

Proceedings of the Tenth Session of the First Assam Legislative
Assembly, assembled under the provisions of the Govern-
ment of India Act, 1935

The Assembly met in the Assembly Chamber, Shillong, at 11 a.m.
on Tuesday, the 2nd December, 1941.

PRESENT

The Hon'ble Mr. Bisanta Kumar Das, Speaker in the Chair, the nine
Hon'ble Ministers and seventy-seven members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Rise in prices of paddy and rice

Maulavi ABDUL BARI CHAUDHURY asked :

- *23. Is the Hon'ble Minister-in-charge aware—
- (a) That for sometime past the price of paddy and rice has risen abnormally ?
 - (b) That the majority of the Agriculturists and the middle class people have been hard hit thereby ?
 - (c) Is it a fact that the said rise in price of paddy and rice is due to the profiteering policy of the dealers therein ?
 - (d) If so, what steps, does the Minister in-charge propose to take to meet the situation ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

23. (a)—The prices rose greatly from May onwards. It must be remembered however that for a number of years they had been unduly low.

(b)—Rise in price has undoubtedly entailed hardship, which has been lightened by Government in respect of their own poorer employees. The rise should ultimately however be to the benefit of the agriculturist.

(c)—Generally speaking, the rise in prices has been due to shortage resulting from bad crops in certain areas, reduction in imports from Burma, and increased demand from areas where climatic damage has occurred. Government instructed the local officers to be on the watch for profiteering, and they have no reason to believe that this has played a considerable part.

(d)—The Central Government have the question in hand so far as Governmental action can influence the trade situation, and the Provincial Government have undertaken all possible steps to increase production.

Maulavi ABDUL BARI CHAUDHURY : What steps do Government propose to take to import rice from outside ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We referred the matter to the Central Government who alone can arrange with the Government of Burma for imports. Another thing we should take into consideration in this connection is that, supposing we get ship-load of rice from Burma, we have got no place where to stock. We, therefore, requested the Deputy Commissioners to enquire from the merchants whether any of them require imported rice, and if so, what quantity.

Maulavi ABDUL BARI CHAUDHURY : Is it a fact that the import of rice from Manipur has been restricted by the Ruler of that State ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir.

Mr. A. WHITTAKER : Do Government anticipate a shortage of rice or paddy during 1942 in view of their own Agriculture Department's forecast of 79 per cent. of normal ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It is difficult to say, Sir, what would be the state of affairs in 1942, but the forecast of the Agriculture Department was already stated by my hon. friend, the Agriculture Minister.

Mr. A. WHITTAKER : Would Government consider moving the Government of India and through them the Ministry of Shipping to make supply of Burma rice available as the main question regarding control of price seems to be the availability of supply and not the action of District Officers controlling price ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Government have already taken all these steps, Sir. We are in correspondence with the Government of India about this.

Realisation of toll from Keane Bridge, Sylhet

Maulavi ABDUL BARI CHAUDHURY asked :

- *24. Will the Hon'ble Minister-in-charge be pleased to state—
- (a) What amounts have up till now been realised as toll from the Keane Bridge, Sylhet ?
 - (b) What was the total expenditure incurred in construction of the said Bridge ?
 - (c) What amount of this expenditure was met from the Provincial Exchequer ?
 - (d) Whether Government propose to make the Keane Bridge Ferry, toll free from the next financial year ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

24. (a)—Rs.1,24,850.
 (b)—Rs.4,62,749.
 (c)—None. The entire cost was met from a grant by the Government of India from the Reserve in the Central Road Fund.
 (d)—No.

Mr. BAIDYANATH MOOKERJEE: Is it not a case of double taxation in that case, Sir ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is a matter of opinion, Sir.

Mr. BAIDYANATH MOOKERJEE: What is the Government's opinion in this respect, Sir ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is not for the Government to express an opinion.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that the Bridge was constructed with the Government of India's money that was realised from the Province as Petrol Tax ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It was, Sir, from the Reserve of the Central Road Fund as stated in answer to question 105.

Maulavi ABDUL BARI CHAUDHURY: Is it not fair that it should be made toll-free ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: In the present financial condition of the Province it is not possible for the Government to forego this source of revenue.

Maulavi ABDUL BARI CHAUDHURY: Are Government aware that there has been an incessant demand to make this bridge toll-free ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: There is nothing unusual in that.

Maulavi MUHAMMAD AMJAD ALI: Are Government treating it as a commercial concern ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is not a question of commercial concern, but the practice of levying toll has been in force for a very long time.

Maulavi ABDUL BARI CHAUDHURY: How long this system will continue ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Before the bridge was built tolls were realised from ferries and after the construction of the bridge, tolls are being realised from the bridge.

Babu KAMINI KUMAR SEN: If the whole cost was met by the Central Government what is the justification for levying this toll ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: As I stated, Sir, Government cannot forego this very profitable source of revenue in these hard days of financial stringency.

Babu KAMINI KUMAR SEN: My question was that when Government did not spend a single pie on the construction of this bridge, what was the justification for the Provincial Government levying this toll ?

Mr. A WHITTAKER: Are Government aware that the painting of this ugly monstrosity involves Government in large expenditure each year ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It does involve large expenditure.

Maulavi MUHAMMAD AMJAD ALI: The Government have not replied to the question of Maulavi Abdul Bari Chaudhury; he wanted to know how long Government will continue the collection of the tolls.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is difficult to make a forecast, Sir, of the distant future.

Maulavi MUHAMMAD AMJAD ALI: Can Government make an approximate guess?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: No approximate guess can be made, Sir.

Felling of road-side trees in Silchar

Mr. ARUN KUMAR CHANDA asked:

*25. Will Government be pleased to state—

- (a) Who orders the cutting of the branches of road-side trees or their felling in Silchar?
- (b) What happens to the trees thus felled or branches of trees lopped off?
- (c) Whether any money is realised through their sale?
- (d) If so, will Government be pleased to show how much was collected through such sale during the year 1941?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

25. (a), (b) and (c)—Copies of Public Works Department Circular Nos. 3150-65-Com., dated the 29th February 1924 and S.C. of 23rd March 1932 are laid on the Library Table.

(d)—Enquiries are being made.

Grant of subsidy to newspapers

Mr. ARUN KUMAR CHANDA asked:

*26. Will Government be pleased to state the names of the newspapers in Assam granted any subsidy by Government during the year 1941 and the amounts granted to each of them?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

26.—No newspaper receives a subsidy from Government.

Mr. ARUN KUMAR CHANDA: Is it a fact that Government subscribe a certain number of papers by ordering out so many issues every week?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already given the answer, Sir.

Daily and Weekly newspapers subscribed by Government

Maulavi ABDUR RAHMAN †asked:

*27. Will Government be pleased to state—

- (a) The names of newspapers both Daily and Weekly subscribed by Government?

† The question was put by Maulavi Muhammad Amjad Ali on authorisation in the absence of the member concerned.

- (b) How many of them are local papers ?
 (c) The amount spent each year by Government for subscribing the *Jugabheri* and the *Assam Herald* (Weekly)?
 (d) Whether it is a fact that these two papers are subscribed by Government for free distribution throughout the Province ?
 (e) If so, how many copies of these two papers are subscribed by Government annually ?
 (f) If the *Jugabheri* and the *Assam Herald* are the Government organs through which Government policy is published ?
 (g) Whether Government is aware that these two papers are controlled by the Hon'ble Minister, Public Works Department ?
 (h) If so, do Government propose to discontinue, subscribing these two papers ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

27. (a) A statement is laid on the table.
 (b)—17 (seventeen).
 (c)—*Assam Herald*—Rs.654 and *Jugabheri*—Rs.612.
 (d)—Yes.
 (e)—*Assam Herald* 109 copies and *Jugabheri* 204 copies.
 (f)—No. Government occasionally publish notices, communiqués, etc., in these two papers as is done in other papers.
 (g)—Government have no information.
 (h)—No.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION 27 (a) ASKED BY MAULAVI ABDUR RAHMAN

Statement of Newspapers published within the province subscribed during 1941

Names of Newspapers					Daily or Weekly
1. Times of Assam	...	...	...	...	Weekly
2. Sylhet Chronicle	...	...	...	...	Ditto
3. Jugabheri	...	...	...	...	Ditto
4. Assamiya	...	...	...	...	Weekly and Biweekly.
5. Janashakti	...	...	...	...	Weekly
6. Jugashakti	...	...	...	...	Ditto
7. Abhijan	...	...	...	...	Ditto
8. Assam Sevak	...	...	...	...	Ditto
9. Deka Asom	...	...	...	...	Ditto
10. Assam Tribune	...	...	...	...	Ditto
11. Saptak	...	...	...	...	Ditto
12. Khadem	...	...	...	...	Ditto
13. Janamat	...	...	...	...	Ditto
14. Assam Herald	...	...	...	...	Ditto
15. Paridarshak	...	...	...	...	Ditto
16. Shillong Mail	...	...	...	...	Ditto
17. Tarun Assam	...	...	...	...	Ditto

Statement of Newspapers published outside Assam which are subscribed by Government during 1941

Names of Newspapers	Daily or Weekly
18. Statesman	Daily.
19. Amrita Bazar Patrika	Ditto
20. Hindusthan Standard	Ditto
21. Star of India	Ditto
22. The Hindu	Ditto
23. The Weekly Deccan	Weekly.
24. Roy's Weekly	Ditto
25. The Weekly Dawn	Ditto
26. The Mussalman	Ditto
27. The Azad	Daily.
28. Pioneer	Ditto
29. Times of India	Ditto
30. Hindusthan Times	Ditto
31. Ananda Bazar	Ditto
32. Madras Mail	Ditto
33. Conscience	Weekly.

Post of the Director of Agriculture, Assam

Mr. BAIDYANATH MOOKERJEE asked :

*28. Do Government propose to advertise the post of the Director of Agriculture, Assam, that is falling vacant in near future and insist upon the qualifications that have been laid down in the Linlithgow Agriculture Commission Report (Royal Commission on Agriculture) ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

28.—Government will take all factors into consideration before appointing the successor to Dr. Mitra, the Director of Agriculture, and the matter is already under their consideration.

The Hon'ble the SPEAKER : I do not think it is a full answer.

The Hon'ble Maulavi MUNAWWAR ALI : The hon member might put supplementaries.

The Hon'ble the SPEAKER : The Hon'ble Minister is to give a direct answer.

The Hon'ble Maulavi MUNAWWAR ALI : What I considered best, Sir, I have replied.

The Hon'ble the SPEAKER : The question is "whether Government propose to advertise...." This is a simple direct question.

The Hon'ble Maulavi MUNAWWAR ALI : It follows directly from the answer that Government has not decided upon that question yet. The whole matter is still under their consideration.

The Hon'ble the SPEAKER : That ought to have come first.

Separation of the Judiciary and the Executive

Khan Bahadur Maulavi MAHMUD ALI asked :

*29. Will Government be pleased to state—

(a) If the report of the Special Officer regarding the separation of the Judiciary and the Executive has been examined by the Government ?

(b) Whether Government propose to appoint an expert committee to formulate concrete proposals for implementing the recommendations of the Special Officer as embodied in the report ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

29. (a)—It is still under consideration.

(b)—If Government come to the conclusion that the proposals are practicable in present circumstances financial and other, they will consider this suggestion.

Babu KAMINI KUMAR SEN: May I know when the report of the Special Officer was submitted ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not remember the actual date.

Babu KAMINI KUMAR SEN: May I know how long it will take for the Government to come to a decision on this matter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We hope to come to a decision before the budget is presented to the House.

Srijut PURNA CHANDRA SARMA: Will the report of the Special Officer be made available to the Members of this House ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not quite sure whether the entire report will be available, but the Government resolution on the report will be available to the Members of the House.

Assent to the Assam Money Lenders' (Amendment) Bill

Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURY asked :

*30. Will Government be pleased to state what steps they have taken in order to obtain His Excellency the Viceroy's assent to the Assam Money Lenders' (Amendment) Bill ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

30.—His Excellency the Governor is considering whether he can give his assent to the Bill in its present form.

Report of the Retrenchment Committee

Khan Bahadur Maulavi MAHMUD ALI asked :

*31. Will Government be pleased to state whether they propose to present the report of the Retrenchment Committee before the House showing the action taken by Government over them ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

31.—A copy of the recommendations of the Retrenchment Committee showing the actions taken by Government has been placed on the Library table. When complete action has been taken and the full financial effects have been worked out a resolution on the subject will be published in the *Assam Gazette*.

Srijut PURNA CHANDRA SARMA: May we know when we can expect them ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Finance Department just now is very busy with the preparation of the budget and they have not yet been able to work out the full financial effect. Probably after January they may be free and then we may expect the figures.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Further supplementary questions on unstarred question No.62.5

Srijut RAJENDRA NATH BARUA: With regard to question 62, I find that only a part of the question has been printed here and not all, although they have been admitted.

The Hon'ble the SPEAKER: Probably no replies have been received by the Assembly Office.

Methods of Census classification

Srijut RAJENDRA NATH BARUA asked :

§62. Will Government be pleased to enquire and state—

(a) The number of Hindus amongst the population shown as "Tribes" in the last Census ?

(b) Whether the method adopted in Assam for Census operations changing religion to community was made imperative by the form of the franchise ?

(c) If so, why some of the important heads of franchise such as Indian Christians, European Planting, etc., were not taken into consideration at the recent Census ?

(d) Whether this Assam method was adopted in other provinces of India ?

(e) Whether they have since received public representations challenging the method of census operations and correctness of the Census figures ?

(f) If so, has Government taken any steps to reclassify the population on the basis of religion ?

(g) Whether Government is aware that many tribal people are not satisfied with the method of classification and resent the fact of their being not included as Hindus ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

62. (a)—Figures are not available at present.

(b)—The original intention was to classify the population by religions as well as by communities. But funds were found to be inadequate for the double classification by the Government of India who ordered only classification by communities, which was the more important for franchise purposes.

(c)—The census returns were never intended to be equivalent to electoral rolls, and it was not thought necessary to extract separate figures for Indian Christians or European Planters.

(d)—Government has no information.

(e)—Yes.

(f)—No. The methods of classification are prescribed by the Government of India, not by the Provincial Government.

(g)—Government are not aware of any resentment of the Tribal people over the census classification and they have not received any complaint from the tribal people so far.

Srijut RAJENDRANATH BARUA: May I know when it will come ?

The Hon'ble the SPEAKER: The hon. member may read out the question which has not been answered.

Srijut GAURIKANTA TALUKDAR: In reply to (b) it is stated: "The original intention was to classify the population by religions as well as by communities." May I know whether that intention was of the Central Government or that of the Government of Assam ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Of the Central Government.

Srijut GAURIKANTA TALUKDAR: When did they change that intention ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : About a couple of months after their first intention.

Srijut GAURIKANTA TALUKDAR: Was any communication issued about that change ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes.

Srijut GAURIKANTA TALUKDAR: Was that communication published in the Gazette ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure of that, Sir.

Srijut GAURIKANTA TALUKDAR: Will the Hon'ble Minister please let us know what was the communication between this Government and the Government of India ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Without the consent of the Government of India, I cannot publish it.

Srijut PURNA CHANDRA SARMA: Did it not occur that these religions would include the tribals also ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes.

Srijut PURNA CHANDRA SARMA: Did they point it out to the Census Officer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He was bound by the instructions of the Central Government.

Srijut PURNA CHANDRA SARMA: Was any representation made by the local Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I mentioned yesterday that we have not sent any representation.

Srijut GAURI KANTA TALUKDAR: With reference to the answer that funds were found to be inadequate for the double classification, who detected this inadequacy of funds, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My answer is perfectly clear.

Srijut GAURIKANTA TALUKDAR: May I know what was the amount granted by the Central Government to do the census work ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No lump sum was granted to Assam. They spent according to requirements.

Srijut PURNA CHANDRA SARMA: Have the Government any idea as to what amount is necessary to revise the census?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have no idea, Sir.

Mr. C. GOLDSMITH: Is it not a fact that the enumeration has been made in the last census according to religion?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So far as Hindus and Muslims are concerned the census was according to religion.

Mr. C. GOLDSMITH: When Christians, Muslims and Hindus are mentioned and figures are published accordingly, is it not based on religion also?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I mentioned yesterday that so far as tribals are concerned they included those who were returned as Hindus or Christians.

Mr. C. GOLDSMITH: Then the figures are incomplete and defective?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I stated that yesterday, Sir.

Srijut PURNA CHANDRA SARMA: Do Government agree that many of the Tribal Hindus have not been included under the Hindu category?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That was also stated yesterday.

Mr. C. GOLDSMITH: Will Government enumerate on the basis of religion?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That again was stated yesterday and it depended on the orders of the Central Government.

Srijut RAJENDRA NATH BARUA: The Central Government might be willing if the Provincial Government so desire.

The Hon'ble the SPEAKER: That is hypothetical.

Babu RABINDRANATH ADITYA: How could Government distinguish between religion and community?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We were bound by the instructions of the Central Government.

Babu RABINDRANATH ADITYA: Did they define religion and community?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So far as Tribals are concerned, yes.

Mr. BAIDYANATH MOOKERJEE: On the basis of the discussion in this House, will Government approach the Central Government that further enumeration is necessary so far as Assam is concerned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That again is repeating the same question replied to yesterday.

Srijut SIDDHINATH SARMA: Will Government give the date of the India Government's order asking classification by communities only?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not remember it, Sir. This happened about a couple of years ago.

Srijut SIDDHINATH SARMA: Would the Hon'ble Minister please give us the information to-morrow?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will have to have a search made in the Secretariat and I am busy here.

Srijut SIDDHINATH SARMA: May I have it the day after to-morrow?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will try to give the information some time during the course of the session, if desired.

Srijut SIDDHINATH SARMA: Yes, Sir.

Babu RABINDRANATH ADITYA: Have they also put a direction on the Census Superintendent to include the tea labourers within the tribes?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This was answered before.

Babu RABINDRANATH ADITYA: Did they convey their intention to the Government of Assam?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Without that Government's orders we cannot do fresh classification.

Srijut RAJENDRANATH BARUA: What funds will be involved for this, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That was also answered, Sir.

Srijut GOPINATH BARDOLOI: In view of the fact that some of the Tribals are also Hindus and for that reason they could come into the Hindu community, as they also come into the Tribals if they liked, may I know whether any attempt was made to get from the persons directly as to what enumeration they would like to come under?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The representation of the Tribal people wanted that they should be enumerated as Tribal irrespective of the religion they professed.

Srijut GOPINATH BARDOLOI: Is it the persons that actually belonged to the religion or not, to speak about his religion or community or some representatives who are to speak on their behalf?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Each person was to be put under Hindus, Muslims or Christians as the persons themselves said they belonged to. So far as the Tribals are concerned, under the orders of the Government of India, they have been put down as a community irrespective of the fact that they were Hindus, Muslims or Christians. Therefore a part of the Tribal figure may be comprised of Hindus.

Srijut PURNA CHANDRA SARMA: Why were the tea labourers put as Tribes?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They are "Tribes" from the other provinces and the Census Superintendent put them also in the category as Tribals.

Waiting room of the Gauhati Motor Station

Mr. NABA KUMAR DUTTA asked:

63. Are Government aware of—

(a) The deplorable condition of the waiting room of the Gauhati Motor Station of the Commercial Carrying Company?

(b) The fact that there is no separate waiting room for first and second class lady passengers at the said station ?

(c) If the replies to Question Nos. 63(a) and 63(b) are in the affirmative, do Government propose to direct the Commercial Carrying Company to remove these grievances at an early date ?

