*-Minister descend so low. However, Sir, I do not propose to labour this point. (Srijut Rohini Kumar Chaudhuri : The hon. member admits that my information is correct.)

Sir, there has been a great deal of grievance against Mr. Mohini Mohon Goswami because he was able to persuade the tribal members of this House to join the Congress Coalition. There is bound to be grievance against this young man, considering that he was able to frustrate the nocturnal visits of many hon. members of this House to that quarter. That is obviously the great grievance against Mr. Goswami. Any way, he has given proof that his name, *i. e.*, Mohini is really a significant one; at any rate better than Rohini with reference to context! Sir, Maulavi Abdur Rahman has also brought up the question of the fall of the Government of Sir Muhammad Saadulla. Of course memory is very short in Politics; perhaps he has forgotten that it was he who was the originator of the movement against Sir Muhammad. Sir, I submit, therefore, this is not a *bona fide* cut motion.....

**The Hon'ble the SPEAKER:** I don't think the hon. member can say that.

**Mr. ARUN KUMAR CHANDA:** Then I would say, Sir, that this motion is not actuated by noble intentions. The Opposition was brought up only to vent their spleen, it is well known of course that when people are disappointed, they talk any amount of arrant nonsense. So, in that view of the matter, I hope the Hon'ble Premier will not take serious notice of the observations which have fallen from the Opposition Benches (*Interruption from the Opposition*).

The whole point to be considered in this connection is whether the Province has suffered in any way by the distribution of these lorries. If it was the case of the Opposition that by granting these lorries to certain individuals, Government have done anything for which the finances of the Province would be injured, then there might have been some substance in this cut motion. There were hundred and one applicants, and out of these 9 persons had to be granted license. I know it would have gladdened the hearts of my friends of the opposite benches if licences were granted to people who would plot against this Government fattening on their favour. But this is not the way of any Government. No Government extends patronage to people who plot against them. Admitting for the sake of argument that all the people who have been granted licenses belong to our party, I don't think even then the Prime Minister has sinned at all. This motion therefore, deserves to be thrown out without any further fuss about it.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir. Has the hon. member got any connection with the Cachar Native Joint Stock Company?



**Mr. ARUN KUMAR CHANDA:** No, Sir, I have no connection with that Company. Once I heard an hon. member making frantic efforts to connect my name with that Company. I may inform him that I am not even a shareholder of that Company.

**Maulavi ABDUR RAHMAN:** On a point of personal explanation, Sir. Mr. Chanda has accused me of being the originator of the movement against the Saadulla Ministry. My position remains unchanged to-day. My duty is to criticise the Government, and I am still doing that (*laughter*).

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I must thank my hon. friend Mr. Rohini Kumar Chaudhuri, who laboured on this point to clear me of certain imputations which he thinks had been placed upon my fair name in the distribution of these lorries. But from the trend of his speech all that I could credit him with is that his good wishes were more or less such that I could not take them at anything more than their face value. Sir, he has accused me of failing to give notice in calling for tenders with regard to these lorries. In reply to that, I have only to refer him to the rule in the Motor Manual. We know that certain date, *i. e.*, 31st October, has been definitely fixed, within which tenders are to be submitted; and the fact that the notice was not at all insufficient or sufficiently unknown is very clear from the fact that there were as many as 90 applications for nine lorries. Therefore, if anybody wanted to take advantage of applying for tenders, it was surely his duty to have known this rule and to have applied accordingly. But as I said, for that reason, the number of application was no less, and the difficulty of Government in determining to whom these lorries were to be given were not less onerous.

The main principle that my hon. friend brought out is that we have not taken any note of certain transfer of these permits to certain Marwari shops—I have forgotten the names he gave. It seems to me that my friend, Srijut Rohini Kumar Chaudhuri is more conversant with Bazar gossips than any sensible or reasonable Government could ever be.

**Srijut ROHINI KUMAR CHAUDHURI:** The Hon'ble Premier may just see those lorry numbers and compare with last year.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I will explain regarding lorry numbers.

I wanted to say, Sir, that we had the matter enquired into, on receipt of the questions, by the Police Department, and I have the report from the Deputy Inspector-General of Police that the lorries are being run by the owners to whom permits have been given.

Then, Sir, he was just now telling me that the numbers of previous lorries are used by certain people. I think, Sir, these arrangement must have been made by the individuals to whom permits were given; lorries which were previously run by some other persons must have been transferred to the new permit holders. So the allegation that is being made against this Government by Srijut Rohini Kumar Chaudhuri is not true. He has brought into this debate certain facts, and as a matter of fact I do not know how I can reply to questions which are absolutely based on pure imagination. All I can say is that so far as arrangement of certain things being made at Gauhati before me is concerned, it is absolutely untrue. There has been no arrangement before me regarding any lorry with any party.

All this is regarding the general remarks. Let us now come to the particular thing which is the subject matter of the cut motion. I am sure if this motion was really brought forward with an anxiety for Scheduled Caste representation in the granting of these permits, I think the debate



might have been carried on in a much different manner ; but in so far as the representation of Scheduled Castes is concerned, we had fixed a certain principle. The name of Nil Lohit Das has been repeated several times. As a matter of fact when his contract was cancelled we had no intention of setting one community against the claim of another. On or about the 17th January, it was brought to our notice that the lorry for which permit was given was not on the road, and a day or two later, a certain Marwari filed an application before us that he was asked to finance for this lorry, and that he was not prepared to finance it. After that we had absolutely no option whatsoever. That lorry could not be on the road and the person to whom permit was given could not be financed by the Marwari. Two days after an application, surrendering the permit, came. Government had absolutely no option. The question is: whether it could not be given to another Scheduled Caste. In reference to that I have already said that we did not think it desirable to have direct contract with the member of a Legislature. We have not done anything of the kind.....

**Srijut ROHINI KUMAR CHAUDHURI:** On a point of information, Sir. Is it not a fact that the Scheduled Caste gentleman who was given the lorry was a relation of one of the Hon'ble Ministers ? Did the Minister point out this fact to the Hon'ble Premier before his tender was accepted ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It was unknown to me, nor was the fact brought to my notice. And the Hon'ble Minister himself did not know whether the lorry was settled with Nil Lohit Das. As regards the reason which guided us in not giving that lorry to Rai Sahib Sonadhar Das Senapati, if it is the intention of the House to give him a permit, to a member of the Legislature, let the House say so. But in our opinion it is not desirable that the Government should have direct contract with a member of the Legislature. So far as certain other names which have been brought forward in this connection, lot of criticisms have been made. In that behalf I can say that Government was guided by a definite policy in this matter. Most of us were opposed to the grant of a monopoly to a Company which was not under the control of Government to the extent that we desired. That matter was discussed in the Retrenchment Committee and the hon. Leader of the Opposition knows what attitude we had taken in the matter. We found that the last Government went out of its way to give even half of the lorries, which could have been distributed to the public, to the Commercial Carrying Company, and only 9 other lorries were left for distribution to the public. We thought that there was a necessity for bringing about a competition, the result of which would be beneficial to the producers. We thought of the potato growers of Khasi Hills. We thought also of the consumers. We know that the course adopted by us would lower the price of things which are brought to Shillong particularly rice, and other things also would be cheaper. It is not true that some of those persons who were taking a very active part in favour of this Government were given permits. The Commercial Carrying Company were already given nine lorries and we thought that competition would be more healthy if some lorries were given to outsiders, particularly those who were expected to maintain the competition (*hear, hear*). If that was a fault on the part of the Government, if it was not a sound policy to create a healthy competition between the Commercial Carrying Company which is a



monopoly company and some outsiders, I leave it to the House to judge, but to our mind we have done the best thing we could have done in the circumstances. Therefore there can be no question of *bona fide* criticism on any of the points that have been raised.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** On a point of order, Sir. Does the subject relate to competition or the claims of Scheduled Castes? Is the Hon'ble Premier entitled to speak beyond the scope of the motion?