64. Will Government be pleased to state—

(a) If there is any Local Advisory Committee of the Commercial Carrying Company ?

(b) If so, who are the members of the said Committee and how many meetings of the Committee were held during the period from the 1st January 1939 to 30th September 1941 ?

(c) If not, do Government propose to direct the Company to form an Advisory Committee forthwith so that public grievances may be brought to the notice of the proper quarters from time to time ?

65. Will Government be pleased to state the new terms under which the Commercial Carrying Company agreed to continue the Gauhati-Shillong Motor Service and withdraw their notice of cessation of the contract which they submitted some months ago ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA
replied :

63. (a)—Government have received no complaints on this score.

(b)—Yes.

(c)—The buildings belong to the Assam-Bengal Railway, and any such matter may be taken up with the Advisory Committee for that Railway.

64. (a)—No.

(b)—Does not arise.

(c)—Government do not perceive the need for an Advisory Committee, as any matter can be brought directly before the Provincial Transport Authority.

65.—A copy of the new agreement is given below.

AGREEMENT

THE COMMERCIAL CARRYING COMPANY (ASSAM), LIMITED

&

GOVERNOR OF ASSAM

Whereas an Agreement (hereinafter referred to as the main agreement) was made the fifth day of September one thousand nine hundred and thirty-eight between THE COMMERCIAL CARRYING COMPANY (ASSAM) LIMITED, a company incorporated under the Indian Companies Act and having its registered office at 11, Clive Row, Calcutta, hereinafter called the Carrier (which expression shall where the context

so admits or implies include its assigns) of the one part and the Governor of Assam (hereinafter called the Governor, which expression shall include his assigns unless the context shall be repugnant to such construction) of the other part, and whereas it is now necessary to supplement and modify certain of the provisions in the main agreement, it is hereby agreed by and between the parties hereto as follows:—

1. In clause 1 and the proviso to clause 12 of the main agreement, for the words "six months" shall be substituted the words "four months".

2. The Governor will grant a rebate annually on the consolidated annual fee of Rs. 90,000 (rupees ninety thousand) laid down in clause 12 of the main agreement, amounting to a basic sum of Rs. 25,000 (rupees twenty-five thousand) annually, on the following conditions and with the following modifications:—

(a) The said rebate will be payable in each calendar year from the calendar year 1941 to the calendar year 1948 both inclusive.

It is based upon a Sale price of petrol at Re.1-13-0 (one rupee thirteen annas) per gallon including the tax imposed in accordance with the provisions of the Assam Sales of Motor Spirit and Lubricants Taxation Act, IV of 1939 or of any other law from the time being in force (hereinafter called the "sales tax"). This sale price is hereafter called for the purposes of this agreement the "standard price".

(b) Whenever the sale price of petrol exceeds the standard price by one whole annas per gallon or by more whole annas than one per gallon, the Governor will allow a further rebate amounting to one whole anna for every whole anna of such excess, for each gallon of petrol actually consumed by the Carrier's vehicles engaged in the scheduled services, while so engaged;

Provided that in the event of an increase in the sales tax by one or more whole annas over the amount leviable as such on the date this agreement is entered into, such increase shall not be taken into account unless the tax is actually paid and credited by the Carrier to the Governor of Assam.

(c) Whenever the sale price of petrol falls below the standard price by one whole anna per gallon or more whole annas than one per gallon, the Governor shall be entitled to reduce the basic sum of Rs. 25,000 by one whole anna for every whole anna of such decrease, for each gallon of petrol actually consumed by the Carrier's vehicles engaged in the scheduled services, while so engaged;

Provided that such reduction in the said rebate shall in no case exceed a total of Rs. 25,000 (twenty five thousand rupees) in any one calendar year.

(d) For the purposes of sub-clauses (b) and (c) the Carrier will supply to the Governor monthly, and as early as possible in every month, figures certified by an authorised Director or servant of the Carrier to be the total consumption during the previous month of petrol by every vehicle of the Carrier engaged in the scheduled services, while so engaged and the Carrier will allow any servant of the Crown deputed by the Governor for this purpose access to their books and records for the purpose of checking the figures so supplied.

Subject to the alterations aforesaid the main Agreement and all the terms thereof as subsequently modified by supplementary agreement dated the 31st July, 1940 are hereby confirmed.

As witness the Commercial Carrying Company (Assam) Limited has hereunto caused its seal to be affixed this the 15th day of November one thousand nine hundred and forty one.

Witness :—

1. Sd. B. K. Bose (Rai Bahadur) 11 Clive Row.
2. Sd. S. C. Ghose (Rai Sahib) 11 Clive Row.

The Commercial Carrying Company (Assam) Ltd.

Sd. S. Bhattacharjee, Secretary.
Sd. S. C. Chaudhuri, Managing Director.

Witness :—

For the Government of Assam

1. Sd. T. T. S. Hayley, Under-Secretary to the Government of Assam.
2. Sd. Madan Mohan Das, Head Assistant, Home Department, Assam Secretariat (Civil).

Sd. H. G. Denchey
Chief Secretary to the Government of Assam.

Subdivisional Officers of Sylhet district

Babu BEPIN BEHARI DAS asked :

66. Will Government be pleased to state—

- (a) The names of the present Subdivisional Officers of the district of Sylhet showing their period of services in their respective subdivisions ?
- (b) The period of their respective services as Special Magistrate or Senior Extra Assistant Commissioner in that subdivision ?
- (c) The period of service in the Assam Valley, if any, in each case ?
- (d) Whether there is any convention that the Subdivisional Officers are not kept in one place for more than three years ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

66. (a)—Maulavi Sirajul Islam Chaudhuri, at Maulvibazar from 12th April 1940 ; Maulavi Saiyid Nabib Ali, at Habiganj from 28th February 1938 ; Mr. G. P. Jarman, at Karimganj from 12th February 1941 ; Maulavi Saiyid Martuza Ali, at Sunamganj from 27th April 1940.

(b)—There are no 'special magistrates' but the particulars as to their previous services are as follows :—

Maulavi Sirajul Islam Chaudhuri, Extra Assistant Commissioner, at Maulvibazar from 13th July 1932 to 13th October 1935 ; again from 29th October 1935 to July 1936.

Maulavi Saiyid Nabib Ali, Extra Assistant Commissioner at Habiganj from 12th February 1935 to November 1936.

Mr. G. P. Jarman was never at Karimganj before.

Maulavi Saiyid Martuza Ali was never posted to Sunamganj before.

(c) —Maulavi Sirajul Islam Chaudhuri, Jhalukbari, from 13th November 1922 to 17th January 1923 ; Dhubri, from 3rd August 1936 to 17th June 1937 again from 8th July 1937 to August 1938 ; Goalpara, from 4th September 1938 to April 1940.

Maulavi Saiyid Nabib Ali, Jhalukbari, from 13th November 1922 to January 1923 ; Nowgong, from 18th November 1936 to 16th December 1936 again from 2nd January 1937 to 20th October 1937.

Mr. G. P. Jarman, Jhalukbari, from 1st December 1924 to 6th February 1925 ; Jorhat, from 16th April 1926 to January 1928 ; Tura, from 10th January 1928 to March 1929 ; Nowgong, from 25th February 1930 to April 1930 ; Tura, from 11th April 1930 to 31st December 1930.

Maulavi Saiyid Martuza Ali, Jhalukbari, from 16th November 1926 to 8th January 1927 ; Nowgong, from 10th January 1927 to 3rd February 1927 ; Tezpur, from 11th May 1936 to 6th October 1936 again from 2nd November 1936 to 23rd September 1937 ; again from 21st October 1937 to 2nd January 1938 again from 3rd January 1938 to April 1939.

(d) —There is no rigid rule.

Nalbari Small Town Committee

Srijut RABI CHANDRA KACHARI asked :

67. Will Government be pleased to state—

- (a) When the Nalbari Small Town Committee was constituted ?
- (b) The total population of Nalbari Town with its total income and the incidence of income per head of population ?
- (c) The amount of general purposes grants and grants for specific purposes (other than Educational) both recurring and non-recurring, received if any, by this Town Committee in the last year ?
- (d) The amounts of such grants received by Mangaldai, Nazira, North Lakhimpur, Haflong, Doom-Dooma, etc., and other Town Committees with less population and incidence of income per head than Nalbari in the last year ?
- (e) The basis on which these grants are sanctioned ?

68. Are Government aware that the newly-created Town Committee at Nalbari is unable to meet some of the initial and immediate needs such as housing the sweeper's line, providing public latrines, dustbins, etc., besides improvement of communication, water-supply and drains for want of funds ?

69. Is it a fact that the Assistant Director of Public Health recently visited the said Town and recommended to the Town Committee to take immediate steps to remove all the above and some other needs such as filling up of some insanitary pits and improving the Bazaar area ?

70. Will Government be pleased to state—

- (a) Whether they have received any petition from the Nalbari Town Committee for grants recurring and non-recurring for the purpose ?
- (b) If so, do Government propose to increase the grants ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

67. (a)—March 1938.

(b)—Total population—3,578.

Total income of Town Committee —Rs.6,473.

Income figure divided by population figure —Rs.1-13-0..

(c)—The Town Committee received no grant for general purposes. They received a grant of Rs.76 for communications, and grants for communications, though non-recurring, are distributed to local bodies each year.

(d)—

	General purposes grant	Communi- cations grants	Other grants
	Rs. a.	Rs.	Rs.
Mangaldai Town Committee ...	1,332 0	164	Nil.
Nazira Town Committee ...	787 8	265	Nil.
North Lakhimpur ...	925 0	530	198
Haflong ...	4,900 0	1,200	2,200
Doom-Dooma ...	Nil	152	25
Srimangal... ..	342 0	1,780	...
Hailakandi ...	1,323 0	500	275

Not.—The population and incidence of income of the Town Committee for each unit of the population are 2,525 and Rs.3-1-4 for Srimangal and 3,084 and Rs.5-11-8 for Hailakandi

(e)—General purposes grants are sanctioned on various grounds, for example to compensate local bodies for ferry and bazaar revenue resumed by Government to enable them to improve the sanitary condition or lighting of the area concerned, to enable newly-formed local bodies to balance their budgets, etc. etc. The general purposes grant of each local body, as originally granted, increased and reduced, has a separate history. The communication grants are sanctioned in view of the needs of the local body concerned. Other grants are sanctioned for special reasons, maintenance of Public Works Department drains, improvement of water-works, etc.

68.—Government are aware that the Town Committee may be unable to meet the cost of some of the needs mentioned without increasing their income.

69.—Yes.

70. (a)—Yes.

(b)—Government are considering if any grant should be made to the Nalbari Town Committee, recurring or non-recurring.

Method of Census classification

Srijut LAKSHESVAR BOROOAH asked :

71. Will Government be pleased to state—

(a) Whether the Sonowal community, the Miris and the Lalungs of Assam, have been following the Hindu religion for hundreds of years and as Hindus are the disciples of one or other of the Hindu Satras of Assam ?

(b) If so, will Government be pleased to state whether these people were counted as Hindus in the Census of 1941 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

71 (a)—Government is unwilling to pronounce an opinion on this controversial question.

(b)—In the 1941 Census every one was returned under the religion to which he himself professed to belong.

Srijut LAKSHESVAR BOROOAH: Am I to understand that the Sonowal community as a whole deny that they are Hindus and that they are not the disciples of one or other of the Hindu Satras of Assam ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already said that Government is unwilling to pronounce an opinion on this controversial question.

Posts of Munsifs in Assam

Mr. BAIDYANATH MOOKERJEE asked :

72. Will Government be pleased to state—

(a) How many Munsifs are generally required in Assam ?

(b) What is their present strength ?

(c) How many posts of Munsifs are at present held by the inhabitants of Assam ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

72.(a)—In addition to the fifteen Extra Assistant Commissioners of the Assam cadre invested with Munsifs' powers, ten regular Munsifs of the Bengal Judicial Service are generally required in Assam.

(b)—There are at present ten regular Munsifs of the Bengal Judicial Service serving in Assam.

(c)—There are 8 inhabitants of Assam at present holding post of regular Munsif in the Bengal Judicial Service, but none of these are at present serving in Assam.

Appointment of High Court Judge and District Judges

Mr. KEDARMAL BRAHMIN asked :

73. Will Government be pleased to state—

(a) Whether any gentleman from Assam has ever been appointed as Judge of the Hon'ble High Court at Fort William in Bengal at Calcutta ?

(b) If so, for how many months he was the Judge of the said Hon'ble High Court ?

74. Will Government be pleased to state—

(a) Whether the District Judges for Bengal and Assam are appointed by the Hon'ble High Court of Calcutta from the members of the respective Bars ?

(b) If so, whether any member from the Assam Bar has ever been appointed as District Judge ?

75.(a) Are Government aware that the Hon'ble High Court is going to appoint two District Judges from the members of the Bars in near future ?

(b) If so, do Government propose to take steps to represent the Hon'ble High Court to consider the claim of Assam also ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

73.(a) & (b)—If the hon. member refers to natives of Assam, the only information available is that the late Hon. Mr. A. Majid acted as a Judge of the Calcutta High Court for a month in 1920.

74.(a)—No ; such appointments are made by the Governor of the Province under section 254 of the Government of India Act, 1935.

(b)—Not so far as Government are aware.

75.(a)—Government have no information.

(b)—Government have no reason to believe that the Governor of Bengal or the High Court, which is consulted on such occasions, would exclude the practitioners of Assam from their purview.

Private Technical Institutions receiving Government grants

Babu KARUNA SINDHU ROY asked :

76. (a) Will Government be pleased to lay on the table a statement showing the number and names of private technical institutions which receive Government grants ?

(b) Will Government be pleased to state the amount of annual grant given by Government to the Gupta Commercial Institute, Sylhet ?

(c) Do Government propose to increase the grant of the said institution ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

76. (a) —1. Gupta's Commercial Institute, Sylhet.
 2. Raj Commercial School, Karimganj.
 3. Imperial Telegraph Training and Commercial Institute, Jorhat.
 4. The Commercial School, Gauhati.
 (b) Rs.120.
 (c) An increase is under consideration.

Publication of 'Britta-Manjari'

Srijut GAURI KANTA TALUKDAR asked :

77. Will the Hon'ble Premier be pleased to refer to the assurances given by him in reply to the cut motion moved by me in the Budget Session of the Assembly, 1940 appearing at page 1041 of the Assembly proceedings, 1940 and state

- (a) Whether any steps have been taken for the publication of 'Britta-Manjari' of Mahamahopadhyaya Dhireswar Acharya ?
 (b) Whether any scholar has been entrusted with the task of editing the book ?
 (c) If so, who is that scholar ?
 (d) Whether the cost of publication of the book has been estimated ?
 (e) If so, what will be the approximate cost ?
 (f) If the reply to question No. 77(a) above is in the negative, will Government be pleased to state the reasons therefor ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

77. (a)—Yes. Government are considering the provision of funds in the next Budget for editing and publication.

(b)—No.

(c)—Does not arise.

(d)—Yes.

(e)—The total cost for editing and publication is expected to be about Rs.1,200.

(f)—Does not arise.

Srijut GAURI KANTA TALUKDAR* : Is it not a fact that the promise was made as long ago as in 1940 and yet no provision was made in the last year's budget ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI* : Because sufficient fund was not available.

Srijut GAURI KANTA TALUKDAR* : Is it not a fact that the Assamiya Ramayan was published at the cost of the Government ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI* : That was done out of the Mass Literacy Fund.

Srijut GAURI KANTA TALUKDAR* : Is it not a fact that the question of the publication of the "Britta-Manjari" was raised long ago ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI* : May be so.

*Speech not corrected by the Hon'ble member or Minister concerned.

Srijut GAURI KANTA TALUKDAR : * May I know why preference was given to " Assamiya Ramayan " over " Britta-Manjari " ?
The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : That is a matter of opinion.

Resolution of the Shillong Bar Association against the present Senior Extra Assistant Commissioner

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

78. (a) Has the attention of Government been drawn to the resolutions passed by the Shillong Bar Association against the present Senior Extra Assistant Commissioner of Shillong Court and published in the *Hindusthan Standard* on Saturday, the 21st June 1941, recording its dissatisfaction at his attitude towards its members and at his opinion that no junior lawyer can instruct his senior in his presence or within his hearing ?

(b) If so, what action was taken by Government in the matter ?

79. (a) Is it a fact that the present Senior Extra Assistant Commissioner at Shillong has completed the usual period of his three years service in Shillong ?

(b) If so, will Government be pleased to state under what special circumstances he has been retained in Shillong for more than three years ?

(c) Do Government propose to transfer him elsewhere immediately ?

80. (a) Is it a fact that while the said Senior Extra Assistant Commissioner was in-charge of Shillong Treasury, there was a defalcation of some pensioner's money from the Treasury ?

(b) If so, what was the total amount defalcated and whether any attempt was made to recover the amount from him ?

81. Will Government be pleased to state if any action has been taken against the Treasury Officer for the said defalcation, if it is a fact ?

82. Do Government propose to state the number of offences committed by the said Senior Extra Assistant Commissioner during his service period for which entries were made in his Character Roll ?

83. Will Government be pleased to lay on the table a list showing the number of civil and criminal cases tried by the said Senior Extra Assistant Commissioner since his posting in Shillong and the number of undisposed of cases now in his hands mentioning the name of parties ?

84. Will Government be pleased to state—

(a) Whether the Assistants of the Deputy Commissioner, Khasi and Jaintia Hills, try civil cases of unlimited pecuniary jurisdiction at Shillong ?

(b) If so, do Government propose to consider the desirability of limiting the pecuniary jurisdiction of the Extra Assistant Commissioners and appoint Munsifs and Sub-Judges for Shillong ?

85. Will Government be pleased to state—

(a) Whether there is any provision for appeals for civil cases tried in the Court of the Deputy Commissioner, Shillong, and his Assistants ?

(b) If so, what are they ?

*Speech not corrected by the Hon'ble member or Minister concerned.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

78, 79, 80, 81, 82, 83, 84 and 85.—The hon. member is referred to the replies to the same questions (unstarred questions Nos. 27-34) asked this Session by Maulavi Abdur Rahman.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : I find the answer to unstarred question 27(b) was "No action was taken by Government and no request for action was received". Do Government take it as a request for taking action against the officer?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My hon. friend requested Government to take notice of a publication in a Calcutta paper. If the Shillong Bar Association wanted any action to be taken, they could submit a resolution to the Government. We did not get any such resolution.

Communal representation in Public Services

Babu LALIT MOHAN KAR asked :

86. Will Government be pleased to state—

(a) Whether it is a fact that in fixing the percentage of communal representation in services and in advertisements issued by Government from time to time inviting applications from candidates, the people of the Province are classified as below :—

- (1) Muslims.
- (2) Scheduled Castes.
- (3) Tribal people.
- (4) Caste Hindus, Surma Valley.
- (5) Caste Hindus, Assam Valley.

(b) If so, will Government be pleased to state the reasons why the Caste Hindus only are thus sub-divided on valley line, while the other communities, viz., the Muslims, the Scheduled Castes and the Tribal people are not so sub-divided?

(c) Do Government propose to do away with such sub-division of Caste Hindus on valley line?

(d) If not, do Government propose to make such sub-division on valley line in the case of Muslims, Scheduled Castes and Tribal people?

(e) If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

86. (a)—Yes.

(b)—This was the old system.

(c)—No.

(d)—Yes.

(e)—Does not arise.

Fencing of the Dibru-Sadiya Railway lines

Srijut LAKSHESVAR BOROOAH asked :

87. (a) Is it a fact that Srijut Lakshesvar Borooah, M.L.A., was informed by the Secretary, Public Works Department, Assam, more than a year ago that the Central Government have ordered the Dibru-Sadiya Railway to fence their lines in Chabua and Panitola ?

(b) If so, have the Railway authorities complied with the order?

(c) If not, has the matter been reported to the Central Government ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

87. (a)—Yes.

(b)—Government have been informed that the fencing at Panitola has been completed and that at Chabua erection is in progress.

(c)—Does not arise. Under present war conditions Government does not propose to press for completion.

Srijut LAKSHESVAR BOROOAH: Will Government please say how the War conditions have affected the Railway Company ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: They are in need of steel and iron materials and these materials are difficult to obtain in these days.

Adjournment motion on the death of several persons due to starvation in the flood affected areas of the district of Sylhet

The Hon'ble the SPEAKER: Order, order. Mr. Baidyanath Mookerjee will now speak in connection with his adjournment motion of which he asked for leave yesterday. The hon. member will please explain what he means by saying "callous and negligent conduct of the Government culminating in the death of several persons".

Mr. BAIDYANATH MOOKERJEE: Sir, there were several deaths due to starvation in the flood affected areas of the district of Sylhet. There I have mentioned only four names and I have got full reports of non-official enquires. Sir, it was published in the *Janasakti*, dated 22nd October, 1941 (5th Kartik, 1348 B. S.)—

“অনশনে মৃত বলিয়া উল্লিখিত তালিকা।

হবিগঞ্জ মহকুমা :—

১। দ্বৈরাছিন উল্লা

বনিয়াচন্দ্র

যাত্রাপাশা, ১৮ ইং ভাণ্ড

২। ভারত দাস

মাধবপুর থানা

গুখচর, ২৭ শে শ্রাবণ

৩। ইঞ্জত উল্লা

”

বাঘাসুরা, ২৫ শে শ্রাবণ

৪। কমলচন্দ্র বিবি

”

” ১৫ ইং শ্রাবণ

৫। জুয়াদ উল্লা

আজমিরিগঞ্জ

চান্দপুর, ৫ ইং আশ্বিন

৬। সুরেন্দ্র চক্রবর্তীর মা

মাধবপুর

বেজুরা, ২৬ শে আগষ্ট

দক্ষিণ শ্রীহট্ট মহকুমা :—

৭। বিদুর চুলী

কুলাউরাখানা

কালিরকোনা, ২৪ শে
সেপ্টেম্বর।

৮। আব্দুল হেকিম

রাজনগর খানা

ফতেপুর, শুবিন মাস

৯। কবুল উল্লা

"

"

২০।১০।৪১ ইং

শ্রীঅবলা কান্ত গুপ্ত, সম্পাদক।

শ্রীহট্ট জেলা কংগ্রেস দুর্গতি সাহায্য সমিতি।

The Hon'ble the SPEAKER: Now all these names do not appear in the adjournment motion.

Mr. BAIDYANATH MOOKERJEE: Several.

The Hon'ble the SPEAKER: The hon. member should confine to the few names given in the motion.

Mr. BAIDYANATH MOOKERJEE: The first and second names Bharat Chandra Das and Yasin-Ulla and in an English paper I find Bidur Dhooly and Abdul Hekim—these people died of starvation and all these people were the inhabitants of the flood-affected areas of the districts of Sylhet and Cachar.

Sir, during the last session of this Assembly there was an adjournment motion and we got an assurance from the Government that they would do their best to save the lives of the inhabitants of the flood affected areas of the districts of Sylhet and Cachar. But, Sir, what do we find now?

The Hon'ble Maulavi MUNAWWAR ALI: May I suggest that the hon. member may show how Government was callous and negligent in the matter?

The Hon'ble the SPEAKER: Really that is the point.

Mr. BAIDYANATH MOOKERJEE: Though these facts were noticed by Government, though the condition of the people was such, yet adequate steps were not taken to prevent these deaths.

The Hon'ble the SPEAKER: The hon. member is to show in what specific way the Government ought to have come to the rescue of the persons who were dying.

Mr. BAIDYANATH MOOKERJEE: They ought to have given relief to the people of those areas which were affected by flood. As they did not do so, these people died of starvation. This is my submission, Sir.

The Hon'ble the SPEAKER: Very well. Has the Hon'ble Premier got to say anything?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Government, Sir, started giving not only gratuitous relief but also agricultural loans to the people and sufficient sum, nearly eleven lacs, was placed at the hands of the local Government officials to be distributed to the needy. I have got the exact figures, Sir, which I shall place before the House. In gratuitous relief, Rs 2,80,000 were given to the Sub-Divisional Officers to be given to the needy. They made an enquiry and gave to those who needed it. Then we have also given agricultural loans to the extent of Rs. 8,50,000 for the district of Sylhet.

Sir, then we have started test relief work so that people could earn some money by their labour. For that purpose we gave Rs. 1,17,500. Rupees 11,45,500 were spent for redressing the needs of the necessitous people in the Sylhet District alone. Now, Sir, with regard to what has been read out

from certain paper, with your permission, Sir I will place the fact that has been given to me by my colleague, the Hon'ble Minister in charge of Local Self-Government, who went personally to Habiganj subdivision in order to enquire about the alleged death from starvation. Can I read, Sir ?

The Hon'ble the SPEAKER : Not necessary.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : All I need say is this, Sir, that he personally went to the house of Yasinulla who is alleged to have died of starvation where he found a basket-full of paddy and some goats. (*A voice—after how many days ?*). He was convinced, Sir, that the man died of cholera. He got hold of the village doctor who treated Yasinulla who has certified that he died of cholera.

Apart from my colleague's enquiry, I say that the Government has not been negligent or callous in their treatment of the flood affected people ; rather they have given as much as Rs. 11,45,500 for relieving their distress. If unfortunately anyone really died of starvation—a fact which is not known to us because we have made an enquiry through the local officers and their enquiry did not reveal that any people died of starvation.....

Mr. ARUN KUMAR CHANDA : On a point of information, Sir There is no disease known as starvation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It was alleged by the hon. mover himself.

The Hon'ble the SPEAKER : Order, order. Having heard the hon. member who has tabled the motion and also the Hon'ble Premier, I am of opinion that this motion raises a question which is really very urgent and from what has been said it appears that this matter should be discussed on the floor of the House. The motion contains certainly a serious allegation against Government. It is said that Government's indifference and negligence contributed to the deaths of several people and if this motion is allowed to be discussed, the whole case of the Government as to what has been done by them in regard to flood relief will be placed before the House and the House will be in a position to judge whether there was any negligence and indifference on the part of Government. The motion raises the question as to the adequacy or inadequacy of relief granted to the flood affected people of the district of Sylhet by Government.

Yesterday, my attention was drawn to that rule of the Assembly Rules, by the Hon'ble Maulavi Abdul Matin Chaudhury, which prescribes that an adjournment motion should not anticipate a discussion on a matter which has been already fixed for discussion in the same session ; and the Hon'ble Minister referred to resolution No. 5 in the list of admitted resolutions for this session. But I do not think the subject matter of the adjournment motion is such that its discussion would anticipate the discussion of that resolution. The object of that resolution is to consider the effects of the floods on the people so far as the future months are concerned and also to consider what steps should be taken to protect the people against the effects of the floods in the coming months ; but this motion raises a question with regard to the past action of the Government and so I do not think that a discussion of this motion would anticipate a discussion of the resolution which has already been fixed. In that view I hold that the motion is in order and should be discussed.

Do Government object to the motion being discussed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It is immaterial, Sir. We have got to submit to your ruling.

The Hon'ble the SPEAKER: But to the granting of the leave do Government object?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is upto you, Sir. I see no useful purpose will be served because the Government will stick to its views.

The Hon'ble the SPEAKER: Is there any objection to the leave being granted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. It is better to follow the usual procedure.

The Hon'ble the SPEAKER: Motion to be moved is:

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance namely the situation arising in the district of Sylhet due to the callous and negligent conduct of the Government culminating in the death of several persons, e.g., Bharat Chandra Das of Sukchar, Yasin-Ullah of Jatrapassa in the subdivision of Habiganj and Abdul Hekim of Fatepur, Bidur Dhooly of Balirkuna in the subdivision of Maulvibazar—all these being flood-affected areas in the district of Sylhet."

Has the hon. member got leave of the House to move this motion? (Then more than twenty members rose in support of the motion.)

Yes, the hon. member has got the leave of the House to move his motion. The motion will be taken up at 3 p.m. this afternoon.

With regard to the other motions I do not think it is necessary to take them up now because not more than one motion can be discussed to-day. But in accordance with the ruling I gave on a previous occasion these motions will stand over and can be taken up to-morrow.

Mr. JOBANG D. Marak: On a point of information, Sir. If only one motion is taken up then what about the other motions? Will they be taken up to-morrow?

The Hon'ble the SPEAKER: Yes, to-morrow. The hon. member will find that there are as many as 13 more adjournment motions. I shall take them one after another and if I find one motion is in order that motion will be allowed and other motions will stand over for the next day and I shall go on in that way.

Statement by the Hon'ble Speaker regarding procedure to be followed for circulating Bills for eliciting public opinion thereon

The Hon'ble the SPEAKER: Now before Maulavi Badaruddin Ahmed moves his motion that the Assam Shop Assistants' Relief Bill be referred to a Select Committee, I crave the indulgence of the House to make a statement with regard to the procedure as to how opinions on Bills should be taken when motions are adopted for circulating Bills for eliciting public opinion.

The hon. members will see that this is one of such Bills which was circulated for eliciting public opinion. In collecting public opinion we have experienced certain difficulties, and those arise from the fact that we follow a faulty procedure for collecting public opinion. So, with a view to decide upon a definite procedure as to how opinions should be collected when a motion is adopted in that behalf in regard to a Bill, I wish to make a statement to the House laying down the procedure which, I suggest, should be followed. I do not like to take up the time of the House by reading out the whole statement*, which I have got in print, and a copy of which

* See Appendix M,

has been supplied to every hon. member. I would draw the special attention of the Government, as also of other hon. members, to the procedure I have suggested in that statement. On one of these days, a motion may be made either by Government or by any other hon. member — though it is better that the motion should be made on behalf of Government — prescribing the procedure to be followed henceforward for the purpose of obtaining public opinion on Bills when motions are adopted for circulating a Bill for obtaining public opinion. I desire that the hon. members will please go through the statement and form their own opinion. Although I am not reading out the statement, it will nevertheless form part of to-day's proceedings.

I would now ask Maulavi Badaruddin Ahmed to move his motion.

The Assam Shop Assistants' Relief Bill, 1941 by Maulavi Badaruddin Ahmed

Maulavi Badaruddin Ahmed: Mr. Speaker, Sir, I beg to move that the Assam Shop Assistants' Relief Bill, 1941, be referred to a Select Committee consisting of the following members, *viz* :—

- (1) Maulavi Md. Maqbul Hussain Chaudhury,
- (2) Maulavi Ghyasuddin Ahmed,
- (3) Maulavi Abdul Bari Chaudhury,
- (4) Maulavi Md. Amjad Ali,
- (5) Mr. A. Whittaker,
- (6) Mr. Naba Kumar Dutta,
- (7) Babu Akshay Kumar Das,
- (8) Srijut Jogesh Chandra Gohain,
- (9) Mr. Kedarmal Brahmin,
- (10) Khan Bahadur Maulavi Mahmud Ali,
- (11) The Hon'ble Minister in-charge of Labour,
- (12) The Mover, and
- (13) Two other members from the Congress Group.

The names of the Congress members have not been mentioned as they are not going to take part in the matter for the present, but when they get the permission of their High Command, their names will be selected in consultation with their Leader.

The Hon'ble the SPEAKER: I cannot allow this portion to be moved in this fashion ; the names of all the members should be definitely stated in the motion.

Maulavi BADARUDDIN AHMED: I may then mention the names of Mr. Arun Kumar Chanda and Srijut Siddhi Nath Sarma.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: On a point of order, Sir. It is the custom to obtain the consent of the hon. members before their names are proposed. May I know whether Mr. Chanda and the other hon. members have given their consent ?

Maulavi BADARUDDIN AHMED: I have not consulted them as yet.

The Hon'ble the SPEAKER: Without consulting them I do not think the hon. member will be justified in proposing their names.

Mr. A. WHITTAKER: On a point of order, Sir. My consent has not been taken; in anticipation I beg to refuse to be included in the Select Committee.

Maulavi BADARUDDIN AHMED: Of course I have not consulted Mr. Whittaker.

The Hon'ble the SPEAKER: But he is not willing to be on the Committee. The hon. member will suggest the name of some other hon. member whose consent he has obtained.

Maulavi BADARUDDIN AHMED: The suggested Committee is sufficiently big, and if one hon. member does not like to serve, there will be no harm as five members will form a quorum.

The Hon'ble the SPEAKER: The hon. member will please give the names of the members of the Select Committee.

Maulavi BADARUDDIN AHMED: (1) Maulavi Md. Maqbul Hussain Chaudhury, (2) Maulavi Ghyasuddin Ahmed, (3) Maulavi Abdul Bari Chaudhury, (4) Maulavi Md. Amjad Ali, (5) Mr. Naba Kumar Dutta, (6) Babu Akshay Kumar Das, (7) Srijut Jogesh Chandra Gohain, (8) Mr. Kedarmal Brahmin, (9) Khan Bahadur Maulavi Mahmud Ali, (10) the Hon'ble Minister in-charge of Labour, and (11) the Mover. Five members will form a quorum.

Srijut KEDARMAL BRAHMIN: My consent was not also obtained.

Mr. BAIDYANATH MOOKERJEE: May I know whether the hon. member has obtained the consent of Babu Akshay Kumar Das?

Maulavi BADARUDDIN AHMED: No, because he proposed a similar Bill, and, therefore, in anticipation of his consent I have included his name.

The Hon'ble the SPEAKER: Srijut Kedarmal Brahmin is not willing to be on the Committee.

Maulavi BADARUDDIN AHMED: If my hon. friend does not like to function in the Committee then, of course, I may omit his name.

Sir, this Bill was introduced in the last Session of the Assembly and was circulated for eliciting public opinion, which has since been received. The majority of the opinions is in favour of the Bill, although there are some who do not like to pass the Bill *in toto* but nevertheless in favour of the principle of the Bill. The opinions which have been received against this Bill are in a minority. These opinions have come mostly from the merchants. But I should like to mention here that there are some employers' associations and merchants' associations who are in favour of the Bill. It will not be out of place if I read out some extracts from their opinions.

I cite some quotations from the opinions on the Assam Shop Assistants' Bill, Sir,—Messrs. Saligram Rai Chunilal Bahadur and Company, Merchants, expressed their opinion as follows:—

“We are of opinion that the Bill as it stands in its present form merits our sympathy and we strongly hold that the proposed measures would go a considerable way in mitigating the grievances of the employees and also in diminishing the pressure of work of both the employers and the employed.”

Again, Sir, they have in another place said that—“The list of public holidays and holidays of different religious functions as have been enumerated in the Bill requires more holidays to be added to it. The following should be included

In another place they said—

“*Clause 2 (2) Extent and commencement.*—This requires more elucidation and further clarification, as in this connection attention of the Legislature is being drawn to the Bengal Shops and Establishment Act, 1940, and

as provided for in the above Act, there should be made provision for exceptions to this Bill not being applicable to certain establishments, shops and persons of the nature enumerated in the Bengal Act XIV of 1940."

Under clause 4 they have said—"While we are quite in agreement with the sponsor of the Bill that one and a half day in a week and those being generally Saturday and Sunday should be enjoyed holidays by the employees, there should, however, be no compulsion or obligation being brought over the employers to close down their shops on those days provided they themselves take upon them the responsibility of conducting the business keeping their shops open."

In this way under clause 5—they said:—"Sub-clauses 2 and 3 of this clause seem unnecessary. Since the hours of a shop assistant have been limited for 8 hours a day, those officers commencing work at 10 A. M., and closing at 4 P. M., should not necessarily make any provision for 2 hours' rest."

On page 25, Mr. J. C. Charkabarty, President, Merchants' Association, Habiganj, has said:—"I agree that there should be fixation of working hours of shop assistants but this, I think, should be based on ten hours a day instead of eight hours as proposed, beginning from 7-30 a.m. to 11-30 a.m., and then again from 1-30 p.m. to 7-30 p.m. This restriction should be made applicable to all shops whether keeping assistants or not."

Under clauses 6 and 8—he said—"I am in complete agreement with the provision that the year of the service of shop assistants shall be counted by eleven months. In fact this has ever been the practice in our locality."

In another place he said:—"I agree to the provision laid down in sub-clause (2) under the above clause (Clause 7) provided the ground for dismissal is other than suspected dishonesty. In their turn shop assistants should also be bound to give similar notice to employers in case they think of giving up service."

Again, Sir, Babu Kedarnath Bhattacharjee, General Secretary, the Sylhet Merchants' Association, also said.....

The Hon'ble the SPEAKER:—What is the use of reading these extracts?

Maulavi BADARUDDIN AHMED:—Sir, I am placing before the House the criticisms and remarks of the employers of shop assistants which are in favour of the Bill and also the opinions which are against it. It will appear that most of the Merchants' Associations are not in favour of the Bill, but there are some individuals and associations which have given their opinions in favour of the Bill. Now, Sir, if this Bill is referred to the Select Committee, it can be considered in the light of the recommendations made by the Associations and individuals and other officers. So, I commend my motion to the House for acceptance.

The Hon'ble the SPEAKER: Motion moved:

That the Assam Shop Assistants' Relief Bill, 1941, be referred to a Select Committee consisting of the following members:—

- (1) Maulavi Muhammad Maqbul Hussain Chaudhury.
- (2) Maulavi Ghyasuddin Ahmed.
- (3) Maulavi Abdul Bari Chaudhury.
- (4) Maulavi Muhammad Amjad Ali.
- (5) Mr. Naba Kumar Dutta.
- (6) Babu Akshay Kumar Das.
- (7) Srijiut Jogesh Chandra Gohain.
- (8) Khan Bahadur Maulavi Mahmud Ali.
- (9) The Hon'ble Minister-in-charge, of Labour and
- (10) The mover.

Five members to form a quorum.

Maulavi MABARAK ALI: On a point of information, Sir. May we know the attitude of Government?

The Hon'ble the SPEAKER: Government will speak later.

Mr D. B. H. MOORE: Mr. Speaker, Sir, I rise to oppose the motion. I must make it clear, however, that while opposing the reference of this Bill to a Select Committee, we do not disagree with the principle underlying the Bill, namely, the need for improving the unhappy lot of many shop assistants and the need for some form of protection for such employees. We oppose this motion simply and solely because the Bill before the House in its present form is so badly framed, so unworkable in practice and so full of serious faults and inconsistencies, that reference to Select Committee can only have the effect of burdening the Committee with an impossible task.

It will be recalled that at the time when the motion for circulation of the Bill was before the House, Mr. Whittaker had occasion to point out in no uncertain terms that in its present form the Bill was unintelligible and unworkable and that to circulate such a Bill with so many obvious defects for public opinion was an abuse of the right to introduce private members' Bills in this Assembly. One might go further. The circulation of such a Bill in its present form may surely be regarded as a very serious reflection on this Assembly.