**The Hon'ble the SPEAKER:** The Hon'ble Premier has stated the policy of the Government and about the criticism for not accepting certain tenders.

**Srijut ROHINI KUMAR CHAUDHURI:** On a point of information, Sir. Will Government in future consider the claims of the different communities in the matter of the distribution of lorries?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Yes, Sir. Even here the question was taken into consideration.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA\*:** Sir, my name has been mentioned by the Hon'ble Premier in this connection. The question of starting competition was not a new one and was not started by my hon. friend, as some would think from his speech. This starting of competition came into vogue from the year 1928, and as my hon. friend Mr. Kedarmal Brahmin pointed out, before 1928 the Commercial Carrying Company had the monopoly of both the passenger and goods service. The then Government, headed by Sir Laurie Hammond, took away half the lorries from the Commercial Carrying Company and settled them with outsiders and thus opened a competition.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY\*:** Is it not a fact that these people are supporters of the Government?

**The Hon'ble Srijut GOPINATH BARDOLOI:** On the other hand they were supporters of the last Ministry.

**The Hon'ble the SPEAKER:** Order, order. Hon. members will see that this matter of lorries is running over all the other cut motions. (*Laughter*).

**Dr. MAHENDRA NATH SAIKIA\*:** I have to ask one question. When the permit of Nil Lohit Das was cancelled why did not the Government call for tenders from the Scheduled castes?

**The Hon'ble Babu AKSHAY KUMAR DAS\*:** On a point of information, Sir. I was out, and if there is any insinuation or allegation made against me by hon. Mr. Rohini Kumar Chaudhuri, these allegations are all false and vindictive. I never knew when the permit was given, or to whom.

**The Hon'ble the SPEAKER:** The question is:

"That the total provision of Rs. 2,69,000 under grant No.6, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 51 of the Budget be reduced by Rs. 100, i.e., the amount of the whole grant of Rs. 2,69,000 do stand reduced by Rs.100".

The motion was negatived.

The original motion that a sum not exceeding Rs. 2,69,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "12.—Charges on account of Motor Vehicles Taxation Act," was then put and agreed to.

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\*Speech not corrected.



## GRANT No.7

(RAILWAYS)

**The Hon'ble Maulavi MUHAMMAD ALI HAIDAR KHAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.25 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "Railways".

**The Hon'ble the SPEAKER:** Motion moved :

"That a sum not exceeding Rs.25 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head Railways".

There are some cut motions. Do the hon. members wish to move them ?

**Maulavi MUHAMMAD AMJAD ALI:** We are not moving these motions, but at the same time we expect Government to take note of them.

The original motion that a sum not exceeding Rs.25 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "Railways" was then put and agreed to.

## GRANT No.13

(30.—PORTS AND PILOTAGE)

**The Hon'ble Maulavi MUHAMMAD ALI HAIDAR KHAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.5,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "30.—Ports and Pilotage".

The motion was put and agreed to.

## GRANT No.15

(37.—EDUCATION—EUROPEAN)

**The Hon'ble Srijut GOPINATH BARDOLOI:** On the recommendation of His Excellency the Governor of Assam I beg, Sir, to move that a sum not exceeding Rs. 81,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "37.—Education (European)".

The motion was put and agreed to.



## GRANT No. 25

## (Tools and Plant and Establishment Charges of the Public Works Department)

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.7,74,900 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the Public Works Department (Establishment and Tools and Plant).

The motion was put and agreed to.

**The Hon'ble the SPEAKER:** We have reached the time limit of one hour. All other grants I shall put from the Chair—Grants Nos. 27, 28, 26 and 14.

## GRANT No. 27

## (55.—Superannuation Allowances and Pensions, etc.)

**The Hon'ble the SPEAKER:** The question is :—“ That a sum not exceeding Rs.16,28,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head “55.—Superannuation Allowances and Pensions including payment of commuted value of pensions.”

The motion was agreed to.

## GRANT No. 28

## (56.—Stationery and Printing)

**The Hon'ble the SPEAKER:** The question is “ that a sum not exceeding Rs.3,15,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head “56.—Stationery and Printing.”

The motion was agreed to.

## GRANT No. 26

## (54-A.—Famine Relief)

**The Hon'ble the SPEAKER:** The question is “ that a sum not exceeding Rs.1,50,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head “54-A.—Famine Relief”.

The motion was agreed to.

## GRANT No. 14

## (36.—Scientific Departments)

**The Hon'ble the SPEAKER:** The question is “ that a sum not exceeding Rs.7,100 be granted to defray the charges which will come in the



course of payment during the year ending on the 31st March, 1940, for the administration of the head "36.—Scientific Departments".

The motion was agreed to.

## GRANT No. 4 ✓

### (10.—Forests)

**The Hon'ble Srijut RUPNATH BRAHMA :** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.9,02,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head "10.—Forests".

(At this stage the Hon'ble the Speaker vacated the Chair and the Deputy Speaker occupied it.)

**The DEPUTY SPEAKER :** Motion moved :

"That a sum not exceeding Rs.9,02,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head '10.—Forests'".

I find there are as many as 12 cut motions—all are to be moved by the members of the Opposition Benches. May I know from the hon. Leader of the Opposition what are the motions they are going to move ?

(Mr. Arun Kumar Chanda was then found to occupy the seat of the Deputy Speaker, when the latter was presiding.)

**Maulavi Syed ABDUR ROUF :** On a point of order, Sir. Is it the practice of the House that when the Hon'ble Deputy Speaker takes the Chair in the absence of Hon'ble the Speaker, the Deputy Leader of the Congress party will take the seat of the Deputy Speaker ? (*Loud laughter*).

**Maulavi MUHAMMAD AMJAD ALI :** We are afraid there is some disturbance in the House because the arrangement of seats has been dislocated by change of seats by certain members. You have to put things in order, Sir.

**The DEPUTY SPEAKER :** Order, order. I want to know whether Maulavi Abdur Rahman wants to move the cut motions that are standing in his name ?

**Maulavi ABDUR RAHMAN :** Mr. Deputy Speaker, Sir, I beg to move that the provision of Rs.3,27,410 under Grant No. 4, Major head—10.—Forests, Minor head-A.—Conservancy and Works (total), at page 46 of the Budget, be reduced by Rs.50, i.e., the amount of the whole grant of Rs.9,02,000 do stand reduced by Rs.50.