We do not for a moment doubt that in framing this Bill the hon. the mover is imbued with the highest intention. His speech explaining the object of this Bill has made this quite clear. We concede with him that some measure of relief to shop assistants in this Province is not only desirable but is overdue. But such relief, in our view, should be restricted for the present to regulating the hours of work and the fixing of a weekly holiday. The hon. the mover, however, has produced before the House a measure which goes far beyond anything so far conceived in this type of legislation and it would be safe to say far beyond the wildest dreams of any shop assistant, and in doing so, it appears that he has overlooked the fact that he has framed a Bill which, far from ameliorating the working conditions of the shop employees, on the contrary, in its practical effect, it can have only one result, that is to drive the employers out of business and reduce hundreds and perhaps thousands of shop assistants to unemployment and resultant distress. This, I submit, Sir, is not an exaggeration. No shop-keeper enmeshed in the one-sided regulations envisaged in this Bill could possibly afford to continue in business and at the same time employ an assistant or assistants enjoying the privileges and drawing the rates of salary laid down in this Bill. The result can only be the dismissal of the assistant or the closing down of the business by the employer, or both.

Under this unique Bill a shop assistant, regardless of his capacity and standard of work, can only work 8 hours a day or 44 hours per week.

His minimum salary is fixed according to age, e.g., a man of age 21 will draw Rs. 30 a month. He can apply for and must be granted leave for no less than 80½ days in the year and if he has the misfortune to be ill or indisposed, this can be further increased by six months to a total of 260½ days in any one year and in this period he will draw full pay for no less than 58 days and half pay for two months.

Far be it for me to suggest that such sick leave provisions would constitute an irresistible temptation to many employees; nevertheless, it must be conceded that a very great temptation does exist.

No shop assistant is required to go to work before 8 o'clock in the morning and if he is so remiss as to report to work at 10-30 he may forthwith find a comfortable seat in his employer's shop and there rest until

12-30. He cannot be dismissed for slackness, inefficiency nor indeed for any reason without $1\frac{1}{2}$ month's notice or $1\frac{1}{2}$ month's pay in lieu of notice, and then only after the fault of the employee has been proved to the complete satisfaction of a Subdivisional or District Shop Employees' Association.

Indeed, shop assistants, who enjoyed such periods of leave, rates of salary, a provident fund and considerable annual increments, not to mention bonuses, would very soon be in the happy, or perhaps I should say unhappy, position of employing his own shop-keeper.

The Bill as framed contains 14 clauses, of which at least 10 are badly framed and need drastic amendment. And of these at least 4 are completely unworkable in practice. In addition there is one startling omission, i.e., nowhere is the word 'shop' defined. We submit that no Select Committee can in fairness be asked to consider such a Bill, which, in effect, clearly requires complete redrafting.

I have said enough to illustrate the completely unworkable nature of the Bill. The loopholes and fantastic provisions are legion.

The mover has, with the most laudable intentions let us admit, sought to construct an edifice of which the province might well be proud — a fine structure built of bricks, cement, mortar and steel, designed by experts and constructed under the advice of specialists. Alas the dream has become a crazy edifice, badly designed and loosely constructed of poor materials, riddled with cracks and faults, tottering and ready to crash at the first blast of practical test (*hear, hear*). And in crashing, not only will the edifice suffer and all those who played a part in its erection, but also the unhappy occupants, the employers and the employed. Where stood the shadow of a mighty building now stands a vast pile of rubble surmounted by a notice board on which one may see neatly inscribed those four great words "GONE WITH THE WIND"

Lastly, it should not be the duty of private members to frame legislation such as this. This is clearly the duty of Government and we trust that Government will lose no time in coming forward with an Assam Shop Assistants' Relief Bill, soundly framed and workable in its application. I can assure Government that such a Bill will have our loyal support.

I suggest, Sir, that it would save the time of this House if Government would intervene at an early stage in the debate with an assurance that such a Government Bill will be framed without delay (*hear, hear*).

Mr. KEDARMAL BRAHMIN: I rise, Sir, to oppose this motion. My hon. friend Maulavi Badaruddin Ahmed has introduced this Bill to ameliorate the condition of the employees, but he has drafted the Bill in such a way that instead of doing any good to the employees it will really do harm to them.

Sir, in Assam there is no such business shop just like that of Bengal and there can be no comparison of Assam with Bengal. Bengal directly imports goods from foreign countries and from other parts of India and we in Assam purchase these from Calcutta and bring them here in Assam for selling to the public. Shop-keepers here are at the mercy of the purchasers.

If we regulate hours of business in Assam the business communities will suffer a great deal. The hon. mover is trying to destroy the business community in Assam. My learned friend has cited some opinions of the public in favour of the Bill, but he has left many which are against the Bill. The majority of the shop-keepers are all against it and the Deputy Commissioners and the Subdivisional Officers are also against it. Mr. G. D. Walker, the Commissioner of Divisions in his opinion has expressed the idea that many shop-keepers shall have to go out of

business and this Bill will only ruin the shop-keepers who will be compelled to close their shops on occasions and the business is likely to be badly affected. Similarly I find that Mr. Moitra, the Deputy Commissioners, Kamrup and Goalpara, are all against it and many Associations such as Trade Protection Society of Shillong, Marwari Association, and Sylhet Merchant's Association all are against it and these are the people who will be adversely affected by this Bill, not the Bar Association who are in favour of the Bill. My learned friend has cited the example of Sunamganj and Habiganj. The Sunamganj people say that this Bill should not be given effect in Sunamganj area. So I cannot see how this Bill is supported by the merchants. The majority of the opinions are against this Bill. They are against it because it will not do any good to the employees but will ruin the business and if the business is ruined, the employees who are seeking for some relief will suffer a great deal. The Bill provides for rigorous imprisonment of six months for the employers which is highly objectionable.

My hon. friend, Mr. Moore, has expressed his feeling that this Bill is not at all necessary at this time,—it is a premature Bill and we do not see any necessity of this Bill at this time. I am quite in agreement with Mr. Badaruddin Ahmed in this case that some holidays should be given to the shop employees and we have no objection to that and, therefore, I request the Government to draft a Bill in the near future to regulate the shopping hours if they so desire and I hope my other hon. friends will agree with me in opposing this Bill.

Mr. BAIDYANATH MOOKERJEE: I suggest, Sir, that it would be better to hear from the Government side at this stage.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir when this motion was made in the last Budget Session to refer this Bill for eliciting public opinion, by circulating the Bill Government did not commit themselves to any view about this matter. We wanted to ascertain public opinion before we could come to any determination of our attitude with regard to this Bill. Now, Sir, the Bill has been circulated and it had met with a mixed reception. Diametrically opposed views have been expressed by different sections of people as to whether there is any need for such a Bill in a province like ours. My friend, Mr. Badaruddin Ahmed, has said that the majority of the members are in support of this Bill. He has been contradicted by my friend Mr. Kedarmal Brahmin who said that the majority are against the Bill. I find, Sir, generally speaking, the Employees' Associations are in favour of the Bill and the Employers' Associations, Merchants' Associations and the Chambers of Commerce, as a rule, with one or two exceptions oppose this Bill. As regards the public bodies, Public Associations and public men, I find that the Vice-Chairman of the Doom Dooma Town Committee, Dibrugarh Bar Association, Government Pleader, Gauhati, Government Pleader, Sylhet and the Secretary, Muktear Bar Association, Sylhet, support this Bill. The view of the Sylhet Bar Association is that this Bill is one-sided. They support the principle of the Bill only but they think that the Bill is one-sided and ignores the interest of the small shop-keepers. As against that, Sir, the Bill is approved by Muhammad Shafiulla, Chairman, Tinsukia Municipal Board, Government Pleader, Karimganj, Secretary, Muktear Bar Association, Karimganj, Khan Bahadur Maulavi Nuruddin, Pleader, Nowgong, Srijut Brindaban Goswami of Nowgong, Mr. S. K. Barua, Secretary, Nowgong Bar Association, Chairman, Local Board, Nowgong and the Chairman, Municipal Board, Nowgong.

As regards the officials, Sir, there are also divergent views. Some officials are in favour of it and others are against, as for example, the Deputy Commissioner, Sibsagar, — late Mr. Gohain, was in favour of the Bill; the Deputy Commissioner, Cachar, and Subdivisional Officer, Hailkandi sub-division and the Deputy Commissioner, Khari and Jaintia Hills, are in favour of the Bill, and those against the Bill include the Subdivisional Officer, North Lakhimpur, Deputy Commissioner, Goalpara, Subdivisional Officer, Goalpara, Deputy Commissioner, Kamrup, Deputy Commissioner, Sylhet, Subdivisional Officer, Lungleh, Deputy Commissioner, Nowgong and Naga Hills. Now, Sir, this being the position with regard to public opinion, it is quite natural that Government should proceed very cautiously with any step they propose to take with regard to this Bill. It has been urged in favour of this Bill that our neighbouring province of Bengal has passed a Bill like this; but I must point out that there also the application of the Bill is limited only to the city of Calcutta and the suburb of Howrah. It does not extend to mufussil towns of Mymensingh, Dacca and Chittagong the conditions of which are almost similar to those prevailing in municipal towns of our province. Analogy of a big city like Calcutta will not surely apply to towns in Assam. This Bill, Sir, not merely follows Bengal precedent but it goes further beyond as pointed out by my hon. friend, Mr. Moore. It provides for increment in salaries, provident fund, leave salary and compensation for accident. In fact, Sir, all the various benefits have been jumbled in one single Bill without paying any heed to the capacity of the employer who is expected to pay all these amounts. Then again, Sir, it has got some provisions which are rather extraordinary. While Mr. Whittaker spoke in the last session he had exposed some anomalies in the Bill. But while I say all these, Sir, we do recognise that some of the shop assistants in some places are hard-worked and they do need some measure of relief. I would, therefore, suggest, Sir, to the hon. mover of this motion that he withdraws this Bill and I, on behalf of the Government, will be glad to accept the suggestion of Mr. Moore that Government undertakes to introduce a Bill dealing with weekly holidays and to limit working hours of the shop assistants — a Bill which will be suitable to the conditions prevailing in Assam. We shall try our utmost to expedite business. I hope, Sir, the suggestion will be accepted by the hon. mover.

Maulavi BADARUDDIN AHMED: Will Government bring the Bill in the next session?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir, we shall try, but we cannot guarantee. This matter requires very careful consideration. We shall try to give relief with regard to limiting working hours but we cannot commit ourselves to any detail now, Sir.

Maulavi BADARUDDIN AHMED: Am I to take it that Government will bring their Bill in the next session?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: We shall try our best.

Maulavi BADARUDDIN AHMED: I want a definite answer, Sir, whether a Bill will be brought by the Government in the next session.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir.

Maulavi BADARUDDIN AHMED: In view of the assurance given by the Government, I beg leave of the House to withdraw the motion.

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

The Goalpara Tenancy (Amendment) Bill, 1941 by **Maulavi Muhammad Amjad Ali**

Maulavi Mahammad AMJAD ALI:—I beg to move, Sir, that the Goalpara Tenancy (Amendment) Bill 1941 be referred to a Select Committee consisting of.....

The Hon'ble the SPEAKER: I would like to know from the hon. member whether he has got the previous consent of the members whom he is suggesting for the Committee.

Maulavi Muhammad AMJAD ALI: Yes, Sir, each and every one of them has agreed.

I beg to move that the Bill be referred to a Select Committee consisting of—

- (1) Mr. C. Goldsmith,
- (2) Mr. Jobang D. Marak,
- (3) Maulavi Abdul Bari Chaudhury,
- (4) Maulavi Ghyasuddin Ahmed,
- (5) Srijut Jogendra Chandra Nath,
- (6) Mr. Naba Kumar Dutta,
- (7) Khan Bahadur Maulavi Mahmud Ali,
- (8) The Hon'ble Minister in Charge of Revenue, and
- (9) The mover.

(Four members to form a quorum).

Sir, as the member responsible for the introduction of the Goalpara Tenancy (Amendment) Bill 1941, it is my duty to try to meet some of the objections raised against this Bill by those who were asked to give their considered opinion on it.

Before I do that, Sir, I must say and it pains me to say that this Bill has received no fair and impartial treatment at the hands of those who fear that the Bill trenches upon their vested interests. The most unfortunate thing in this connection was that at the time when opinions were being elicited from persons representing different interests, the destinies of the agricultural tenantry of Goalpara were in the keeping of an administrator who appeared to have possessed some preconceived but ill-defined ideas about the respective duties and obligations of the landlord and tenant. So opinion was mainly sought from those quarters which were only too eager to lend support to the views of the said district officer. The names of persons and associations chosen for the purpose of giving opinion and similarity of the languages used and sentiments expressed by the said officer and others who are opposed to the legislative measure will tell their own tales to the hon. members of this House. Let that go, I shall try to assess in their true value the opinions which were forwarded to Government.

One very remarkable feature is distinctly noticeable. The opinions submitted by those who represent the interests of the tenants in general or who are disposed to take a long view of the agrarian situation that is fast developing in this country stand in sharp contrast to the opinions given by those who have been enjoying long under the protecting wings of the British Master's privileges and advantages which do not rightfully belong to them, but which they seem to have usurped under the cloak of a settlement which is now too wooden and too antidiluvian. The hon. members will have to scan and carefully weigh those onesided opinions and see for

themselves whether they can bear the scrutiny of reason and justice. The opinions may be broadly classified under three heads as follows:

1. opinions of landlords,
2. opinions of the paid officers of the landlords, and
3. opinions of the middle class people and tenants.

Those who have the good fortune of belonging to the landlord class a position which they occupy by mere accident of birth—seem to cry out in horror—Help ! Murder !

The paid officers, true to their salt, are bound to echo their masters' voice.

So I shall take these two classes of opinions first. Their argument, in short, is that they have got certain rights by the Permanent Settlement and as some of the provisions of the Bill propose to invest the tenants with certain rights—which were theirs but of which they were deprived sometimes by fraud, sometimes by force major, the Bill has been characterised by the upholders of vested interests as “expropriatory, communistic and revolutionary in conception”. They have drawn also the red-herring of utter lawlessness to frighten all and sundry and have made the most astounding proposition that once this Bill is passed into law all the tenants of Bijni and Mechpara would arise in a body and begin the unholy crusade of cutting down all trees, taking all fish, uprooting all *San-Ban*, nay, even defile the mother earth by taking all ‘Hiramati’. But no reason has been put forward in support of this contention as to why all on a sudden the entire body of peaceful and peace-loving inhabitants of the countryside will become seized with a spirit of fanaticism and take to a systematic and calculated policy of devastation. The great Chief Forest Officer of Bijni, has quoted from some sources, in which he says.

“Here is a picture what will follow from waste of forest capital—‘When mountains are bared all is ruined. The rains fall in torrent and rush off the denuded soil. They first carry off the vegetable cover. The mountain shows its rocky skeleton, rocks break up, cones of erosion are formed, land slides, gullies, unstable slopes become so many running sores by which substance of the mountain is carried down. The rocks offer more or less resistance according to their texture but none withstand. Even granite splits up into enormous blocks which roll irresistibly down into the valleys. When high lands are ruined what becomes of the plain. The river becomes a torrent when it rains, carrying down earth, trees and rocks. Swollen beyond measure, it flows over the plain in a sudden flood which destroys houses, floods villages and people. The sudden flood is characteristic of denuded countries, the mountain can no longer supply the valley with water. Now is the time of drought and famine. Irrigation is impossible for the ravines are dry. The cultivators try to continue the struggle by means of reservoirs and costly dams.’ What a picture but how true.” Again about fishing he says “Fishing in season and out of season will ruin fisheries of the district. As no instruments for fishing are prescribed, preservation of fish will become impossible. Not only there will be loss of revenue to owners of waters but health of tenantry for want of proteins due to lack of fish will be adversely affected.” On the same subject forest, another officer of the same estate, the Additional Superintendent, Bijni Ward’s Estate is definitely of opinion that this clause 5(a) may remain as it is. He gives the right to collect fuel, thatching grass, etc., for home consumption. Clause 5(b), he says, may remain for the tenants must be allowed to take wood or timber for the manufacture of agricultural implements. “The landlords are at present issuing free permits”, he says, “to the raiyats to take posts for mosques, *Namghars*,

Churches and Schools very lavishly". The Additional Superintendent also admits that the tenants even now enjoy a right of using the earth for making earthen pots. He says "Practically no fee or rent is realised for 'Hira-mati' at present. When tenants of other Elkas take 'Hira-mati' from Estate Khas land and thus deteriorate the normal condition of the land a certain fee or rent as Government may fix, may be imposed".

So, Sir, there are two sets of opinions, coming from the said Estate. Though the great Chief Forest Officer of Bijni, in the plenitude of his wisdom, has said that never in the history of legislation such a Bill has been sought to be passed, I ask him as also the hon. members of this House, to remember that there are still countries existing on the face of this earth where tenants have been vested with proprietary rights over what may be crown land or feudal land, but no such disaster as apprehended by the frightened landlords of Goalpara has taken place. The Chief Forest Officer of Bijni, if he has time enough to spare after he has successfully conserved the Bijni Forest, may very profitably go through the Flood Commission Report to know whether attempts are being made anywhere to make the tenants—I mean the agriculturists—the real masters of the land they till and to do away with the many irksome restrictions imposed against the natural rights of the children of the soil regarding their enjoyment of forest and fishery rights. I can assure him it will add much to his stock of knowledge and will to a considerable extent cure him of his arrogance!

The vaunted claim of the landlords that they are the proprietors of the land and water and all things appertaining to them within the ambit of their domains rest not upon any principle of natural justice but upon a statute. However loudly they may proclaim of their blue blood and divine right, they are nothing better than creatures of law. They have used strong words against my Bill because I have tried my humble bit to give some relief to millions of submerged human beings; one should not forget that that hard words break no bones. We, who stand for the uplift of the poor and downtrodden can, with greater show of reason, use equally strong language against a parasitic body of favoured persons who fatten at the cost of these poor people. One fails to understand that if 'landlordism' could be created by law—why 'peasant proprietorship' cannot be created by law? What is sauce of the gander ought to be sauce for the goose—or are we to believe in the year of grace 1941 that things have come to such a pass that any attempt to undo even in a partial manner a great wrong is tantamount to laying impious hand upon something which is as immutable on the hands of God or as unreasonable on the law of Moses! Conceding, but not admitting the contention of the landlords that "no such rights (as are sought to be given legal recognition by the proposed Bill) exist or existed in any Zemindaries either from time immemorial or from time within memory" I ask in all seriousness even if that contention be valid—is that any ground which would bar till eternity the creation of such rights by statute? Have the landlords and their paid agents forgotten the history of land legislation in Bengal and that part of Assam which was then attached with Bengal? What was the status of the so-called Zeminders before the decennial settlement? Do they not owe their much glorified legal status to the Permanent Settlement? If the transference of rights over land to them was not followed by any resolution—why should my humble Bill be precursor of a red revolution in the whole of Goalpara district? I know, and Mr. Speaker, my friends here all know that the word 'communism' stings in the nostrils of many and purchase the very learned landlords of Goalpara think that to say that my Bill is communistic in conception

is sufficient condemnation for it. But forget not that the land of communism to-day stands as the bulwork of democracy against tyranny. The protagonist of Permanent Settlement which was nothing better than an imperialist coup-should be slow to condemn any measure which tries to give merely legal recognition to advantages and rights which rightly belong to the dispoiled and the deprived.

Believe me, when I say that my Bill is neither expropriatory, nor revolutionary nor communistic in conception and it will not be so in its execution if and when it is passed into law.

I have so long tried to show that reasonably my Bill cannot be characterised as expropriatory in character.

Is it then revolutionary? You will notice that the rights for which I have sought legal recognition are very limited in scope. Will these, if recognized, bring about any fundamental change in regard to the relationship of landlord and tenants which now exist?