The object of this motion is to criticise Government for not allotting sufficient area of land for grazing purposes. Sir, this very fact was many a time brought before this Hon'ble House that grazing lands in the vicinity of forests are not sufficiently kept for the purpose of grazing. Even in the present session I put several questions whether Government are prepared to reserve land for the purpose of grazing. Of course the answers to my questions have not yet come. Sir, these similar matters, so far as I remember, were brought even in the last budget session and even in the first budget



session of this House. Now hon. members occupying the back benches of the Government also said that sufficient lands should be reserved for the purpose of grazing. Sir, it may not be the concern of all the hon. members of this House that sufficient areas should be kept reserved for the purpose of grazing, but it will surely concern those hon. members who come from such areas where Government forests are there. As for myself, I come from a constituency where there are Government forests and so I think there are other cases also. Sir, what is the difficulty of the people for not keeping sufficient areas of grazing land? It was the practice previously that people could graze their cattle in the reserve forests and there was no restriction. But now even if the cattle stray there what generally happens? There are forest guards. They will seize those cattle and they are impounded. Though they are to seize the cattle that stray in the forest, yet they will send reports of illegal seizure of cattle to the higher officers and cases are instituted against them. And how does the trial go on? If there is a report from the Forest Guard, not to speak of higher officials, whose pay is Rs.17 or Rs.18, what the Court does is that even without corroborating evidence, the people are fined. Sometimes to my knowledge some of them were fined to the extent of Rs.50. On one occasion there were 35 accused prosecuted for the offence of rescuing cattle from the Government area. The case of the forest guards was that they found the cattle straying in the forest reserve and while they were trying to impound them they were rescued. These people were heavily fined. Of course they contested the case but all the same they had to pay a heavy fine. Even if there is no corroborating evidence still people are fined heavily. The point of the Magistrates is that there can be no witness on the spot in these cases. What I say is that if areas are reserved, where will the poor people go to tend the cattle? You know the number of cattle in the province is going to be decreased on account of the cattle epidemics and dearth of fodder. Even if we cannot allow the villagers to enjoy sufficient grazing land surely we shall be lacking in our duty. This difficulty was not felt by the people some years ago. But since the forest area was reserved by Government some difficulty is felt. If Government simply care to enquire of the Subdivisional Officers, and where there is no Subdivisional Officer, the Additional District Magistrate, they will find that a heavy number of cattle rescuing cases are heard. They will be submitting reports for nothing. If cattle go by the side of forests even then they will submit a report. They will demand two pice.....

**Babu RABINDRANATH ADITYA:** What is two pice, Sir, I do not understand?

**Maulavi ABDUR RAHMAN:** Two pice is half an anna. Let it be half a rupee; something they will realise and the people are not to be disturbed. But if any such *bondobust* is not made then the people will be put to trouble like anything. There is still one case pending in the Hon'ble High Court. I want that Government should take a serious view of the matter and see that sufficient area is reserved for the purpose of grazing particularly in those areas where people live in the vicinity of the forest. Then there should not be any number of false and frivolous prosecutions by the Forest Officers. I may remind the Hon'ble Minister in charge that there are Ilam lands which are settled with villagers for cultivation. They tend the cattle in the Ilam lands. The forest officer seizes the cattle and submits a report because they are being guarded by courts.



My next point is that Government should take a serious consideration and see if they can appoint a Committee of enquiry or appoint a certain individual or officer to enquire as to whether grazing lands are sufficient and if more lands are not necessary.

With these words I commend my motion to the acceptance of the hon. House.

**The DEPUTY SPEAKER :** Cut motion moved :—

"That the provision of Rs.3,27,410 under Grant No.4, Major head—10.—Forests, Minor head—A.—Conservancy and Works (total), at page 46 of the Budget, be reduced by Rs.50, i.e., the amount of the whole grant of Rs.9,02,000 do stand reduced by Rs.50".

**Maulavi ASHRAFUDDIN MD. CHAUDHURY :** Mr. Deputy Speaker, Sir, for the elevation of our peasantry two things are required. First, we should protect their soil and second the nourishment and improvement of cattle. For nourishment what is badly required is there must be enough place for pasture. There must be grazing lands so that the cattle can improve. If Government want really to improve the condition of the peasantry they must also look to this side of the question. There must be deforestation of certain plots of land which can be utilised for pasture purposes. Now-a-days what we find is that in view of the fact that the Zemin-dars and the Mirasdars have been forced by circumstances to withhold the favour, they formerly used to give by setting apart some portion of the land for pasture, they have now taken them away for their private purposes and the result is that the poor villagers have not much space for grazing their cattle. This has told very hard upon their cattle wealth. So, while I support this motion, I want that Government should be serious in dis-forestating certain forest area for this purpose. I may here place before the members of the House that, while the hon. Mr. Rohini Kumar Chaudhuri was in charge of the Forest Department, he set apart a certain portion of the Raghunandan Hill for certain villagers under the jurisdiction of the Madhabpur police station in the district of Sylhet. But that area is not sufficient enough to meet the needs of the villagers who have got thousands of cattle. I have already said that Government should not forget that the peasantry cannot improve their condition unless there is scope for the improvement of their cattle. The rise and fall, the prosperity and adversity, of the peasantry are co-related with the protection of their soil and at the same time the arrangement that is made by Government for the nourishment and improvement of their cattle. With these few words I support the motion.

**Mr. JOBANG D. MARAK :** Sir, this cut motion is a somewhat reasonable one, because in some places people are badly in need of land for grazing purposes. In some villages, such as, Nisan-gram, Nokma Khundi, Bangsi-Aphal, Chithuk and other big villages in the Goalpara subdivision near the borders of the Garo Hills district, the people are rendering 10 days' labour in the forest reserve to get admission to graze their cattle in Forest Reserve. That shows, Sir, that there are not grazing fields provided for them in their localities. So I think Government will be kind enough to look into these localities and where necessary grazing fields may be arranged for the agriculturists.

**The Hon'ble Srijut RUPNATH BRAHMA :** Sir, I have listened to what has been said by the hon. mover and his supporters. The reservation



of land for grazing purposes generally concerns the Revenue Department. Lands are allotted for grazing purpose under the Land Revenue Manual by the Deputy Commissioners according to the needs of the people. From the forest point of view free grazing cannot at all be allowed in reserve areas. We have got plantations, areas for regeneration work, etc. Therefore, free grazing cannot be allowed in the reserved areas. If definite proposals come for de-forestation of some areas for the purpose, then Government may take them into consideration. But still the point requires careful examination and thorough enquiry without which de-forestation cannot be done. If definite proposals come, they will be taken into consideration by Government.

**Maulavi MUHAMMAD AMJAD ALI:** Will the question of fuel also be taken into consideration ?

**The Hon'ble Srijut RUPNATH BRAHMA:** I think there is another motion for that.

**Maulavi ABDUR RAHMAN:** May I know, if a particular demand be brought to the notice of Government, they would look into the matter and make some provision ?

**The Hon'ble Srijut RUPNATH BRAHMA:** It will be taken into consideration after thorough enquiry and examination.

**Maulavi ABDUR RAHMAN:** May I know from the Hon'ble Minister if a proposal regarding a particular area be sent to him, he will make an enquiry ?

**The Hon'ble Srijut RUPNATH BRAHMA:** Government are always prepared to make an enquiry in case of reasonable demands.

**Maulavi ABDUR RAHMAN:** Then on the assurance of the Hon'ble Minister, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

**Srijut JOGENDRA NARAYAN MANDAL:** I beg to move, Sir, that the provision of Rs.5,47,610 under Grant No. 4, Major head—10.—Forests, Minor head—B.—Establishment (total), at page 47 of the Budget, be reduced by Rs.100, i.e., the amount of the whole grant of Rs.9,02,000 do stand reduced by Rs.100.

Sir, in moving this motion I want to bring to the notice of the House the fact that the present Government have stayed the order of eviction passed by the previous Government on a trader in Kukurmara Forest Depôt.

**The DEPUTY SPEAKER:** I want to know from the hon. member whether the order of the previous Government has been stayed by the present Government on its own initiative or on account of a representation from the public.

**Srijut JOGENDRA NARAYAN MANDAL:** There was public grievance and there have been objections from the public for which this motion has been brought before the House.

**Maulavi MUHAMMAD AMJAD ALI:** Is it the function of the Chair ?

**Srijut JOGENDRA NARAYAN MANDAL:** Sir, the matter has been discussed on the floor of this House and the facts of this case are well known to hon. members.