Here, Sir, I will read out a portion of the document quoted by the Secretary, Nikhil Goalpara Krisak Sanmilani which is as old as 1292 B.S. The great Rani of Bijni, Rani Siddeswari Devi, had given those rights which they have been so long enjoying. The document bears the seal of Bijni Raj Estate.

“রাণী সিদ্ধেশ্বরীর শিল মোহর।

Rani Siddheswari of Bijni, Goalpara, Assam.

হাবড়াঘাট আর মুটাঘাট পরগণা সর্বসাধারণের প্রতি আদেশ।

“তোমাদের অদ্য তারিখের প্রার্থনানুসারে ইস্তাহার সেলামী, পানবাটা বকরা খাজানার সুদ, খাজানা দাখিলের তহরী, মোজাদারগণের জন্য ওয়াশীল দাখিলের দস্তরী, প্যাদার অনুচিত ন্যাদ, মোজাদার বহাল হইলে তাহার দস্তরী মাফ দেওয়া গেল। কৌত পলাতকা ওজরী বাকী রীতিমত কর্ত্তাচারী তদন্ত করিয়া আসিলে মাফ দেওয়া হইবে। দস্তরমত নিজ ব্যবহারের জন্য লাঙ্গল জঙ্গল ও একজনের বহনীয় শিরি কর্ত্তণ করিবার অনুমতি দেওয়া গেল। অস ইস্তফা এলাকাস্ত মোজাদারের নিকট দাখিল করিতে পারিবে।

১। রাজভক্তি দেখাইয়া খাজানা দিতে থাকিবে। ইতি, সাল ১২৯২।
তাং ২৯ চৈত্র।

Finished—

Sd. J. R. K. Phukan
Assistant Mohrer.

লিখিতঃ

স্বাঃ শ্রীরামজীবন দাস।
হেড্ মোহরার।”

This is as old as 1292 B.S.

A reference has been made in his opinion to the remarks of Mr. A. J. Lainé, the then Deputy Commissioner, who under orders of Government made an enquiry into the land settlement of the Goalpara district. "Mr. Lainé also admits in his report that he found in his enquiry that the tenants have been enjoying these rights and privileges since time immemorial. So according to him these are old customary rights and he was in doubt whether these should be given legislative protection or not but one thing was certain that Mr. Lainé also had grave doubts whether the Zeminderies could destroy these rights. He particularly laid stress upon the forest and fishing rights of the tenants. To levy 'San-Ban kar' or house permit fee irrespective of the fact whether the person collects 'San-Ban' or not, is illegal according to Mr. Savage, the greatest legal authority in this respect. The fact is, the people of the Goalpara district have been enjoying these rights even from long before the zemindaries were created in this district by the Government (the provision of Permanent Settlement Act were extended to the district, as a matter of grace long after it was done in Bengal). So it is quite evident that these rights are older than the zemindars themselves and it is an irony of fate that the tenants have to ask for legislative protection for their age long customary rights which have been proved to be owned by them in various suits. The rights to collect fuel and wood for making agricultural implements, the right to fish for their own consumption has been proved in the Court in the Bijni and Meehpara Wards Estates but still the estate officials are trying to take away these rights from the raiyats."

In the year 1938 a conference of the landlords and the tenants was held at Dhubri in which the then Revenue Minister, the Hon'ble Mr. Fakhruddin Ali Ahmed presided. There an agreement was reached unanimously by both parties that the petition fee be made uniform in all these estates and it be made annas eight only per petition. We have no objection that the petition fee be made annas eight. "To give relief to the poor cultivators, who are the backbone of the nation and proverbially poor, Pattan Salami should be made four annas only per *bigha* so as to enable the actual tiller of the soil to take lands; but the exorbitant rates prevalent now enable only middle class person to take settlement of lands and the class of landless people are even on the increase reducing them to the position of serfs." Regarding Khutagari tax, he thinks—"This is most iniquitous tax hampering trade and commerce. This is probably 30 years old in our district. Though it is realised from traders, but it works an indirect taxation on the cultivators who as a result of this get at least two annas less per maund of jute and paddy of what they otherwise would have got as price of their produce. So the poor cultivator loses a great deal. Mr. Fletcher, the Deputy Commissioner of Goalpara, was of opinion that the tenants should get this abolished immediately to fetch just price for their crops."

Is it then revolutionary? You will notice that the rights for which I have sought legal recognition are very limited in scope. Will these, if recognised, bring about any fundamental change in regard to the relationship between the landlords and tenants that now exists? In respect of many of these rights the landlords and tenants are moving in a vicious circle. On the one hand, the landlords are demanding their pound of flesh, on the other, the tenants are doing things sometimes in a high-handed way in assertion of their rights which they apprehend they are going to lose by gradual encroachment on the part of zemindars and their officers. The relationship between the landlords and tenants is anything but cordial. Anybody who

has any doubt about my assertion, to him I should say, "please look into the criminal and civil diaries of the Goalpara Subdivision Officer and the Munsifs for the last decade or so, and you will find much that will give you food for reflection." Litigation between tenants and landlords, between tenants and tenants, between landlords and outsiders, between outsiders will not be the order of the day as a result of my Bill. The landlords and their paid officers have not failed to indulge in a cheap gibe towards those "who have connection with law" meaning of course the much abused profession of law. It will be very interesting to know how much of the poor tenants' money the Bijni and Mechpara Estates have up till now spent to satisfy those who have connection with law, in order either to punish what they considered to be encroachment of their rights, or to establish what they considered to be their legal position. The Gao Declaratory Suit is an instance in point. I am told that the suit, which has been disposed of by the Hon'ble High Court, is still pending. We can rest assured that if the Permanent Settlement did not bring about any agrarian revolt in the country, my humble Bill, if passed into law, will not also bring about any revolution in the body politic. There is no reason to believe that with the passing of the proposed Bill into law lawlessness will become rampant all over the close preserves of the Goalpara landlords.

Then, Sir, I may refer here to the opinion of the Manager and the Assistant Manager of the Bijni Raj Ward's Estate, who tried to show that "in these days of national development and rural uplift works the charge on the Estate funds has been daily increasing". So, they want to increase their income from any source they can tap. They are of opinion that "the Agricultural Income-tax has weighed heavily on each Estate of the district. The Bijni Raj Ward's Estate has been poorer by Rs.45,000 roughly on account of this tax". So, "if any Estate has to attend to the requirements of its people in the matter of education, sanitation, medical aid, rural developments of all kinds it should be given reasonable facilities to provide itself with better revenues". So, they are up to tap all sources and get money from all sources. They continue "the present amendments, if and when enacted into law, will reduce the income of the Estate by nearly a lac of rupees. Practically land rent would be the only source of income left. But then again the tenants of a Zamindari Estate have shewn remarkable slackness for payment of rents and the number of bad defaulters is daily on the increase. The move for 'No-Rent' is also a common advice to get rid of liability for rent. So, instead of establishing goodwill between the Estate and the tenants which the amending clauses purport to achieve each Estate with its crippled resources will have a mass of discontented tenantry—deprived as they are bound to be of even a legitimate financial help from the Estate in their works of rural development, education, sanitation, medical aid, etc., for which services the Bijni Raj Ward's Estate keep ear-marked large sums of money every year. The net result of amendments, when given effect to, will deprive the tenants of this benevolence of the Estate". So, there is a threat that by extending these elementary rights to the tenants, the tenants will be deprived "of the benevolence of the Estate". The opinion goes on, "the Bijni Estate can now expect to derive a profit varying between half a lac to one lac of rupees in good years. When there is flood, drought or other natural calamity, the income will fall far below this and expenses cannot be adjusted against its current charges". I may mention here that the landlords of Goalpara are mostly absentee landlords. The opinion concludes,

" taking, therefore, into consideration the present revenues and the expenditure of this Estate and also the effect of the amending legislation, the Estate can only look for heavy deficit every year and the tenants for curtailment of the manifold benevolent acts of the Estate, which have been a characteristic feature of it since time immemorial ".

Adjournment

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

After lunch

The Assembly re-assembled after lunch at 2 P.M., with Khan Bahadur Maulavi Keramat Ali, Chairman, in the Chair.

Maulavi Muhammad AMJAD ALI: Mr. Chairman, Sir, my Bill does not propose to bring about any fundamental change in the relationship between the landlords and the tenants. It seeks to give the tenants some relief in matters which vitally concern their rural life. If there is any feeling anywhere that my Bill has gone too far, there is no objection to modify the provisions here and there, but I say that the principle of the Bill, namely, that the tenants should have legal recognition with regard to certain easementary rights and that certain provisions of the present Act should be amended in the direction of lessening the hardships to which the tenants and would-be tenants are subjected must be accepted. In fact the only motive which actuated me to bring forward this amending Bill is to secure a body of contented and prosperous tenantry, who will be the real asset of any benevolent Zemindar. I submit that if the Bill is passed into law, which I hope it will be, we, who boast about our education, culture and patriotism, will be doing only a small act of justice to the real children of the soil who have been deprived from the enjoyment of things which were theirs, by the combined force of statecraft and greed. The landlords do not object to and cannot object to the amendments proposed in my Bill on merits. They have not controverted my contentions that these provisions are all essential for the very existence of a prosperous and contented tenantry without which landlordism becomes another name for oppression and exploitation. The landlords and their paid agents raise technical objections and the bogey of revolution, communism and destruction of the sanctity of the Permanent Settlement. Well, no man-made law is sacrosanct. Those who were responsible for enacting the Permanent Settlement could visualise that occasion might arise when legislation should be undertaken for the good of the ryots. So, my humble Bill which, according to the opinion of the learned Government Pleader of Dhubri, is undoubtedly an attempt to ameliorate the condition of the tenants cannot be doubted as an impious piece of legislation by any fair minded critic. I do not claim perfection for my Bill, but I do say I am trying to voice forth through this Bill the surging feelings and insistent demands of the tenants of Goalpara. Well, the landlords are not unwilling to allow their tenants and even outsiders to do the things as adumbrated in the Bill ; but one must pay for it. Money is the panacea of all evils. Pay down in cash, file as many petitions as you like, pay, take as much thatching grass or fuel as you like and eat as much fish as you like.

Has not the Permanent Settlement made us the proprietors of the land ? Everything is to be regulated by the principle of demand and supply—it is a business proposition. You may be poor, you may be houseless, you may die a premature death for want of fish diet—but for that reason I cannot support abrogation of law and bring ruin to my business. Well said no doubt and boldly said ! But Shylock also thought that law was on his side and demanded his pound of flesh but Nemesis overtook him. If we have eyes, we can see revolution coming but not by the path chalked out by me

—I want to prevent it and that is the justification of my Bill. With these words Sir, I commend my motion for the acceptance of the House that the Bill be referred to a Select Committee.

The Chairman (Khan Bahadur Maulavi KERAMAT ALI): Motion moved:

That the Goalpara Tenancy (Amendment) Bill, 1941, be referred to a Select Committee consisting of the following:

- (1) Mr. C. Goldsmith,
 - (2) Mr. Jobang D. Marak,
 - (3) Maulavi Abdul Bari Chaudhury,
 - (4) Maulavi Gyasuddin Ahmed,
 - (5) Srijiut Jogendra Chandra Nath,
 - (6) Mr. Naba Kumar Dutta,
 - (7) Khan Bahadur Maulavi Mahmud Ali,
 - (8) The Hon'ble Minister in charge of Revenue, and
 - (9) The Mover (i.e. Maulavi Muhammad Amjad Ali)
- (Four members will form a quorum.)

Maulavi Syed ABDUR ROUF: I beg to submit that the name of Maulana Abdul Hamid Khan be added to the list.

Maulavi Muhammad AMJAD ALI: I accept it, Sir.

The Hon'ble Srijiut ROHINI KUMAR CHAUDHURI: I may suggest that one landlord may be included in the list of members of the Select Committee, and I would suggest the name of Raja Ajit Narayan Dev.

The Chairman (Khan Bahadur Maulavi KERAMAT ALI): I think the hon. member has no objection.

Maulavi Muhammad AMJAD ALI: I have no objection, Sir.

Raja AJIT NARAYAN DEV: I think Mr. Santosh Kumar Barua should be on the Committee.

The Hon'ble Srijiut ROHINI KUMAR CHAUDHURI: But he is not here.

Maulana ABDUL HAMID KHAN: Mr. Chairman, Sir, দীর্ঘ পাঁচ বৎসর যাবৎ গোয়ালপাড়া জেলার প্রজাবৃন্দের প্রতিনিধি হয়ে এই House এ তাদের দুঃখ দৈন্যের কথা অনেকবার প্রকাশ করবার আমার সৌভাগ্য হয়েছে। কিন্তু আজ পর্য্যন্তও তাহাদের হিতার্থে কোন একটা মনোমুখ্যজনক কাজ হয়েছে বলে আমি বিশ্বাস করিনা। বিশেষ অভিজ্ঞতা আমার এই হয়েছে যে এই পাঁচ বৎসরে বেতন, travelling allowance এবং অন্যান্য ভাবে ৭,১০৫৮/০ আনা সংগ্রহ করবার সুযোগ পেয়েছি—অবশ্য অন্যান্য মেম্বার মনোদয়গণ আমার চেয়ে বেশী সংগ্রহ করেছেন, কিন্তু সেই মরণাপন্ন কৃষককুল যারা বিশেষ করে আমাদের গোয়ালপাড়া জেলার প্রবল প্রতাপী জমিদারের অত্যাচারের কবল হতে রক্ষা করবার জন্য হিন্দু মুসলমান মিলিত প্রায় ১১জন মেম্বার পাঠিয়েছিল, এই পাঁচ বৎসর অতিবাহিত হয়ে গেল, আজপর্য্যন্ত তাহাদের হিতার্থে কোন Bill আইনে পরিণত হয়ে গোয়ালপাড়া জেলায় পদাৰ্পণ করল না। তাই আমি বিশ্বাস করি যে এই Bill এর পরে কি আকার ধারণ করবে, এতে আমার নেহাৎ সন্দেহ আছে। গোয়ালপাড়া জেলার প্রজাবৃন্দ দীর্ঘকাল যাবৎ গভর্ণমেন্টের নিকট আবেদন জানাইয়া আসিলেও এই গোয়ালপাড়া জেলার প্রজাবৃন্দ Bill যাহা ৪৮বৎসর পূর্বে এই House এ পেশ করা হয়েছিল তাহা House থেকে সিলেক্ট কমিটিতে, পুনঃ সিলেক্ট কমিটি থেকে House এ এরকম ভাবে আজ ৪৮বৎসর মন্ত্রীবর্গের দ্বারে বালিতেছে। তাই আমি আশা করি গভর্ণমেন্ট দয়া পরবশ হয়ে, শুধু মেম্বারদের টাকা দিয়ে সম্ভষ্ট না করে —শুধু বেতনের টাকা travelling allowance এর টাকা না দিয়ে, গোয়ালপাড়া জেলার ৯লক্ষ হিন্দু মুসলমান প্রজাকে মরণের কবল হতে রক্ষা করবার জন্য এই যে সামান্য কয়েকটি দাবীমূলক Bill মিষ্টার আমজেদ আলী সাহেব এই House এ পেশ করেছেন, তাহা আন্তরিক ভাবে সমর্থন করিবেন এবং আমি আশা করি অন্যান্য সদস্যবর্গও সমর্থন করিবেন (hear, hear)। আর যদি প্রজাদের প্রতিনিধি হয়ে এসে শুধু টাকা পেলেই তাদের কাজ হয়ে যায় অথবা টাকার দ্বারা তাদের সম্ভষ্টি আনা হয়, তাহলে সমর্থন

নাম বসবে পাওন। তাতে আমার আপত্তি নাই। ৭,১০৫।/০ আনা সংগ্রহ করা না হইত। আমায়নাভা ভেলার পুজাবন্দেব জন্য একটি কাজও করতে পেরেছি কিনা আমি জানিনা। এই সামান্য একটি Bill ও যদি এই House এ পাশ হয় এবং তাতে পুজাবন্দেব কিছু উপকার হয় তাহলে আমি গভর্নমেন্টকে আন্তরিক ধন্যবাদ দিব এবং অন্যান্য সদস্যবর্গের প্রতি কৃতজ্ঞতা জানাব। আমি বিশেষ বলতে চাইনা কারণ এই পাচ বাগানের অস্তিত্বের কলে গভর্নমেন্টের উপর আমার মোটেই বিশ্বাস নাই যে তাঁরা পুজাবন্দেব কিছু উপকার করবে বা এই House এ তাঁদের জন্য কোন উপকার সাধন করা হবে। যদি প্রকৃতই কলে এই সামান্য কয়েকটি দাবী গৃহীত হয় তাহলে আমি সকলকে ধন্যবাদ জানাব। ইহাই আমার বিশেষ বক্তব্য।

[Maulana Abdul Hamid Khan, M.L.A., spoke in Bengali and supported the motion.]

Mr. JOBANG D. MARAK: Mr. Chairman, Sir, I have nothing to add but one point. The hon. mover, Maulavi Amjad Ali, quoted from an extract from the report by Mr. Laine, who was placed on special duty to investigate the tenancy systems in Goalpara. Another Bill has also been passed by both the Houses of the Legislature.

The Hon'ble High Court has dismissed the claims made by the Garos ultimately, because the High Court had not been properly informed of the actual fact by the advocate or the advocate had not been properly advised or instructed by the litigant who was conducting the case for the Garos.

In reply, I beg to bring to your notice and of the House that first of all, in the Court of the Sessions Judge, Assam Valley Districts, there were some cases against some Garos Raman and some others (Saptam Garo and Birsing Garo) because they had been cutting some *sal* trees for their use and for that they were tried and convicted with severe punishment.

The Chairman (Khan Bhadur Maulavi KERAMAT ALI): From what forest did they cut the trees? From Zemindary Forest?

Mr. JOBANG D. MORAK: Yes, Sir, From Bijni Raj Forests. Then the Court Judge made a reference like this.

"It is hard to believe that the learned E. A. C. has taken trouble to read the documentary evidence. If he has, it has failed to make any impression on him. He does not discuss any of the documents filed for the defence. He refers to the order of Chief Commissioner on the memorial of the Garos, but as already stated, the attitude of the Assam Government is completely misrepresented".

Then again, Sir, in the same report it is written:

"There can be no doubt that in older times tenants were freely allowed to exercise these privileges and actually did so."

Again, Sir, it is written in the same report.

"The gradual registration of these privileges has of course been objected to by the tenants as infringements of immemorial rights and the resentment has been all the keener owing to the fact that this Regulation has been accompanied by the introduction of various fees and by consistence on the submission of various applications and petitions for passes, etc." Mr. Laine goes on to say, "These questions naturally present a very grave problem on which I find it difficult to express a definite opinion."

I think after reading these records no Court would be justified in holding that the petitioners' claim of right is a mere pretence and I am unable to understand how the learned Extra Assistant Commissioner arrived at his findings in these two cases. Mr. Laine, who has been studying the relations between the landlord and tenant in the district for four years finds it difficult to express a definite opinion, but the learned Extra Assistant Commissioner feels no such difficulty and asserts that the claims of the petitioners are imaginary and dishonest. He appears to think that the mere fact that the Raj has forbidden the tenants to cut the trees is sufficient to put them in the wrong; but ancient customs and privileges cannot be set aside in this

summary manner, and, in fact, that the estate is now under the Court of Wards, though no doubt it has considerable influence on the mind of the learned Magistrate, does not alter the position.

I think that the petitioners in this case were already acting in prosecution of a claim of right and that the finding of the Magistrate to the contrary is opposed to the evidence and unjustifiable.

Sir, the High Court decision was only for want of document. There was no record for these easementary right, which the people used to enjoy.