**The DEPUTY SPEAKER:** I want to be first convinced whether your motion is in order or not.



**Srijut JOGENDRA NARAYAN MANDAL :** Yes.

**The DEPUTY SPEAKER :** Only 'yes' will not do. (*Laughter.*)

**Srijut JOGENDRA NARAYAN MANDAL :** After the assumption of seats in the cabinet the present Government on its own initiative stayed this order.

**Maulavi MUHAMMAD AMJAD ALI :** That is sufficiently replied, Sir.

**Srijut JOGENDRA NARAYAN MANDAL :** A certain part of the forest depôt was previously occupied by the Assamese traders. Then for the expansion of that forest depot that land was acquired but afterwards that land was again given to one Ramkumar Himatsingka with the understanding that he will erect a temporary shed there but afterwards he got a shed of a permanent nature. The neighbouring people got annoyed on this and as a result there were some disturbances. It is for this reason, the previous Government issued order for the eviction of Ramkumar Himatsingka, but the order has not been given effect to as yet. Due to this the people of the neighbouring villages were very much annoyed. With these words I commend my motion to the acceptance of this House.

**Srijut GAURI KANTA TALUKDAR :** Sir, on a point of information. Will the hon. mover tell us as to who gave the order to have a temporary shed there at Kukurmara ?

**Srijut ROHINI KUMAR CHAUDHURI :** The Divisional Forest Officer Mr. Bhadran gave this order.

**The DEPUTY SPEAKER :** Cut motion moved :  
That the provision of Rs.5,47,610 under grant No.4 Major head 10.—Forests, Minor head.—B.—Establishment (total) at page 47 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.9,02,000 do stand reduced by Rs.100.

**Srijut ROHINI KUMAR CHAUDHURI :** Sir, I wish to point out certain facts in connection with this motion. This matter was specifically brought to the notice of this House by a motion for the adjournment of the House which was tabled by my hon. friend Mr. Beliram Das of the Congress party. That was, in August 1937. His complaint was that a plot of land was quite arbitrarily given to Mr. Ramkumar Himatsingka and the then Minister in-charge of the Forest Department Maulana Abu Nasr Md. Waheed gave an assurance that he would inquire into the matter and on that assurance the motion for the adjournment of the House was not pressed. Subsequently both Maulana Abu Nasr Md. Waheed and Sir Muhammad Saadulla the then Chief Minister inspected the locality and passed a distinct order that Mr. Himatsingka will have to clear out the place within the 31st March, 1939. That order was passed sometime in the middle of the year 1938. The whole history of the case is as follows :— There was a plot of land near the Kukurmara Forest Depôt which belonged to one Ramkumar Himatsingka in whose name the periodic *patta* stood. Subsequently it was in the year 1932 or 1933, Government said that this particular plot of land which was included in the *patta* of Ramkumar Himatsingka was required for the expansion of the Kukurmara Forest Depôt and on that ground a forcible acquisition took place and the *patta* of Ramkumar Himatsingka was cancelled. Then this land was utilised during the rainy season for mooring of boats because opposite to this plot of land there was the Kukurmara Hât and the land was absolutely necessary for the purpose of mooring of boats. I may mention here that about that time the Secretary of the Juvak Sangha, i.e., Youth League of that locality applied to Government for permission to use this land for erection of a library but that permission was refused by the Forest Department on the grounds that the land



would be required by the public. Curiously enough, in the year 1937 the Divisional Forest Officer Mr. Bhadran allowed Mr. Himatsingka to build a house on that plot of land. The order was that he would be allowed to build a temporary structure. Taking advantage of that order, he built a structure, which is by no means a temporary one but really a pucca house, the eviction of which will take sometime. Considering the nature of the structure, the then Hon'ble Chief Minister passed an order giving six-months' time for removal from that plot of land. Now, Sir, what happened immediately after the assumption of the present Government will be a very tragic story. Immediately after the assumption of office by the present Government, the Divisional Forest Officer, instead of carrying out that order for the eviction of that plot of land, passed an order that if any one interferes with the business of the forest contractors, then they would be evicted from Kukurmara Forest Depôt. The previous Government passed an order evicting a Marwari not because he was a Marwari or a foreigner but on certain legal grounds, but the present Government have passed an order that if anybody becomes a source of obstruction to Mr. Himatsingka then he would be not only evicted from that depôt but also blacklisted.

**Srijut SARVESWAR BARUA:** Was that the Government order.

**Srijut ROHINI KUMAR CHAUDHURI:** Yes, Sir. If my hon. friend Mr. Barua listened to the speech delivered from this side of the House with any interest he will remember that a motion for adjournment of the House was tabled by my friend Mr. Amjad Ali in the last December Session of the Assembly, and he asked for leave to move that motion, but the motion was disallowed. Sir, we thought that although that motion was disallowed Government would take notice of it and do their part. But what was more disappointing, Sir, was that after return to my headquarters at the conclusion of the December Session, I learnt that not being satisfied with that order of eviction of all the Assamese traders of the locality, Mr. Himatsingka's Muharrir instituted a proceedings under section 107 for no other object than to harass the local traders (*shame, shame*), whom he had implicated in the charge. I would have understood if the accused persons were merely confined to the Kukurmara Forest Depôt but all Assamese traders right from Singra to Palashbari were implicated. That it was a *mala-fide* proceedings was clear from the fact that when after several adjournments the case actually came up for hearing, Mr. Himatsingka's Muharrir conveniently absented himself and the proceedings were dropped. Sir, I have heard it said by the supporters of the present Government that the present Government will not really cancel the order of the previous Government, but what is the ground for staying the execution of that order? In this particular case, stay of eviction practically prelude to cancellation of that order itself. The order was passed in the middle of June, but the period of this cold weather was given so that eviction may take place conveniently. But after the cold weather has passed, it will be an excuse for the trader to continue till the next cold weather, and so in this way the whole order will be, in long run nullified. I have heard it said that the Hon'ble Forest Minister will personally inspect the locality at his leisure and study the local conditions himself. I don't understand what was the necessity of studying local conditions after all these facts were sufficiently known to him. As a matter of fact after the assumption of his office, not once or twice but more than that the Hon'ble Forest Minister has passed through that particular locality, and he is quite familiar with that locality. The order of stay of eviction is only a prelude to the permanent cancellation of the order and the plea to visit the locality to study the local conditions is only an eyewash just to get over the present Session of the Assembly, and I am sure



after the present Session is over, if the question is again mooted in the House in the September Session, the Hon'ble Minister will come with the plea that it was difficult to evict that trader during the rainy season. That is the way how the orders of the previous Government—orders passed in the interest of the local people and to rectify glaring mistakes of law—are being superseded and ignored. In this case the legal step would have been either to surrender it to the original owner or to keep it open to use by public for purposes of mooring of boats. Under any circumstances, the attitude of the present Government in this matter cannot be justified and should be censured in the strongest terms possible.

**Mr. KEDARMAL BRAHMIN:** Sir, I rise to oppose this motion. The real fact in this case is that in Kukurmara almost all the traders are Chaudhuris. There is the question of competition between Mr. Himmatsingka and other merchants. Some Bengali merchants come to this place and purchase sleepers and other timbers. They used to reside in the house of a particular person who charged them about 6 annas, 8 annas and 4 annas per sleeper and other pieces of timbers.