Now, the Hon'ble Chief Commissioner of Assam, also passed such an order regarding this matter, as follows:

“Read—A petition, dated the 31st August 1915 from Mongal Sing and other Garo raiyats of the Bijni Raj complaining against the oppression by the Bijni Raj.

Order—The petitioners contend that they have right to collect fuel and straw, to fell sal trees required for the construction of their houses or their ploughs, to graze cattle and to cultivate in the sal forests and fell trees standing on their homestead land. To take the last claim first, this is a matter for the decision of the Courts, and the Chief Commissioner understands that the case is now before them. As to the other claims, the Chief Commissioner is informed that the Bijni Raj has merely taken steps to prevent the destruction of valuable sal forests and the improper removal of timber therefrom. The Chief Commissioner understands that the Bijni Raj has no desire to interfere with the reasonable and proper demands of its raiyats, but merely wishes to exercise a certain measure of supervision to satisfy that the Bijni Raj has no intention of attempting to deprive the raiyats of liberties to which they are entitled to which they could reasonably claim to exercise and sees no reason for interfering in the matter.”

This shows, Sir, that the rights of the poor raiyats have been misused and the hon. members cannot now refuse their rights. I also cannot understand why the Hon'ble High Court should dismiss their legitimate claims. I bring this very point to the notice of the Government so that Government may consider favourably and I hope the Government Benches will agree to the hon. mover's proposal.

Mr. A. WHITTAKER: Mr. Chairman, Sir, no amount of accusations about the partiality of the authors of these opinions—which occupy, about 41 printed pages—goes to the root of the matter, namely these opinions do give the Government a very real problem which they must consider; and this problem in the first instance requires expert examination. The mover is equally a partisan, and rightly so, because that is the price that he pays along with all reformers who are out of their time. He styles himself, I think, in one of those purple passages in that eloquent speech of his as the “protector of the submerged classes of tenants”. To bring a Bill of this sweeping nature so soon after this Assembly has taken so long to consider the Goalpara Tenancy (Amendment) Bill, 1939 to my way of thinking, smacks of a vendetta against the Zaminders. When these same Zaminders venture to defend themselves, they are dismissed by the description oppressors. But neither the zamindars nor the author of this Bill can possibly make much progress with the problem until we, as members of this Legislature, are given the real facts. I submit, Sir, that the facts given in these 41 pages of printed opinions are not real facts, and I equally submit that the facts given by the learned mover are also a considerable distance short of the mark (*hear, hear*).

One of my main difficulties in this Bill is to reconcile the practice of our present Government and also its predecessors with the practice which the mover condemns in private Zamindari. Why is it that Government in their Resolution, dated the 4th December 1940, in regard to that much criticised Land Development Scheme should be able to announce—apparently with the approval of every member of this House—that they would charge

Rs.5 "salami" per *bigha* for settlement of land? Why, if that is the regular practice—a justified practice of long standing—why should it necessarily be an evil for Zamindars to take a small 'salami'? The mover himself proposes to limit the rate of 'salami' to four annas per *bigha*. As every one knows, Sir, not only in this province but in other provinces too the rate of "salami" for land of course varies with the quality and the site of that land. In every province "salami" can vanish to nothing for lands with few advantages. Land which has got special advantages in site, fertility, irrigation, and so on, command a higher 'salami' as a premium which is justified by the law of supply and demand. Similarly, why should the Municipality, with the full approval of most members of this Legislature, levy a mooring tax for boats using the foreshore when that same privilege is denied to the Zamindars?

In this Assembly we have never yet passed a Bill which will allow every cultivator to enter Government forests and take away just what produce he requires for his own personal use. If that is correct Government practice, why should a similar prohibition be considered an evil on the part of private Zamindars?

The effect of setting up the Select Committee as at present constituted, and in fact, Sir, the effect of setting up any possible Select Committee drawn from the members of this House, makes such Select Committee a Tribunal to judge the merits of this Bill. I submit, Sir, that I am not alone in saying that the starting point for the consideration of a legislation of this kind should be an impartial survey of the facts. A Government which refuses the responsibility of preparing a survey and a record of rights in this district has got no right, in my opinion, to begin tampering with long established customs. By all means let us modify the rights of our Zamindars, by all means let us improve the status of the tenants; but by all means, Sir, let us have at least a common and agreed starting point, *viz.*, a proper record of rights in which the incidence of tenancy and the incidence of landlord's rights are clearly set forth beyond all question of dispute. Persons with no local knowledge of the facts and of the practice cannot rely either on these public opinions or on the partisan statements made by the members of this House.

It is a very rare privilege for me, Sir, to seek for support for any motion that I may bring to this House from my friend Mr. Marak. But Mr. Marak too has come to see that in the absence of any record-of-rights, even the High Court, has had difficulty in determining the incidence of the tenants' rights. If for financial reasons, Government find that it is impossible to prepare a survey and a record-of-rights, I submit an alternative for their consideration; and that alternative would be an enquiry by an officer of extensive revenue experience to report back to this House. I consider, Sir, that for the Hon'ble Revenue Minister to take part in a Select Committee is in one way an abdication of Government responsibility for the protection not only of the rights of the tenants but also for the protection of the rights of the Zamindars.

In the Statement of Objects and Reasons, I find this sentence that Government in their Bill have not been able to "give legal recognition and adequate protection to the many valuable rights enjoyed by the tenants." I would like to suggest that if in fact these rights are enjoyed by tenants, the Courts in their ordinary duties will protect those same rights and if the Courts cannot protect them, let us by all means have a correct statement from Government of the principle and the practice. On that agreed statement compiled by some officer who has no axe to grind and then only, are the members of this House in a position to consider intelligently legislation of this sweeping kind.

With these few remarks I beg to oppose the reference to the Select Committee of this Bill.

Mr. C. GOLDSMITH: Sir, in this Bill the principal persons concerned are the landlords and the tenants. The public opinion received are from those two categories. The landlords are sure to oppose and raiyats are sure to support this measure. So naturally there is a volume of opinion from the landlords and others so interested who with them oppose the provisions of the Bill. And we have got also a volume of opinion from the raiyats, the tenants and the Krishaks. Those who are against the motion are taking shelter under a settlement called the Permanent Settlement. Now there is a move everywhere in India to-day that wherever Permanent Settlement is in vogue that permanent settlement should be made non-permanent because in the present world there are few things which are permanent and things which we suppose permanent are made non-permanent during this world conflict. Therefore, for anyone to say that he is under a permanent settlement then he is roaming in the dark. Has not the time come when the landlord should think very seriously and try to give some relief to the tenants? We all know that there are landlords and Zemindars whose pockets are full and most of their profits are unearned, because they are depending upon the labours of the tenantry alone for these profits. Therefore, has not the time come when they can forego a certain portion of their privileges and revenue they are getting?

In this Bill there naturally will be opposition because the landlords have to lose some portion of their interests. And if they give some of their privileges to the tenants they naturally lose something, that is taken for granted. Therefore, I would ask those who oppose this measure not to think of those who are losing something. In these democratic days we know that the raiyats and the tenants have to get more privileges as they are the people who actually are the producers. Now the main point in this question is that the raiyats, specially those backward people in Habraghat, claim rights and privileges which they had enjoyed from long time, long before the permanent settlement was made. They complain that after these lands were settled they have been deprived of these rights. They have official support for their claim. They say also that the officers who went into the matter could not deny that they had enjoyed those privileges. But the Zemindars are depriving them of these. Now, therefore, I ask the members of this House that they should try and grant the privileges to the raiyats which they were enjoying and with the minimum restrictions necessary. I do not say that they should have unlimited rights to enter forest and take the forest produce. But I say that they should get privileges with the minimum restrictions. I agree with my friend Mr. Whittaker that there should be an impartial enquiry and then if some privileges are found to have been enjoyed by the tenants they ought to be granted those privileges after necessary enquiry into them and if there be not that alternative, the Select Committee of this kind would be able to go minutely into the details.

Therefore, I agree with the mover that the Bill should be referred to the Select Committee.

Mr. BAIDYANATH MOOKERJEE: Sir, I rise to oppose this motion for referring this Bill to a Select Committee. I have heard with patience the speeches that have already been delivered and I need not touch on those points which in my opinion have already been dealt with by those who have sent their opinions and which have been made public.

Sir, in the very first page we find (I am reading from the opinion of G. D. Walker, Esq., M.A., L.C.S. Commissioner of Divisions) that "the proposed legislation will greatly cripple the powers and resources of the Zemindars. If it is a fact that the rights are being enjoyed by the tenants, as the preamble of the Bill makes out, then they can easily be established in law courts, and any attempt to encroach on such rights can be prevented by the courts. The Bill is, therefore, uncalled for."

I think, that the remark made by the Commissioner of Divisions of this province should not be taken as a mere cursory remark, and when he is holding the position of the Commissioner, he must be given this credit that he has got some experience at least of the revenue matters and of the prevailing customs in the district of Goalpara.

Then the Deputy Commissioner of Goalpara remarks like this:—

"My personal opinions are that under the garb of tenancy legislation the Zemindar should not be gradually deprived of his rights. Generally all Zemindars will deny these rights from time immemorial on the assumption of which the present proposed legislation is based. This legislation seems to seek Zemindary lands as something to be exploited. For example, clause 1 of the Bill will make squatting compulsorily recognisable which has always been a source of trouble even in *Khas* lands for which special summary rules had to be legislated to prevent exploitations and nuisances."

Sir, this is the remark made by the Deputy Commissioner of the district of Goalpara. So I think, so far as the Government is concerned, I can safely say that the remarks made by the Commissioner and the Deputy Commissioner will be accepted as such by the Government.

It has been said by the hon. mover in the statement of the objects and reasons that "the Goalpara Tenancy (Amendment) Bill of 1939 sponsored by the Government of Assam does not go to the root of the matter and unfortunately hesitate to boldly give legal recognition and adequate protection to the many valuable rights enjoyed by the tenants of Goalpara from time immemorial and attempted encroachments against which were and are a fruitful source of friction between the landlords and the tenants". Mr. Whittaker of course has kindly quoted some portions, but he left that portion out where the hon. member who belongs to the Government party blamed the Government for not taking a bold step. Sir, I do not really like that he being a supporter and follower of the Government will blame his own Government. And if we pass any remark that will be taken in a different light. But when I have got this opportunity, I must say that the hon. members will draw their own conclusion about this remark. Now, Sir, it has been said at the time of discussion by the hon. mover that this will create good feelings amongst the tenants and landlords. Here I find on page 5 of the published opinions that—"So instead of establishing good will between the Estate and the tenants, which the amending clauses purport to achieve, each Estate with its crippled resources will have a mass of discontented tenantry—deprived as they are bound to be—of even a legitimate, financial help from the Estate in their works of rural development, education, sanitation, medical aid, etc., for which services the Bijni Raj Ward's Estate keep ear-marked large sums of money every year". This is a written statement and hon. mover did not try to refute this statement. The Chief Forest Officer, Bijni, has made a striking statement as follows "Never in the history of forest conservation, never in the history of legislation such a Bill has been sought to be passed by any Legislature in the British Empire nor any other civilized parts of the world". My hon. friend, though he touched many portions of the printed remarks, carefully avoided this.

Again my hon. friend Mr. Marak said something about the Garos. Here I find like this, "Garo tenants of Bijnai Raj who are perhaps the oldest settlers of Habrahat Parganah have failed to prove their rights in courts of law and their cases for these rights were dismissed by two learned Judges of Assam. There are volumes of evidence to prove non-existence of these rights of the people". This point was not met by my hon. friend the mover.

Then, Sir, I find from the opinions another remark that "*the bill is expropriatory in character, communistic and revolutionary in conception*". My hon. friend of course read this portion, but he could not convince this House that this remark was made arbitrarily or with some motive. Of course it may be said that when it has come from the Zemindars certainly there will be some motive behind it. It can also equally be said that when my hon. friend, the mover, said against these remarks that was also initiated by some motive. There is a further remark, "the Bill ignores the history of Permanent Settlement and the history of assessment of Jama (Revenue) inasmuch as that it has failed to take into account the fact that the income from grazing, fisheries, forest produce was taken into consideration at the time of making settlements with Zemindars by the Government". My hon. friend Mr. Goldsmith warned us or rather preached some sermons that time has come when the Zemindars whose pockets are very much full should get rid of some saving or that they should give away the present rights to the tenants. Sir, I pity my hon. friend because he has so very little idea of present-day Zemindars who have got no other source of income. We know how they are passing their days. In these days of calamity those who are poor can go and beg from door to door. But, Sir, the middle class people cannot do so. Really speaking those whom we call Zemindars in this province are not Zemindars but simply Mirasdars. There may be in all 6 or 7 Estates which can be really called zemindari estates. Otherwise.....

Maulavi ABDUL BARI CHAUDHURY : What about you ?

Mr. BAIDYANATH MOOKERJEE : I am not a Zeminder compared to the Zemindars of other provinces. "It seeks to convert the Zemindari into no man's land by investing tenants and outsiders with ill-defined rights not strictly within the purview of Tenancy laws. It is more in the nature of class antagonism that the Bill is conceived of than in the nature of an equitable and sound law really harmonising the relationship between a landlord and a tenant".

It is really so, Sir. How that is so I shall show when I shall deal with the Bill clause by clause. The Zemindars would be handicapped in and perhaps precluded from the exercise of their rights to settle *khas* waste land. This has been rightly said, Sir, and this point has already been touched upon by my hon. friend Mr. Whittaker. So I do not like to take much time over that because he has already explained as when Government makes some settlement they also take *salami* from the tenants.

Now, Sir, I will deal with the Bill clause by clause.

As regards the preamble, I have already said that it has been very nicely said by the Commissioner of Divisions and so I am not going to touch that point.

The CHAIRMAN (Khan Bahadur Maulavi KERAMAT ALI) : You will speak generally on the clauses.

Mr. BAIDYANATH MOOKERJEE : Yes, Sir, generally on the clauses because I shall get another opportunity.

Clause 4.—This clause hardly fits in with clause 95 of the present Goalpara Tenancy Act. The result will be, even outsiders would claim protection under this section and avoid payment of legitimate dues. Realisation of any amount of petition fee, etc., is sought to be declared illegal in this Bill. Generally, these fees are realised for the purpose of mutation or surrender, petition for partition, petition for remission of rent or interest and in exceptional cases petition for settlement of boundary disputes and petition for miscellaneous purposes. So far as it could be gathered petition fee is realised and paid up by tenants from time immemorial. I have said the purpose for which these petition fees are realised. The nominal petition fee is realised only to defray the extra expenses that the Zemindars are to meet in connection with the petitions; in some cases it is stated in the petition that there is a dispute over some land and that should be decided by the Zeminder; in that case the Zeminder is to depute some officer and for that he has to incur some extra expenditure.

(At this stage the Hon'ble Speaker occupied the Chair.)

As the tenants think that if they go to the Law Courts in every matter wherever and whenever there is any dispute, in that case it will be a very costly affair and so instead of going to the Law Courts the tenants go to the Zeminders and on these occasions the Zeminders, not as a source of income, but just to meet the extra expenditure to settle the dispute, take some fees.

Secondly, the realisation of nominal fee is necessary to check frivolous and vexatious petitions. Sir, I think that this point does not require much explanation. If anybody and everybody at any time without any formality can approach the Zeminder in that case the Zeminders will be put into great difficulties and so this nominal fee has been prescribed and those who are really in need of the assistance of the Zeminders go there and pay this nominal fee.

Thirdly, exactly for the reason stated above, Government also charges petition fees from their tenants. There is hardly any reason or justification for a different procedure in the case of owners of permanently settled areas. Now, Sir, this point was also discussed by Mr. Whittaker although in a general way about the system which is prevalent between Government and the Government tenants and that there is no harm if the same system prevails between the Zeminder and their tenants. There is absolutely no reason for the insertion of the sub-clause (b) of clause 4—

“Realisation of any amount as petition fee or otherwise by the landlord or his agent from any person applying for settlement of *khas* land shall be illegal”.

Sir, this Bill sought to give some relief to the tenants of Goalpara; but if this sub-clause, i.e., (c) is accepted, in that case the outsiders also will derive these benefits just like the tenants of the district of Goalpara and the Zeminders will lose their rent. How, Sir, that I shall just now prove. This tax is levied on those who come with boats and just keep their boats on the river side for business purposes.....

The Hon'ble the SPEAKER: Order, order. As it is now 3 P. M. we shall take up Mr. Baidyanath Mookerjee's adjournment motion.

Maulavi MUHAMMAD AMJAD ALI: Sir, may I know when this Bill will be taken up later?

The Hon'ble the SPEAKER: On the 9th instant,

Adjournment motion on the death of Several persons due to starvation in the flood affected areas of the District of Sylhet

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg to move I. "That this Assembly do now adjourn to discuss a definite matter of urgent public importance namely the situation arising in the district of Sylhet due to the callous and negligent conduct of the Government culminating in the death of several persons, e.g., Bharat Chandra Das of Sukchar, Yasin-Ulla of Jatrapasha in the subdivision of Habiganj and Abdul Hekim of Fatepur, Bidur Dhooly of Balirkuna in the South Sylhet subdivision—all these being flood affected areas in the district of Sylhet."

Sir, I shall place before the House the documents which I have got in support of my motion. I shall now read a telegram which was received by Rai Bahadur Satish Chandra Dutt, President, Sylhet-Cachar Flood Relief Committee: "Report received confirmed on enquiry Death from starvation Bharat Chandra Das of Sukchar station Habiganj. More acute starving cases reported. Pray immediate measure—Girindra Nandan Chaudhury, President, Subdivisional Famine Relief Committee, Habiganj."

Subsequently this was confirmed and a copy of it was sent to the Deputy Commissioner Sylhet on 29th August, 1941. After this a letter was sent to the President written by Dr. Gopesh Chandra Biswas, Joint Secretary, Sylhet-Cachar Famine Relief Committee.