**Srijut ROHINI KUMAR CHAUDHURI:** Who is that particular person, please? He is not a Chaudhuri. Why do you make remarks without knowing anything? Kukurmara is not my village; my village has a better name than that. (*Laughter.*)

**Mr. KEDARMAL BRAHMIN:** I did neither make any remark nor I told that the hon. member is related to them. Any way, Sir, there was a land lying vacant for a pretty long time. Mr. Himmatsingka applied for the land, and the land was granted to him. He then began to build a house on that land. When that building was under construction the ex-Forest Minister, Maulana Waheed Saheb went there. I was also present at that time. The house was half erected, the Hon'ble Forest Minister himself saw it, but he did not stayed the erection of the house, and I do not know how the house could be demolished now after erection. Sir, it is the only house in that line, and there is vast space left for mooring of boats. I don't see how Government can deny this right to any man who goes there for business purposes. Mr. Himmatsingka went there for business purposes and not for the purpose of ruining the Assamese traders as my hon. friend suggests. So I oppose this motion.

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Deputy Speaker, Sir, I do not find in this Hall the same shining light of the Congress, Srijut Beliram Das, who tabled an identical adjournment motion during the August, 1937 Session of the Assembly to censure the then Government. Srijut Beliram Das gave us to understand that it was his intention to give preference to local traders. And in the interest of the local traders only that he tabled that adjournment motion. Sir, it was alleged in this House that the local traders were being ousted in preference to foreigners by the previous Government. The Hon'ble Maulana Waheed was presiding over that portfolio then, and in consonance with that adjournment motion he passed this order of eviction. We understood then that the party behind Srijut Beliram Das was serious in giving preference to the local traders, but subsequently it was found that the order of eviction was somehow delayed and this Mr. Himmatsingka, who had incurred the displeasure of the party, had some hand in throwing out the Saadulla Ministry, and as a counterblast this order of the previous Government was stayed. I had the occasion, Sir, to table another adjournment motion to bring to the notice of the House the fact that the local traders were put at a disadvantageous position by the order of the Divisional Forest Officer inasmuch as a circular was issued stating that if traders of Kukurmara and Palashbari



were in any way found to be responsible for putting any difficulty to the outsiders, they will be blacklisted and evicted. That is a specimen of Government that Congress is showing to-day. Long seven months have passed since this Government came into office, and I see, Sir, that enthusiasm for local traders has vanished. (Mr. B. Mookerjee—Shortness of eye sight.) I did not understand that by tabling that adjournment motion for the eviction of the same Prabhudayal Himatsingka and Ram Kumar Himmatsingka from the forest depot at Kukurmara which was sponsored by that party, they were not at all eager to give some relief to local traders, but that it was a mere camouflage. Sir, I charge Government with the same callousness which they have been pursuing for the last 7 months. How could the order of eviction be so long stayed. I have also heard from the hon. mover of the motion, who says that it has been done at the instance of Government. If this is so, it is really very deplorable. In reply to a question the Hon'ble Minister of Forests, during the last December session when I tabled an adjournment motion, I was given to understand that he had not sufficient facts in his possession. He did not know all the grievances that local traders had. He visited the locality more than once and he knew things better, but the worst part of the whole affair is that soon after his visit criminal proceedings were brought against the local traders. And they were harassed for nothing. The Hon'ble Minister in charge of Forests is openly charged and it is for him to state the reason why the order of eviction has so long been stayed. With these words, I support the motion.

**Maulavi JAHANUDDIN AHMED:** Sir, I really do not understand the policy that this Government is pursuing. Sometimes they will very vehemently say: we are for always encouraging local people, i.e., indigenous people of Assam and sometimes they somehow or other show that this advantage should also be given to foreigners. Sir, the party to-day holding the reins of Government was for the establishment of the Line System and what is the reason for that. The reason is that they wanted to keep lands for the indigenous people of Assam. Again, Sir, in the Kachugaon and Haltugaon forests, last year when there was a strike by the Contractors' Association, some 20 coupes in these forest areas were reserved for local people. Either fortunately or unfortunately these have gone to the local people from the area from which the Hon'ble Minister in charge comes. But, Sir, in the case of Kukurmara what do we find? Just a few hours ago even the Hon'ble Premier has spoken very violently for settling the Commercial Carrying Company's lorries with the local people of Assam. But here we do not see that Government are stretching their hands to local people—I mean, the local contractors—indigenous sons of the soil. Sir, they change their policy according to their convenience because Himatsingka and his brother Mr. Prabhudayal helped this Government in forming this Ministry. Is it because he supplied with men and money to this Government to form the Congress Ministry in this province? Is it a reward? Is this because Mr. Kedarmal Brahmin will go away from the party if they do not stay the order of eviction? I am very sorry that this Ministry is pursuing different policy in different times to suit their own convenience. I hope the Hon'ble Minister, who has fought hard to reserve some 20 coupes for the local contractors, should also try to keep the rights of the local people the local boats. At least I hope that man from whom this land was taken away by Government for public purposes should be returned after eviction of this gentleman who helped in forming this Ministry.

With these few words, I support the motion.



**The Hon'ble Srijut RUPNATH BRAHMA :** Sir, this motion concerns the eviction of certain timber contractor—Himatsingka and Company. It is well known to all that Himatsingka and Company is a well-established and big contractor, and the eviction of such a big contractor requires close examination of facts on both sides. My hon. friend Srijut Rohini Kumar Chaudhuri has charged the present Government saying that the eviction order was stayed by the present Government on its own initiation. This is false. This eviction order was passed by the previous Government, and after that we received an appeal from Himatsingka and Company, and on receipt of that appeal I considered it highly desirable to personally go and make a local enquiry after staying the eviction order.

**Srijut ROHINI KUMAR CHAUDHURI :** How can one Government hear an appeal against the order of another Government? There may be a revision or something like that.

**The DEPUTY SPEAKER :** The Hon'ble Minister should be given a chance to meet all the points.

**The Hon'ble Srijut GOPINATH BARDOLOI :** Ministry may change but Government is continuous, and therefore the order of one Government is equivalent to the order of another Government.

**Mr. JOBANG D. MARAK :** There are instances when orders passed by one Government have been cancelled by the same Government. I can quote the order. (*Laughter.*)

**The Hon'ble Srijut RUPNATH BRAHMA :** So in the interests of justice I think it is highly desirable to go to the locality and examine the matter after this session.

**Maulavi MUHAMMAD AMJAD ALI :** On a point of information. The Hon'ble Minister made the same promise to me during the last December session that he will go and enquire personally.

**The Hon'ble Srijut RUPNATH BRAHMA :** I may take that point also into consideration when I go there in connection with this matter.

**Maulavi MUHAMMAD AMJAD ALI :** When does the Hon'ble Minister propose to go?

**The Hon'ble Srijut RUPNATH BRAHMA :** Some time after this session.

**Khan Bahadur Maulavi KERAMAT ALI :** May I take it that if the Hon'ble Minister is satisfied that the orders of eviction are wrong, he will be prepared to cancel it?

**The Hon'ble Srijut RUPNATH BRAHMA :** That will depend on the real circumstances and merit of the case.

**Khan Bahadur Maulavi KERAMAT ALI :** Even if the Hon'ble Minister is satisfied that the order of eviction was wrong?



**The Hon'ble Srijut RUPNATH BRAHMA:** I cannot say anything at this stage.

**The DEPUTY SPEAKER:** It is a hypothetical case.

**The Hon'ble Srijut RUPNATH BRAHMA:** In reply to what has been said by Maulavi Jahanuddin Ahmed, I say that we have clearly laid down the policy to encourage and protect the small contractors of the locality by reservation of certain number of coupes and sufficient number of trees, and this will give them an opportunity for healthy competition among themselves.

**The DEPUTY SPEAKER:** The question is—

“That the provision of Rs. 5,47,610 under Grant No. 4, Major head—10.—Forests, Minor head—B.—Establishment (total), at page 47 of the Budget, be reduced by Rs. 100, i.e., the amount of the whole grant of Rs. 9,02,000 do stand reduced by Rs. 100”.

✓ The Assembly divided.

AYES—29

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| 1. Babu Hirendra Chandra Chakravarty.      | 14. Khan Bahadur Maulavi Keramat Ali.          |
| 2. Srijut Jogendra Narayan Mandal.         | 15. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 3. Dr. Mahendra Nath Saikia.               | 16. Maulavi Munawwar Ali.                      |
| 4. Srijut Rohini Kumar Chaudhuri.          | 17. Maulavi Saiyid Sir Muhammad Saadulla.      |
| 5. Maulavi Abdul Aziz.                     | 18. Khan Bahadur Maulavi Sayidur Rahman.       |
| 6. Maulavi Abdul Bari Choudhury.           | 19. Col. A. B. Beddow.                         |
| 7. Maulavi Abdul Matin Chaudhury.          | 20. Mr. A. H. Ball.                            |
| 8. Maulavi Abdur Rahman.                   | 21. Mr. F. W. Blennerhassett.                  |
| 9. Maulavi Dewan Muhammad Ahbab Chaudhury. | 22. Mr. W. R. Faull.                           |
| 10. Maulavi Muhammad Amjad Ali.            | 23. Mr. F. W. Hockenhull.                      |
| 11. Maulavi Ashrafuddin Md. Chaudhury.     | 24. Mr. W. J. Gray.                            |
| 12. Maulavi Ghyasuddin Ahmed.              | 25. Mr. D. B. H. Moore.                        |
| 13. Maulavi Jahanuddin Ahmed.              | 26. Mr. R. A. Palmer.                          |
|  | 27. Srijut Binode Kumar J. Sarawan.            |
|  | 28. Rev. L. Gatphoh.                           |
|  | 29. Mr. C. Goldsmith.                          |



## NOES—52

1. The Hon'ble Srijut Gopinath Bardoloi.
2. The Hon'ble Mr. Fakhruddin Ali Ahmed.
3. The Hon'ble Babu Kamini Kumar Sen.
4. The Hon'ble Srijut Ram Nath Das.
5. The Hon'ble Babu Akshay Kumar Das.
6. The Hon'ble Maulavi Md. Ali Haidar Khan.
7. The Hon'ble Srijut Rupnath Brahma.
8. The Hon'ble Khan Bahadur Maulavi Mahmud Ali.
9. Kumar Ajit Narayan Dev.
10. Mr. Arun Kumar Chanda.
11. Mr. Baidyanath Mookerjee.
12. Srijut Bepin Chandra Medhi.
13. Srijut Bhuban Chandra Gogoi.
14. Babu Bipin Behari Das.
15. Srijut Bishnu Ram Medhi.
16. Babu Dakshina Ranjan Gupta Chaudhuri.
17. Srijut Debeswar Sarmah.
18. Srijut Ghanashyam Das.
19. Srijut Gaurikanta Talukdar.
20. Srijut Haladhar Bhuyan.
21. Babu Harendra Narayan Chaudhuri.
22. Srijut Jadav Prasad Chaliha.
23. Srijut Jogendra Chandra Nath.
24. Srijut Jogeschandra Gohain.
25. Babu Kalachand Roy.
26. Srijut Kameswar Das.
27. Babu Karuna Sindhu Roy.
28. Mr. Kedarmal Brahmin.
29. Srijut Krishna Nath Sarmah.
30. Srijut Lakshesvar Borooah.
31. Babu Lalit Mohon Kar.
32. Srijut Mahadev Sarma.
33. Srijut Mahi Chandra Bora.
34. Srijut Omeo Kumar Das.
35. Rai Bahadur Promode Chandra Dutt.
36. Srijut Purandar Sarma.
37. Babu Rabindra Nath Aditya.
38. Srijut Rajani Kanta Barooah.
39. Srijut Rajendra Nath Barua.
40. Srijut Sankar Chandra Barua.
41. Srijut Sarveswar Barua.
42. Babu Shibendra Chandra Biswas.
43. Srijut Siddhi Nath Sarma.
44. Mr. Benjamin Ch. Momin.
45. Srijut Bhairab Chandra Das.
46. Srijut Bideshi Pan Tanti.
47. Srijut Dharsingh Deuri.
48. Mr. Jobang D. Marak.
49. Rev. J. J. M. Nichols-Roy.
50. Srijut Karka Dalay Miri.
51. Srijut Khorsing Terang.
52. Srijut Rabi Chandra Kachari.

The motion was negatived.

**The DEPUTY SPEAKER:** May I know from the Opposition members which motion they want to move now?

**Srijut ROHINI KUMAR CHAUDHURI:** Cut motion No.11, Sir.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** I beg to move, Sir, "That the total provision of Rs.9,02,000 under Grant No. 4, Major head—10.—Forests, at page 45 of the Budget, be reduced by Rs.100, i.e., the amount of the whole grant of Rs.9,02,000 do stand reduced by Rs.100."

I have brought forward this motion to criticise the Forest Administration and Forest Policy of Government.

Sir, first of all, I should like to place before this House the fact that the revenue side of the forest has taken a downward course since 1929. During the last four years there is no appreciable rise in the revenue from Forests.



In 1935-36 the revenue was Rs.14,84,000. In 1936-37 it was Rs.16,85,000 ; in 1937-38 it was Rs.17,51,000 ; in 1938-39 it was Rs.16,54,000 ; and in 1939-40 the budget figure is Rs.17,24,000. The expenditure is also gradually increasing. In 1935-36 the expenditure was Rs.10,95,000 ; in 1936-37 it was Rs.11,73,000 ; in 1937-38 it was Rs.11,72,000 ; in 1938-39 it was Rs.11,66,000 and in 1939-40 the budget figure is Rs.11,80,000.

Now, Sir, Assam is known to the world for the wealth of its forest resources. Yet it is disappointing to find that nothing tangible is being done to add to the resources of the province by exploiting these resources. The last Forest Administration Report is not only disappointing but is provoking ; and it is also acrimonious. Mr. Mackarness at page 18 of the report says "it is regrettable that the phantasy of the inexhaustible and unexplored forest wealth of the province still exists". He calls it a "phantasy". Can you expect better from such an officer ? His report, however, admits that there still exists untapped sources of supply of timber. But due to the paucity of timber and difficulties of extraction and expensive transport to market the project appears to involve considerable capital expenditure. Now my submission is that the policy as revealed from this report seems to be that it is a stationary policy. There is no forward policy of Government in exploiting the inexhaustible forest resources of the province. At page 6 of the report he denounces the irresponsible criticism which is levelled against the Department from time to time in the Legislative Assembly by persons, he says, who have little knowledge of their activities. For the edification of the Members, I would crave the indulgence of reading that portion of the report. He says, "that in the face of such effort it is damping to read the irresponsible criticisms which are levelled at the Department from time to time in the Legislative Assembly by persons who have little knowledge of our activities, which they appear to judge entirely by profit-making standards, and whose remedy for lack of greater funds for the so-called nation-building departments, consists in proposal to reduce expenditure on staff and thereby increased the yearly surplus".

I leave it to the House to judge whether such criticism stands to the credit of an officer at the helm of the forest administration. He suffers from a superiority complex. I crave your indulgence again to read his remarks at page 17. He says—

"During the year, Government initiated a policy of preferential treatment and protection of Assamese timber traders in one Division *vis-a-vis* the 'outside worker' or 'foreigner' and Coupe sales in certain areas were reserved exclusively for the former. Apart from limited local demand, forest revenue is to a great extent dependent upon sales to traders from outside the Province. Healthy competition and honest methods of trading are essential to the continuance and expansion of business and unless the indigenous character appreciates this fact and adopts these methods as a general practice, the 'foreigner' who, so far as experience shows, has practised straight dealing, will reap the benefit and obtain an increasing trade."