“গতকল্য প্রিন্সিপাল বাবুর নামে আপনার প্রেরিত পত্র পাইয়াছি। সুখচরে আমাদের একজন লোক telegram করার পর ইহাতেই depute করিয়াছিলেন। গতকল্য Deputy Commissionerএর ছকখী telegram পাইয়া Sub-Deputy Collector তদন্ত করিবার জন্য থিয়াছিল। আমাদের কর্মীর অসাক্ষাতে তাদের ডাকিয়া নিয়া ভয় দেখাইয়া দবে যারা থিয়াছে বলিয়া statement আদায় করিয়া নিয়া অসিরাছে। এই সঙ্গে আমাদের তদন্ত কারীর নিকট স্বেচ্ছাকৃত যে statement গ্রহণযোগ্য ও সেই পরিবারের লোকজন দিয়াছিল তাহাও দুই প্রস্থ নকল দিলাম। আদায় এই বিষয় পরামর্শ দিয়া স্তম্ভী করিবেন।

Starving family র জন্য আমাদের অন্ততঃ ৫০০ টাকা প্রাথমিক সাহায্য করিতে পারিলে আমরা প্রাথমিক কার্য আরম্ভ করিতে পারিব। ইতি :—

গোপেশ

সম্পাদক।”

After this letter was written, I find at the top “আপনার প্রেরিত ১২৫১ টাকা এইমাত্র হস্তগত হইয়াছে।”

Then, Sir, there was a circular issued by Srijut Ananda Kishore Chakravarty, Sarpanch, Circle No. 25 to Sashi Bhusan Das and Chandra Bhusan Bhattacharya, Sahakari Sarpanch:—

“নিবেদন

এতদ্বারা দেশের গণ কল্যাণ সমিতি ও ব্যক্তিগণের নিকট জ্ঞাপন করা হইতেছে যে হরিগঞ্জের সদর থানার অন্তর্গত ২৫ নং সার্কেলের সুখচর গ্রামে ভীষণ অনুকণ্ঠে দেখা দিয়াছে। গত ২৭শে শ্রাবণ মঙ্গলবার উক্ত গ্রামের ওভরতচন্দ্র দাস ক্রমে ক্রমে অনুকণ্ঠে পীড়িত হইয়া মানবলীলা সম্বরণ করিয়াছে। উক্ত ভরত দাসের পরিবারের লোকসকল ও আরও কয়েকটি পরিবার অনুকণ্ঠে বিপন্ন হইয়া পড়িয়াছে। সম্বর সাহায্যের ব্যবস্থা না হইলে শোচনীয় পরিণাম উপস্থিত হইবে। ইতি :—৩১শে শ্রাবণ, ১৩৪৮ বাং।”

Now, Sir, I shall read out only the relevant portions—by relevant I mean the portions connected with the case of the deceased Bharat Chandra Das. From the statement that was made at the time of enquiry by Srijut Ananda Kishore Chakravarty, Sarpanch, Circle No. 25, it appears:—

“আমার নাম শ্রীমানন্দ কিশোর চক্রবর্তী। ভরত দাসের মৃত্যুর পূর্বে তাহার অনশনে দিন কাটাইবার কথা জানিয়া তাহাকে কিছু চাউল দিয়াছি এবং সবডিপুটী সাহেব একদিন কাজিউরা ডিস্পেন্সেরিতে চাউল দেওয়ায় তৎপর নিয়মিত ভাবে চাউল দেওয়া হইবে, এই ব্যবস্থাতেই অন্য কাহাকেও কোন রিপোর্ট দেই নাই। মৃত্যুর পর গত ৩১শে শ্রাবণ তারিখে সহসাবধারণের জ্ঞাতার্থ উদ্দেশ্যে আমি গয়রহ ৪জন এক বিজ্ঞপ্তি পত্র দস্তখত করাইয়া দিয়াছি।”.....

The notice which I have already read, Sir. Then he says—

“ভরত দাসের মৃত্যুকালে তাহার বয়স অনুমান ৬০ বৎসর হইয়াছিল। অনাহারে থাকিতে থাকিতে মৃত্যুর দুই তিন দিন পূর্বে সামান্য জ্বর হয়। অনশনই তাহার মৃত্যুর কারণ। গত জ্যৈষ্ঠ মাস হইতে অন্ত্যস্ত দেখা দেয়। তৎপর পাড়া প্রতিবেশী হইতে কোন দিন কাহারও বাড়ী হইতে মাড়, খুদ ও সময় সময় চাউল আনিয়া ও কোন দিন ভাত আনিয়া বা কোনদিন অনাহারে কাটাইয়াছে। ক্রমশঃ সকলেরই অন্ত্যস্ত হওয়ায় প্রথম ভাগে যে ভাবে পাড়া প্রতিবেশী হইতে সাহায্য পাইয়াছে, তৎপর মৃত্যুর পূর্ব্বে আর সেক্রপ সাহায্য পায় নাই। অনাহারে শরীর ক্রমশঃ দুর্বল হইয়া পড়িয়া পরে অনাহারের দরুনই সামান্য জ্বর হইয়া দুই তিন দিন পরে মারা গিয়াছে।”

Now, I shall read the statement made by the son and daughter-in-law of the deceased.

“ভরত চন্দ্র দাসের পুত্র আমি শ্রীমহেন্দ্র চন্দ্র দাস, ও আমার স্ত্রী নিত্যবালা দাস অনাহারে ও অর্দ্ধাহারে থাকিয়া জানাইতেছি যে আমরা অনুমান ১০ বৎসর যাবৎ ভূমিহীন অবস্থায় আছি। অন্যের বাড়ীতে কামলা কাজ করিয়া, চাটি বাইন ও বিক্রী করিয়া এতদিন যাবৎ আমাদের পরিবারের কোনরূপ খাওয়া পরা চলিত। বর্তমান বৎসর দেশময় দুভিক্ষের ফলে কাজ কর্ত্ত ও চাটি বিক্রী বন্ধ হইয়া যায়। আমার পিতা মারা যাওয়ার একমাস পূর্ব হইতেই অনাহারে ও অর্দ্ধাহারে থাকিয়া আমরা যারপরনাই কষ্ট ভোগ করিতেছি। ভাতের অভাবে নানা কুখাদ্য খাইয়া ক্রমশঃ কৃশ হওয়ার ফলে গত ২৩শে শ্রাবণ আমার পিতা ভরত চন্দ্র দাস অনুমান ৬০ বৎসর বয়সে মারা গিয়াছেন। বর্তমানে আমাদের পরিবারে আমরা স্বামী স্ত্রী ও একটি শিশু নিয়া ৩ জন জীবিত আছি। খাওয়ার অভাবে আমরাও দুর্বল হইয়া পড়িয়াছি। আমি নিজেও কানে কম শুনি এবং বর্তমানে চোখেও কম দেখিতেছি। সরকার হইতে দুইবার চাউল পাইয়াছি, কিন্তু তাহাও প্রয়োজনের তুলনায় অতি সামান্য। আমাদের এই বিপদের সময় কোনরূপে খাওয়ার ব্যবস্থা না হইলে আমরাও মারা যাইব। ইতি—২৩শে ভাদ্র, ১৩৪৮বাং।”

As I have already mentioned, Sir, the President of the Sylhet Cachar Flood Relief Committee sent a copy of the telegram to the Deputy Commissioner on the 29th August, 1941. In this connection I should read the following reply

of the Deputy Commissioner, Sylhet, to the President, Sylhet-Cachar Flood Relief Committee, Sylhet :—

“Sir, I have the honour to acknowledge receipt of your letter, dated the 29th August, 1941, forwarding a copy of the telegram dated 29th August 1941, from Babu Girindra Nandan Das Choudhury, President, Relief Committee, Habiganj, and to say that the matter is receiving my immediate attention.”

After this I left Sylhet and no further information has been received by us.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : May I know whether further information was not received by the hon. member or by the President—Rai Bahadur S. C. Dutta ?

Mr. BAIDYANATH MOOKERJEE : By the President, Flood Relief Committee.

In this connection, I do not think it will be out of place to mention that the said Rai Bahadur S. C. Dutta sent a letter to the Chief Secretary to the Government of Assam and that letter also was acknowledged and some advice was given to the Rai Bahadur. So, this case was not only referred to the Deputy Commissioner but also to the Government. The letter written to the Government is a lengthy one and I do not like to read it. The reply which is dated 11th October 1941, from A. V. Jones, Esq., V. D., I. S. O., Deputy Secretary to the Government of Assam in the Revenue and Finance Departments, to Rai Bahadur Satish Chandra Dutta, President, Sylhet-Cachar Flood Relief Committee is as follows :—

“Sir, I am directed to acknowledge the receipt of your letter, dated the 12th September 1941, submitting some notes on the floods of this year in the Surma Valley. In reply I am to say that Government are in touch with the situation and your Committee should co-operate with the Local officers and do their best to raise funds to help persons in distress.”

After that, Sir, we the Sylhet public do not know anything and the Rai Bahadur told me that he did not receive any other information either from the Deputy Commissioner or from the Government.

Not only this, Sir, the news was published in the newspaper—*Janashakti*, dated the 29th October 1941, as follows :—

ভারত দাসের মৃত্যু ।

“হবিগঞ্জ দুর্ভিক্ষ সাহায্য সমিতির সম্পাদক মহাশয়ের নির্দেশ অনুযায়ী হবিগঞ্জের মোক্তার শ্রীযুক্ত যতীন্দ্র চন্দ্র ভৌমিক ও মোক্তার শ্রীযুক্ত রবীন্দ্র চন্দ্র দত্ত চৌধুরী মাধবপুর থানার ২৫নং সার্কেলের অন্তর্গত শুকচর গ্রাম নিবাসী অনশনে মৃত বলিয়া কথিত ভারত চন্দ্র দাসের মৃত্যু সম্পর্কে তদন্ত করিতে যান। তাহারা ৭।৯।৪১ ইংরেজী তারিখে তদন্ত স্থানে গিয়া মৃত ব্যক্তির পুত্র, পুত্রবধূ, প্রতিবেশীগণ, স্থানীয় সরপঞ্চ, সহকারী সরপঞ্চ ও চৌকীদার সহ মোট ১৪জন সাক্ষীর সাক্ষ্য গ্রহণান্তর এই সিদ্ধান্তে উপনীত হইয়াছেন যে উক্ত ভারত চন্দ্র দাসের অনশনেই মৃত্যু হইয়াছে।”

The Hon'ble the SPEAKER : The hon. member should remember that his time is up.

Mr. BAIDYANATH MOOKERJEE : Sir, as this is a very important matter, I want some more time to speak.

The Hon'ble the SPEAKER : I am not disposed to give the hon. member more than half an hour. He will therefore, get 15 minutes in excess of the usual time for such a speech.

Mr. BAIDYANATH MOOKERJEE: I will finish within half an hour, Sir. In the same issue of the same paper there was some remark which is very relevant and for the benefit of the hon. members I shall read five lines.

“ভারত দাসের মৃত্যুর তদন্ত বিবরণী পাইয়াছি। তদন্তকারীরা বলিতেছেন, ভারত দাস ঘনশনেই মারা গিয়াছে। সরকারী তদন্ত ফল আমরা এই ক্ষেত্রেও অজ্ঞাত। তাহাদের তদন্তে কলেরা না আশাশর কোন রোগের সন্ধান মিলিয়াছিল কিনা জানিলে আমরা দাখিল হইব।”

Now, Sir, I shall deal with the case of the unfortunate Yasin Ulla. A telegram was received by Rai Bahadur Satish Chandra Dutta from Habiganj, dated 9th September 1941, to the following effect:—“Reported death from starvation received Insianulla of Jotrapassa, Baniyachong Thana, confirmed on enquiry. Extensive relief measure immediately necessary. Girindranandan Daschowdhury President, Famine Relief Committee, Habiganj.”

On the 10th September 1941 a letter was addressed to Rai Bahadur Sarat Chandra Dutta confirming the said telegram as follows:—“Sir, I beg to confirm hereby the following telegram sent to you regarding death from starvation of one Yasinulla of village Jatrapasha, Circle No. 7, under Baniyachong Police Station. I beg further to forward a copy of the resolution adopted by the Habiganj Subdivisional Famine Relief Committee on the 8th September 1941 in this connection for favour of your necessary action.”

Sir, when the time is short, I am not going to read the resolution which is not very important for my purpose. I now read the statements by Kusumranjan Chaudhury and Harachandra Das.

“হবিগঞ্জ দুর্ভিক্ষ সাহায্য সমিতি কর্তৃক আদিষ্ট হইয়া বিগত ৭/৯/৪১ ইং তারিখে বানিয়াচঙ্গ থানার ৭নং সার্কেলের অন্তর্গত যাত্রাপাশা নিবাসী ইয়াছিন উল্লার মৃত্যুর কারণ সম্পর্কে আমরা নিম্ন স্বাক্ষরকারীগণ তদন্ত করি। এই সম্পর্কে ইয়াছিন উল্লার স্ত্রী, বয়স্ক ছেলে, ঐ সার্কেলের সরপাঞ্চ, ঐ সার্কেলের এবং পার্শ্ববর্তী সার্কেলের প্রতিনিধি বানিয়াচঙ্গ ভিলেজ অথরিটির মেম্বর এবং ইয়াছিন মিক্রার আত্মীয় স্বজন এবং পাড়া প্রতিবেশীর বর্ণনা গ্রহণ করি। এবং তাহার ঘর তন্ন তন্ন করিয়া ধান চাউল আছে কি না পর্য্যবেক্ষণ করি। তাহাদের বর্ণনা পারিপার্শ্বিক অবস্থা প্রভৃতির বিচার বিশ্লেষণ করিয়া আমরা এই সিদ্ধান্তে উপনীত হই যে যাত্রাপাশা নিবাসী নছাই উল্লার পুত্র ইয়াছিন উল্লা (৫০) অর্দ্ধাহারে এবং অনাহারে শুকাইতে শুকাইতে মারা গিয়াছে। এখানে ইহা উল্লেখ করা আবশ্যিক যে অত্র মহকুমা হাকিমের নির্দেশ মতে জুলাই মাসে অনাহারী এবং অর্দ্ধাহারীর সরপাঞ্চ কর্তৃক প্রেরিত লিটে ইয়াছিন উল্লার নাম ছিল।” This means that when the list was submitted by the Sarpanch the name of this poor man was there. “এবং তাহাকে অনতিবিলম্বে সাহায্য প্রদান করা আবশ্যিক এই রূপ মন্তব্যও ছিল।”

There was a special remark that that man required immediate help. Then, Sir, I read the statement of Khatizan Bibi, the wife of the deceased.

মতেজান বিবি বর্মানা

“আমার স্বামী ইয়াজিন উল্লা নাখাইতে নাখাইতে মারা গিয়াছেন। গত বছরপতিবার হিপুহরের পর মারা গিয়াছেন। তাহার শেষ কথা ‘ভাত দেও, ভাত দেও’। মারা যাওয়ার ৮ দিনের মধ্যে তাহার পেটে ভাত পড়ে নাই। আমাদের পরিবারের ৭ জন লোক উপার্জন অক্ষম। একজন ইয়াকুব উল্লা আমার সন্তান ছিল। সে মাস খানেক আমার বাড়ীতে ছিল না। এখন নৌকা বাহিনীর জন্য যোজনগঞ্জ গিয়াছিল। আমার স্বামী মারা যাওয়ার দিন সন্ধ্যার পর বাড়ীতে আসিয়াছে। একমাসে সে মাত্র ১১ টাকা রোজগার করিয়াছে। আমার স্বামীর কোন অসুখ ছিলনা। বয়স অনুমান ৫০ বৎসর। আমাদের বুঝে বা আমিন কোন জমি নাই। ইতি:

মতেজান বিবি—স্বামী ইয়াজিন উল্লা

“আমরা নিজেরাও উপবাস করিতেছি। আমাদের চাটনি সকলকে একসকল অবস্থায় আছে। মারা যাবার সময়ও ‘ভাত পাইলাম না ও আমার পুত্র ও ভাইকে দেখিলাম না’ বলিয়া মারা যায়।

At the time of death he said that ‘I am dying and I cannot have any food or rice and I cannot see my brother and my son at the time of my death.’

Now, Sir, I will deal with the case of the late Abdul Hakim. I am just reading one of the statements:

“আমার নাম জুবেদা বিবি। আমার স্বামী আব্দুল হেকিম। গ্রাম মুনিয়ারপার, প্রকাশিত কতেপুর। আমার স্বামী ২রা শ্রাবন মারা যান। তিনি রোজী করিতেন। গ্রামে দুর্ভিক্ষ হওয়ায় কোন কাম কাজ পান নাই। না খাইয়া না খাইয়া তাহার পেটে বেদনা ও তাপ হইয়াছিল। কোন ঔষধ দিতে পারি নাই। সেই খাইতে চাহিয়াছিল। দিতে পারি নাই।”

Another statement made by late Abdul Hakim's brother runs as follows:—

“আমার নাম আব্দুল হুসন। আমার ভাতার নাম আব্দুল হেকিম। তাহার বয়স ৪০ বৎসর ছিল। আমি রাজনগর থানার ৭নং সার্কেলের ১নং ভিটের চৌকিদার। সে গত ২রা শ্রাবন মারা যায়। খাইতে না পাইয়া তাহার পেটে বেদনা হইয়াছিল। ইহার পর জ্বর হয়। জ্বরের সময় খাইতে চাহিয়াছিল। তাহাকে কোন পথ্য দেওয়ার ক্ষমতা হয় নাই। আমার ভাতার মোট ৪ কেদার জমি ছিল। সাধারণতঃ অন্যের বাড়ীতে রোজ কামলার কাজ করিয়া খাইত। গ্রামে দুর্ভিক্ষ হওয়ায় কোন কাম কাজ পাই নাই। নিজের ঘরের খরচ পিঁরি খানা পর্য্যন্তও বিক্রী করিয়া খাইয়াছিল। অনুমান মাসেক অসুস্থ ছিল। মৃত্যুর পর তাহার কফন দেওয়ার কাপর যোগাড় করিতে ১দিন দেরী হইয়াছিল। দুই মাইল দূরের বেরকুড়ী গ্রামের একজন ধনী লোকের নিকট হইতে ঐ কাপড় খানা দান রূপে পাইয়াছিলাম। আমার ভাই উপবাসেই মারা গিয়াছে বলিয়া আমার বিশ্বাস।”

And lastly about Bidur Dhuli. In this connection the *Janasakti* on 22nd October 1941, wrote:

অনশনে মৃত্যু।

“এই ২৪ শে অক্টোবর কুলাউরা পানার ৩৪নং সাকেলের কলিরকোনা গ্রামে বিদুর-
ধুলি নামে এক ব্যক্তির মৃত্যু হইয়াছে। অনশনই মৃত্যুর কারণ বলিয়া পুকাশ।”

Here is the statement of Alaka Dhuli, the wife of late Bidur Dhuli,

“আমার নাম অলকা ঢুলী। আমার স্বামী মৃত বিদুর ঢুলী। আমার স্বামী অনেক
সময় উপবাস করিয়াছেন। মধ্যে মধ্যে তিকা করিয়া আনিয়াছি। শেষে তিকাও
পাই নাই। আমার স্বামীকে পাণ্ডাঘাটে পারিলে এখনই মৃত্যু হইতনা। উপবাসেই
তাহার এতশীঘ্র মৃত্যু হইয়াছে বলিয়া আমার সম্পূর্ণ বিশ্বাস।”

This statement was made by his wife.

Now, Sir, I beg to bring to the notice of the hon. members of this House that on the 22nd of October 1941 it was published in the same paper “Janasakti” and one of the signatories is one of our hon. colleagues Babu Shiberendra Chandra Biswas, M. L. A., and others are Babu Binode Behari Chaudhury and Babu Jogendra Chandra Deb, Joint Secretaries, Habiganj Flood Relief Committee.

সাহায্যের জন্য আবেদন।

“অকালে বর্ষা হওয়ায় এবং উপর্যোপরি বন্যার ফলে বিভিন্ন অঞ্চলের ফসল নষ্ট
হইয়া পাণ্ডার এই মহকুমায় ব্যাপক ভাবে দুভিক্ষ ও অনা কষ্ট দেখা দিয়াছে। বিভিন্ন
অঞ্চল হইতে অনশনে মৃত্যু সংবাদ পাওয়া গিয়াছে, বহুলোক এখনও উপবাসে কাল
কাটিতেছে, এ অবস্থার শুক্ল দেশবাণী সমাক উপলব্ধি না করিলে আরও অনেক অনশন
ক্রিষ্টের মৃত্যু ঘটিবে এবং দেশে নানা রূপ বিশৃঙ্খলা দেখা দিবে”।

শ্রী শিবেন্দ্র চন্দ্র বিশ্বাস, এম্. এল্. এ. সভাপতি।

শ্রী বিনোদ বিহারী চৌধুরী,

শ্রী যোগেন্দ্র চন্দ্র দেব, যুগ্ম সম্পাদক,

হবিগঞ্জ মহকুমা দুর্গতি সাহায্য সমিতি।

In this paper also the statement was made that they received no help for being saved from starvation.