Here he insinuates that the Assamese traders are not straight dealers. Then he goes on to say—

"When this takes place, an outcry is raised by the local trader that he is being subjected to the tyranny of capitalism and that the honest worker is being exploited and driven out of business. Personal investigation has proved the falsity of such complaints and it is hoped that wiser counsels will prevail in future."



Then he goes on to say that—

“The policy of the Forest Department has always been to foster indigenous business when conducted in an honest manner and there is no reason to anticipate that for many years to come there will not be employment for all traders who work on sound lines. Political agitation which is instigated for purposes of vote catching and stirring up communal bitterness cannot be for the welfare of the province and improvement of its financial position—”.

Now, Sir, the Hon'ble Finance Minister has stated that the policy of Government is to help the indigenous contractors. Now may I ask the Hon'ble Minister, when we have got such an unsympathetic executive to carry out the policy of Government, an officer who holds such strong views against the Assamese contractors and who doubts their honesty also—is there any chance of that policy being materialised? It will be no better than a paper policy. As regards this I may remind the House that in 1929 when the revenue was about 36 lakhs there was no foreign contractor in the field. There were only Assamese contractors and the revenue was much in excess of what is obtainable now. So there is no substance in the argument that with the employment of Assamese contractors the revenue of the province will suffer.

This gentleman, Sir, again casts aspersions on the gazetted officers also. I will refer to page 14 of the report.

He says—

“Comparisons are often unpleasant but it must be admitted that instances have been brought to notice in which a Range which has been efficiently run by a member of the subordinate service has been subsequently found to be in a less satisfactory state after being placed under a gazetted officer. Such a state of affairs reflects discredit on the whole department.”

I think this is the reason why we find many gazetted officers still rotting—not in charge of a range even. I know of one instance of an Assamese Extra Assistant Conservator of Forests of 17 years' service, who was a first class M.A., who is still being attached to Lakhimpur division in an out of the way place like Margherita. He is not thought fit even to hold charge of a range. Out of 15 Extra Assistant Conservators of Forests, 8 are attached to a division, that is to say, not thought fit to hold independent charge of a range. Out of 5 such Assamese Officers only one is in charge of a division. Others are rotting elsewhere. This makes the administration also top heavy. The Forest Utilisation Officer is a comparatively junior officer. I do not understand why an experienced officer could not be given this responsible job in preference to a junior officer.

Then, Sir, there is no definite policy regarding posting, transfer and promotion of officers. The other day we raised the question of posting officers in their home districts. There is one officer Mr. N. N. Das who is a native of Sylhet I believe, but who is the Divisional Forest Officer of Sylhet. Some officers of Sylhet have never seen this valley. Also there are officers who suffer from a breakdown in health and who are again posted to unhealthy stations. If I may be permitted to say, Sir, there is an anti-Assamese feeling in the whole department (*hear, hear*), because the secretariat is imbued with that feeling.

**The DEPUTY SPEAKER:** The hon. member is far exceeding his time limit.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** This is a very important question, Sir.



The department, Sir, deprecates the political agitation against the "slavery of the Forest Officers in page 18 of the report. My hon. friend Srijut Beli Ram Das on many occasions from this side of the House raised the question of forest villagers. Mr. Mackarness writes—

"This labour is a vital factor in the working system of the department and it is to be regretted that political agitation has been raised against the alleged 'slavery' of the free labour system."

Again he says—

"Villagers invariably agree to render 10 days labour in return for such produce and it is significant that in spite of the agitation which has been fomented by certain politically interested parties, applications for settlement on the existing terms are still being received."

But I can quote one instance which is known to me of a certain village in Lakhimpur.

I have got a petition of sixty raiyats with me. They are all forest villagers. In the absence of low-lying lands in their own locality they went into the Dibru reserve, and when they settled in that reserve, they were prosecuted by the Forest Department, and they were fined Rs.10 each. Afterwards the Forest Department however agreed to take them as forest villagers. Now they have sent in a petition and I think, the Hon'ble Minister has also received a copy of it. It reads as follows:—

বৰ্তমানে খাউৰিবলৈ আৰু অসাধা হৈ উঠিছে। ইয়াৰ কাৰণ এই যে অলপ কথাতোই  
জঙ্গলীয়ে হাতী লগাই ঘৰ উঠায় দিয়ে। ম'হ বাখিবলৈ নিদিয়ে ১১ টা গৰু থাকিলেই টকা  
দিব লাগে। খাটুনী নেখাটিলে ফৰেষ্টাৰে ঘৰত জুই দিবলৈ যায়। যি কেইটা বন্দুক  
আছিল তেওঁয়েই কাটি কুটি পেলাই দিলে।

Now these are the oppressions and sufferings to which these forest villagers are subjected to. The present policy of having big reserves just for the sake of pleasure has to be deprecated. It is extremely regrettable that the proposal of the Line System Committee to throw open Laokua and Orang reserves has been turned down by the Forest Department on flimsy grounds. Sir, from the criticisms that have been made it will be clear that this department is in the hands of an Officer who failed to see eye to eye with the views of the public as expressed in this House. I wonder how the present Government which boast itself to be a popular Government can accept the report of such an Officer. Had I been in the position of the Hon'ble Minister-in-charge of Forests, I would have probably asked straightway the Officer to delete that portion of the Report casting aspersions on the members of the Legislature and making remarks belittling the deliberations of this Hon. House. But the present Government have not done it and as such, I think they deserve a censure of the whole House.

**Mr. BAIDYANATH MOOKERJEE :** On a point of information. May I know which year's report the hon. member is referring to?

**Khan Bahadur Maulavi SAYIDUR RAHMAN :** I am quoting the report of this year. I hope Mr. Mookerjee will kindly go through this report and then he will find everything.

**Srijut ROHINI KUMAR CHAUDHURI :** May I, Sir, reply to the question of hon. Mr. Mookerjee? This report was accepted by the present Government on the 5th of December, 1938 and not only that, they also congratulated Mr. Mackarness for this report.

**Mr. BAIDYANATH MOOKERJEE :** Sir, my question was which year's report the hon. member was quoting from?



**Khan Bahadur Maulavi SAYIDUR RAHMAN:** So the hon. members will infer.....

**The DEPUTY SPEAKER:** The hon. member will please reply to the question of Mr. Mookerjee.

**Mr. BAIDYANATH MOOKERJEE:** I wanted to know to which year's report the hon. member was referring.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** This is a resolution for the year, 1937-38 dated the 5th December, 1938.

**Mr. ARUN KUMAR CHANDA:** Please note that the report is dated March, 1937.

**Mr. DEPUTY SPEAKER:** Cut motion moved: "That the total provision of Rs. 9,02,000 under Grant No. 4, Major head—10.—Forests, at page 45 of the Budget, be reduced by Rs. 100, i.e., the amount of the whole grant of Rs. 9,02,000 do stand reduced by Rs. 100."

**Srijut ROHINI KUMAR CHAUDHURI:** Sir, the report which was read out now contains criticisms of the previous Government in so far as it laid down that, preference should be given to the natives of the province. It also contains strong criticisms against the hon. member now sitting behind the Government bench who from time to time asked that such preference should be given to the local traders a concession in the matter of use of forest produce. Now I can assure the hon. members of the House that during my time this report was not placed before Government and the resolution arrived at by Government on the report was made on the 5th of December, 1938. As a practice these reports are placed before the Minister who after perusal can direct the deletion of such portion as he considers undesirable but as we all know the present Ministry is at one with the present Conservator of Forests so far as encouragement of the contractors from outside is concerned. It is not difficult for any one to see that Mr. Himatsingka is *Persona Grata* with the present Government as well as to the Forest Department. The previous Government gave preference to local people in some cases, in preference to Mr. Himatsingka and it is for this reason that these remarks were made by the present Conservator of Forests and was approved of by the present Government. It is a matter of great shame that the present Ministry congratulated Mr. Mackarness for making these remarks instead of expressing strongest disapproval.

**Mr. F. W. BLENNERHASSETT:** Sir, I rise to support this motion. As I said in our budget speech, we feel that the Forest Department could generally be organised on more commercial lines. We suggest to Government for their consideration that propaganda might be undertaken in order that Industries such as the one I represent, should be given the opportunity of knowing whether materials for building and other purposes are available—what kind of timber is available, guidance as to its suitability for various purposes, where it may be obtained, and at what rates. This, Sir, is a very simple request and I feel that were this information available, forest revenue might be expected to rise considerably. I also mentioned tea boxes in my budget speech and said they could be made in larger numbers if timber were made available. We would welcome, as I have just said, organization on these lines especially in view of the price of steel. If timber for the purposes I have enumerated is not available, then that should be made known if for no other reason than to clear up the public apprehension that the Forest Department is not pulling its full weight with reference to the revenue of the province.



**Maulavi MD. MAQBUL HUSSAIN CHAUDHURY:** Sir, I rise to support this motion. The hon. Khan Bahadur Maulavi Sayidur Rahman has lucidly described how the head of the Forest Department has failed to work out the policy of Government satisfactorily. I would bring to the notice of this Hon. House another side of the question which the hon. Khan Bahadur has not touched, and that is the head of the department has failed to manage its officers. Sir, when the non-Congress party were holding the reins of Government, accusations were always made that the forest officers were taking bribes. After the assumption of office by the Congress party, I see that sort of corruption has not at all been eradicated. Maulavi Abdur Rahman has informed us about the state of affairs in Habiganj. I have received similar informations from Maulvibazar also. I beg to inform the House that in my locality also the forest officers exact money illegally from the poor cultivators. These poor cultivators go to the higher officers for relief, but how are their complaints received? They are required to pay more and more and that also without any result. The impression is created in the villages that the entire Forest Department is a bribe-taking department.

From the speech read out by the Hon'ble Finance Minister I find that Government were kind enough to reduce 10 days free labour to 5 days, i.e., showing 50 per cent. mercy to the poor inhabitants of forest villages. Sir, we have heard enough of tenancy Bills, we have heard that service tenants are a sort of slaves. But I fail to understand how a Government, who are willing to do away with slavery in the private Zemindaris, are maintaining this sort of slavery in their own 'Zemindari'. Some of the supporters of this Government tried to justify their leaders, but it reminds me of a couplet of a Persian Poet:

*Har Range ka khahi Jama mipushi  
Man Andaz Kadat ra mishenasam.*

"You may wear a veil of whatever colour you like, but from the very structure I can recognise you". Sir, this couplet can be very well applied to the present Government, who promised to bring Kingdom of Heaven within the easy reach of the people, but who are now merrily enjoying power as the previous Government did. My friend Mr. Baidyanath Mookerjee was asking about the year of the report; but that is immaterial. The fact remains is that the officer cast some aspersions against the hon. members of this House. The dignity of this House remains the same whether it is a matter of this year or the last year.

With these few words, I support the motion.

**Mr. JOBANG D. MARAK:** Mr. Speaker Sir, I don't want to say much as I do not wish that the cut motion should be talked out. Before I say anything I want to put a question to Government. There are people who are greatly suffering for want of paddy fields in the Garo Hills. Some people belonging to many villages in the Garo Hills submitted petitions, during the time of previous Government praying for deforestation of some portion of the forest land for settlement, and Government promised to look into the question. I want to know whether these papers are still in the file and whether Government are enquiring into the matter or not. Before I proceed I want a reply.

**The Hon'ble Srijut RUPNATH BRAHMA:** I have not got the papers with me now.

**Mr. JOBANG D. MARAK:** Are Government prepared to make an enquiry into the matter?

**The Hon'ble Srijut RUPNATH BRAHMA:** Government are prepared to make an enquiry, if necessary.



**Mr. JOBANG D. MARAK :** Again, Sir, the corruption is very serious in the Forest Department in Garo Hills. In connection with the checking of corruption I have touched this department in my note which I have submitted to Government. I hope the Hon'ble Minister-in-charge will kindly look into that note very carefully and do the needful.

**The Hon'ble Srijut RUPNATH BRAHMA :** That will be done.

**The Hon'ble Srijut GOPINATH BARDOLOI :** Sir, we are thankful to the hon. members of this House for bringing to our notice certain facts relating to the administration of Forests in this Province. Within the very short time at my disposal I do not think it will be possible for me to reply to the many points that have been raised, but I do feel that the remarks that were made by the Conservator of Forests was probably not the right thing for him to do (*hear, hear*). In this matter an attempt has been made to put it as a party question. Sir, I make it clear that we would not encourage any aspersions to be cast on any member of the Legislature. But the whole thing must have been due to certain mistakes. It may be seen that the report was in reference to the year 1937-38 ; evidently it was taken for granted by the Government concerned that as the report referred to the actions of past Government and that therefore there was very little for this Government to do ; and in so far as the matter inside that report is concerned it was thought that it was really not the concern of the present Government to scrutinize. But of course so far as the reference, made to the members of the Legislature is concerned, surely it is better if we look into the question and take action. We are not unaware of the feeling that has been created over it and we will do what is necessary for us to do in the matter.

**The DEPUTY SPEAKER :** The question is : that the total provision of Rs. 9,02,000 under Grant No. 4, Major head—10.—Forests, at page 45 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.9,02,000 do stand reduced by Rs.100.

The motion was negatived.

**The DEPUTY SPEAKER :** Now I proceed to the main motion :

The question is :—

That a sum not exceeding Rs.9,02,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 10.—Forests".

The motion was agreed to.

### Adjournment.

The Assembly was then adjourned till 2 p. m., on Friday, the 24th March, 1939.

*Shillong :*

*The 19th May 1939.*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*



## **ASSAM LEGISLATIVE ASSEMBLY**

### **GOVERNMENT OF ASSAM**

#### **GOVERNOR OF ASSAM**

His Excellency Mr. H. J. TWYNAM, C.S.I., C.I.E., I.C.S.

#### **MEMBERS OF THE COUNCIL OF MINISTERS**

1. The Hon'ble Srijut GOPINATH BARDOLOI, M.A., B.L., in charge of Home and Education Departments.
2. The Hon'ble Mr. FAKHRUDDIN ALI AHMED, Barrister-at-Law, in charge of Finance and Revenue Departments.
3. The Hon'ble Babu KAMINI KUMAR SEN, B.L., in charge of Local Self-Government, Legislative, Judicial and General Departments.
4. The Hon'ble Srijut RAMNATH DAS, B.L., in charge of Medical, Public Health, Welfare of Labour, Boilers, Factories and Electricity Departments.
5. The Hon'ble Babu AKSHAY KUMAR DAS, B.L., in charge of Excise and Agriculture Departments.
6. The Hon'ble Maulavi MD. ALI HAIDAR KHAN, in charge of Public Works Department.
7. The Hon'ble Srijut RUPNATH BRAHMA, B.L., in charge of Forest and Registration Departments.
8. The Hon'ble Khan Bahadur Maulavi MAHMUD ALI, in charge of Co-operative Societies and Industries Departments.