So, this is not a new case that I have brought before the House to-day. As I have already mentioned that there are 9 names published in this paper. As regards Yasinulla, this paper wrote that—

ইয়াছিনের স্ত্রী দূততার সহিত বলে যে ইয়াছিন অনাহারে মারা গিয়াছে, তাহার বড়
ছেলে ও প্রতিবেশী নিলজান বিবি, আলেকজান বিবি, সুরয়জান বিবি, লবেজান বিবি
ইয়াছিনের স্ত্রীর উক্তিই সমর্থন করে।

ইয়াছিন যে বিটে থাকিত সেই বিটের চৌকীদার রইচ উল্লার উক্তি হইতে ইহাই
প্রতীয়মান হয় যে পরদিন সংবাদ সংগ্রহের জন্য ইয়াছিনের বাড়ীতে গেলে তাহার স্ত্রী
রিজিয়া বিবি তাহাকে বলে যে ইয়াছিন অনশনে মারা গিয়াছে। চৌকীদার সরপঞ্চকে
ঐ কথা জানায়। সরপঞ্চ গোলাব আলী ইহার সত্যতা নির্ণয়ের জন্য নিজে খতিজা
বিবির বাড়ীতে যান। খতিজা বিবি তাহার নিকট এক লিখিত জবান বন্দী দেয়, আমি

টিপসাহি যুক্ত সেই জবান বন্দী দেখিবাছি, উহাতে স্বাক্ষী পথেরও টিপসাহি দেখা যাচ্ছে। সরপক্ষ এই ভাবে সমস্ত সন্দেহ দূর করিবা। তাহার সাক্ষিবের জন্ম-মৃত্যুর বোঝাইব বাহাতে ইয়াছিনের মৃত্যু সংবাদ লিপিবদ্ধ করিবা অনশনই তাহার মৃত্যুর কারণ বনিয়া লিখিবা রাখেন, মহকুমা হাকিমের তদন্তের বড়পুলেই সরপক্ষ উহা লিপিবদ্ধ করিবা বাধিবাছিবেন।”

This is also a matter for the Government to enquire into.

Now, Sir, I have only 4 minutes at my disposal and I shall conclude just now.

If these statements are true, in that case, Sir, I think I am quite justified in moving my motion saying that the callous and negligent conduct of the Government has created this situation.

Mr. JOBANG D. MARAK: Hon. mover does not actually know whether these statements are true or not.

Mr. BAIDYANATH MOOKERJEE: Sir, I have quoted facts from documents and it is now up to the hon. members to accept them or not.

Sir, yesterday I heard from the Hon'ble Premier that they have spent money for this purpose. I am not going to challenge that. It is true that they spent some money and the amount they spent may be more in comparison with other years. I am not aware of that, but I am ready to accept the statement—But my point is this—that these allegations were made and these were received by Government from different sources, and they stand uncontradicted to this day. I want to know what action they took over them. They might have spent money, but we find no heart behind such expenditure. Sir, the Hon'ble Premier said, no less a person than the Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri went to Habiganj. Why did he not ask any one of us,—Rai Bahadur Satish Chandra Dutta, or Babu Girindra Nandan Chaudhury, Chairman of the Local Board and President of the Habiganj Flood Relief Committee or any local gentleman to accompany him?

The Hon'ble Maulavi MUNAWWAR ALI: I personally went over to Habiganj and asked the members of the Relief Committee to see me. Babu Girindra Nandan Chaudhury, Chairman of that Committee, was present then but he did not come.

Mr. BAIDYANATH MOOKERJEE: What about Rai Bahadur Satish Chandra Dutta? What about the Secretary, Sylhet-Cachar Flood Relief Committee, Sir?

The Hon'ble the SPEAKER: The point is that negligence or indifferent culminating to death.

Mr. BAIDYANATH MOOKERJEE: Exactly so, Sir. I have stated from the newspaper statements that these conditions were brought to the notice of the Government. If Government did not believe these to be true why the Publishers were not prosecuted?

The Hon'ble the SPEAKER: After death?

Mr. BAIDYANATH MOOKERJEE: No, Sir. Before death.

As I have said, Sir, the list that was supplied to the Subdivisional Officer includes the name of Yasin Ulla. As regards other names, of course I cannot give any definite information; but so far as these localities are concerned all the people were suffering and starving. All these points were brought to the notice of the local officers by several agencies. The reference which I mentioned is that I have got little information at my disposal but if I am allowed to read them it will make everything clear. Let the Government deny that they have not received any information.....

The Hon'ble the SPEAKER: Information about what?

Mr. BAIDYANATH MOOKERJEE: Information that these people were starving. It is the duty of the Government and local officers to make proper survey as to the real difficulty that is there. The Government spent money according to the whims of some local officers. May I ask the Hon'ble Premier whether they have made any survey even up till now? To give relief without proper survey is rather a misnomer of giving relief. They do not like to co-operate with the local people. The local people were quite willing to co-operate with them but they do not care—the local officers do not care to take the local people into their confidence. The local people were willing to make survey and the reports of these surveys were submitted to the local officers; in spite of that, without paying any heed to those surveys the local officers acted according to their sweet will, they just sent Darogas and some other persons who were always at the beck and call of the local officers.

Srijut DEBESWAR SARMAH: On a point of information, Sir. I want to know from the hon. mover who, I understand is a Secretary of the Sylhet Flood Relief Committee, whether this Flood Relief Committee sought Government assistance towards the relief of these flood affected people before death occurred, secondly whether Government helped them to render assistance through their own officers or through the Flood Relief Committee.....

The Hon'ble the SPEAKER: Order, order.

Srijut DEBESWAR SARMAH: Did this Flood Relief Committee seek Government aid?

Mr. BAIDYANATH MOOKERJEE: Certainly, Sir.

Srijut DEBESWAR SARMAH: What reply did they get before these deaths occurred?

Do I understand, Sir, that the relief that was granted was given by the Government through their own officers?

Mr. BAIDYANATH MOOKERJEE: Exactly, Sir.

Mr. A. WHITTAKER: Would the hon. member tell us what the Relief Committee actually collected and what were their resources for dealing with these cases?

Mr. BAIDYANATH MOOKERJEE: We had some previous funds at our disposal that was to the extent of Rs.3,000 and I think we collected another Rs.4,000. My hon. friend who asked this question, I am glad to declare, gave us Rs.500 from his group.

Mr. A. WHITTAKER: My point was that if the Relief Committee had this resource at their disposal, would it not be possible for them also to take concurrent step along with the Government officers in dealing with this matter?

Mr. BAIDYANATH MOOKERJEE: We are doing our level best. When the Government was saying that they had spent 9 lakhs, and they could not cope with the situation, how could we help with only four or five thousand rupees? Sir, if the Government officers cared to consult us and give the relief in consultation with us and according to our survey reports, in that case the situation would not have been so bad and tragic.

The Hon'ble the SPEAKER: Mr. Whittaker's point is that the Relief Committee was well in a position to prevent these deaths.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, but this Relief Committee was not functioning then in all parts of the affected areas as it would have been next to impossible to meet the situation everywhere with the small resources in hand. It was the duty of the Government, but when the people came and reported to us that the Government were not doing their

duty—the dole that was given was most inadequate and it was done whimsically, and did not arrange for relief in all the affected areas—it was decided that the Committee should arrange for relief in areas untouched by Government. There was an old Committee which was revived and some new members were also included when work started. At first this Committee did not take up extensive work because it thought and the people also were under the impression that the work done by this popular Government would be far better than the previous ones. Of course, as I understand, many questions.....

The Hon'ble the SPEAKER: Does the hon. member mean to say that the Relief Committee began their operation after the deaths of the people?

Mr. BAIDYANATH MOOKERJEE: No, Sir, as I have already stated, the Committee was functioning but within a restricted scope and it concentrated upon areas practically neglected by Government. I have already proved that the deaths occurred in areas in which Government organised some sort of relief and it would be absurd to think that with our workers visiting from door to door collecting statistics any such tragic deaths could have happened in the areas where they worked. Our resources were very limited but even then, thanks to our honorary workers, by spending half the money in our hands, not a very big sum, we were able to collect very valuable data on the basis of which we were able to make a judicious expenditure of our funds whereby we prevented any loss of life. To the local officers these survey reports were available and if they had acted according to these survey reports much distress would have been averted. If only Government have co-operated with us from the very beginning these tragic deaths also would not have occurred.

Khan Bahadur Maulavi KERAMAT ALI: Whether these deaths occurred within Zamindari estates or outside Zamindari estates?

Mr. BAIDYANATH MOOKERJEE: That I cannot say, Sir, but it is in the province of Assam, and under the administrative area of the Assam Government (*laughter*).

The Hon'ble the SPEAKER: Order, order.

Babu RABINDRA NATH ADITYA: Was it possible for the Sylhet and Cachar Flood Relief Committees to establish agencies throughout the subdivisions?

Mr. BAIDYANATH MOOKERJEE: Certainly not. That I have already stated, Sir. But the committee did its level best. It was the duty of the Government and as they did not do it they deserve censure.

The Hon'ble the SPEAKER: I think the hon. member has finished.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

The Hon'ble the SPEAKER: Motion moved. “That the Assembly do now adjourn”.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, at first I supported this motion but after hearing the reply given by some hon. members I am not satisfied to support the motion. (*A voice:* you want to support and not to support at the same time) (*Laughter*). My point, Sir, is that when Mr. Mookerjee was asked whether these deaths took place inside Zamindary areas or outside Zamindary areas, he could not reply (*loud laughter*). Then it is only a rumour (*laughter again*). Another thing, Sir, that strikes me is that when some people are dying for want of food why their friends should not give them food? It is not believable. So I think if I support this motion I shall be entirely unreasonable and biased.

Maulavi ABDUL BARI CHAUDHURY: I thank the hon. mover of this adjournment motion for affording us an opportunity to review the present situation arising out of the flood in the district of Sylhet.

Since we last met, the condition of the people has much deteriorated and alarming reports are pouring in from different parts of the district. And at this time of the year, when in normal circumstances, the people would have been busy in reaping a golden harvest, they with their naked children are crowding the relief centres to receive doles. In the subdivision of Sunamganj, which is one of the worst affected places, people could not gather their *Bute* crop for the untimely advent of rains. And the *Amon* growing areas were devastated by the early rains and all attempts to transplant the higher levels were frustrated by the next three successive floods. The result has been that these people shall have to await for their next crop upto next Aগ্রহায়ণ, that is just after another twelve months.

When the Hon'ble Prime Minister, the Hon'ble Minister for Revenue and the Minister for Industries had been pleased to visit Sunamganj in August last, they found vast sheets of water on the *Amon* growing fields. At present, distress in these parts is very acute and the loan and gratuitous relief has been too inadequate to meet the situation.

The floods that visited the district has brought not only famine in its wake but has resulted in two more major calamities, I mean the cholera epidemic that has created so much havoc in the rural areas, and the widespread cattle mortality that has rendered the peasants really helpless.

The cholera epidemic was a direct offshoot of the flood. All available drinking water was polluted in the villages. Anybody passing through the rivers and *hoars* could find innumerable carcasses floating here and there. Moreover, owing to the general nature of the famine, many people are being undernourished and have lost their usual vitality to combat the disease.

In the subdivision of Sunamganj alone, the number of reported deaths upto the third week of November was 565. Those not reported will be more than twice that number. Worse is the case with the Sylhet Sadar subdivision. The great cattle epidemic of this year is also a direct result of the flood. All kinds of fodder was washed away. Even the much maligned water-hyacinth could not be found within miles to feed the cattle. The cattle in almost all parts of the district has died in hundreds. The cultivators are in real difficulty and do not know how to buy their ploughing animals.

Coming to the motion itself, I do not know how the Government could be censured for the alleged loss of life in some particular areas (*hear, hear*). The hon. mover of the motion knows that Government at the earliest opportunity placed a sum of seven lakhs and fifty thousand rupees at the disposal of the Deputy Commissioner for agricultural loans and gratuitous relief. Immediately after, the Deputy Commissioner of Sylhet called a meeting of the Subdivisional Officers, allotted this amount for the different stricken areas and decided upon a plan of action. The Sub-Deputy Collectors were withdrawn from their normal duties; the Debt Conciliation Boards with official Chairmen were closed temporarily and all officers thus available were put in charge of the relief operations. More than one hon. Ministers including the Hon'ble Prime Minister have been constantly on tour to inspect the flood-affected areas and to gain first hand knowledge of the situation for themselves. Recently, apart from the agricultural loan and the gratuitous relief, seeds have been distributed for the cultivation of the *Rabi* crop.

I am sorry to note that in many places, the Subdivisional Officers were handicapped for want of officers. Government could easily recruit a temporary batch of workers, as on previous occasions, for relief operations.

Another thing that strikes us most is that no attempts were made to enlist public support in combating this widespread famine. I do not understand why in these days of popular administration, Government should fight shy of public co-operation.

The apathy that has been exhibited by the public of Sylhet is deplorable. The Sylhet-Cachar Relief Committee has come rather too late into the field (Mr. Baidyanath Mookerjee: Did you come early?) By way of raising funds and giving relief to the flood stricken people.

Mr. BAIDYANATH MOOKERJEE: On a point of personal explanation. I have written two letters to my hon. friend and he has not sent even a single pice to me.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is that a matter of personal explanation?

Mr. BAIDYANATH MOOKERJEE: How dare he complain against me?

Maulavi ABDUL BARI CHAUDHURY. I am not complaining, but I have only stated facts. As regards these specific cases of death, there is nothing to show that their cases were reported to the officers concerned before the deaths actually took place and attention was not paid to these reports. No doubt these deaths if true are deeply to be deplored. But who are responsible for these deaths? We should feel ashamed to remain content by laying all blame at the door of the Government. Those who have enough and to spare, those who are rolling in wealth and luxury at the expense of these wretched persons, have they not any got responsibility in the matter?

We would urge upon the Government to grant more money to carry on the relief operations upto the time of the next harvest. The amount already sanctioned is too inadequate to meet the demand. Test relief operations should be undertaken on a larger scale and at least a lakh of rupees should be sanctioned for cattle loan.

The Hon'ble the SPEAKER: We have got a comprehensive resolution urging all those steps to be taken by Government.

Maulavi ABDUL BARI CHAUDHURY: It is clear, Sir, that Government did and are doing whatever possible in the circumstances and with the limited resources at their disposal.

In the circumstances, I would ask the hon. mover to withdraw his motion.

Babu SHIBENDRA CHANDRA BISWAS: Mr. Speaker, Sir, I rise to support the adjournment motion. As regards the inadequacy of the relief given and the deaths, I have put some questions and the questions were admitted. They will probably be replied to in due course. This unfortunate man Yasin Ullah was a man of my own village. I can tell the hon. members of this House that I have not got an iota of doubt that this man died of starvation. Of course, the Subdivisional Officer after some days went there and made an enquiry and did find some paddy and rice in the deceased's house. On enquiry I learn that this paddy was supplied by the neighbours after the death had happened and the rice was got out of the paddy. This has been given out as saying that there was sufficient rice.

and paddy in the house. Three or four days after the death, the Sarpanch came to me and told me that he reported the death of Yasin Ullah as due to starvation and he has been threatened by some Government officers that if he persisted in his report he would not any longer be retained as a Sarpanch and the people of his neighbourhood would get no help from the Government. This is the state of things. With these few words, I support the adjournment motion.

Babu NIRENDRA NATH DEV: The hon. mover has read out the statements made by different people on these cases. These facts were reported in "Janasakti" on 22nd October. It is now more than a month, but we have not got any contradiction from the Government as yet. The Editor of "Janasakti" in dealing with this subject gave us further information.

As regards the death of Yasin-Ulla, a statement was made by the Sarpanch of the circle, Maulavi Muhammad Gulab Ali Khan, who says—

“ ইয়াছিন উল্লাহ বিলিফ কমিটি হইতে কোন সাহায্য পায় নাই। ইয়াছিন উল্লাহ কোন জমি বা গরু বাড়ির নাই। সে তিফা করিয়া খাইত। মৃত্যুর সংবাদ পাইয়া আমি ইয়াছিন উল্লাহ বাড়ী গাই। সেখানে ইয়াছিন উল্লাহ জী তাহার স্বামী উপবাসে মারা গিয়াছে বলিয়া আমাকে জানায়। আমার নিকট ইয়াছিন উল্লাহ জী দরখাস্ত করিয়া ঐ কথা জানায়। এবং বাগিদ উল্লাহ, লিলজান বিবি ও সুরজজান বিবির সম্মুখে শপতপূর্বক ইয়াছিন উল্লাহ অনাহারে মারা গিয়াছে বলিয়া জবানবন্দী দেয়। ইয়াছিন উল্লাহ কলেরা বা অন্য কোনও রোগ হয় নাই।.....”

We had a statement from the Hon'ble the Prime Minister yesterday that the Hon'ble Minister, Local Self-Government himself went to the locality and made an inquiry, and his report is that the man died of cholera and a doctor gave a certificate to that effect. But here is a statement from the Sarpanch of the locality. He says—

“ ইয়াছিন উল্লাহ কলেরা বা অন্য কোনও রোগ হয় নাই। আমার সার্কেলে ৯ই আশ্বিনের পূর্বের কোন কলেরা হয় নাই। ”

The man died on 28th Bhadra, and what is most regrettable is that the Subdivisional Officer went to the locality after some days and tried to terrify the people as stated by my hon. colleague, Mr. Biswas. Yasin-Ulla made a statement and this statement has been published in the paper, and it is now more than a month that Government has not made any contradiction of the statement or Government has not thought it proper to proceed against the paper as yet. This is a very damaging statement against the Subdivisional Officer and I think Government ought to have taken serious notice of

this statement, Sir, the Sarpanch says—“ ইয়াছিন উল্লাহ মৃত্যু সম্পর্কে অনুমানিক ১১ দিন পর এস্, ডি, ও, সাহেব তদন্ত করিতে আসেন। তিনি আমাকে ইয়াছিন উল্লাহ জীর দ্বারা ইয়াছিন উল্লাহ ব্যারামে মারা গিয়াছে বলিয়া বলাইবার জন্য ডাকবাংলায় নিয়া অনুরোধ করেন। আরও বলেন যে ইয়াছিন উল্লাহ জী এই কথা বলিলে তাহাকে বেশী পরিমাণ চাউল দিবেন। তিনি আরও বলেন যে ইয়াছিনের জী যেন এই কথাও বলে যে হুমিকেশ বাবু ও আদম আলীর প্রলোভনেই সে তাহার স্বামী অনাহারে মরিয়াছে বলিয়া মিথ্যা বলিয়াছে। এস্, ডি, ও, সাহেব পরে আমার অনুরোধে

তদন্ত স্থানে যান। রাস্তায় তিনি আমাকে সেই বিষয় কি করিয়াছি বলিয়া প্রশ্ন করেন। আমি সেটা সময় সাপেক্ষে ও বিষয়টা খুব কঠিন বলিয়া বলি। এম্, ডি, ওর নিকট ইয়াছিনের শ্রী ইয়াছিন অনাহারে মারা গিয়াছে বলিয়া বলে। প্রতিবেশীরাও ইয়াছিনের শ্রীর সমর্পণ করে। এই তদন্তের পর দারোগা সাহেব আমাকে বলেন যে এম্, ডি, ও, সাহেব আমাকে ডিসমিস করিয়াছেন। কিন্তু নিষিদ্ধ ভাবে কোনও হুকুম পাই নাই।

It is a very serious allegation against a Government official and Government ought to have taken notice of this statement made by the Sarpanch. And it is quite clear that Government realised their responsibility in the matter and the Hon'ble Prime Minister was kind enough to send his colleague to the place. That shows the gravity of the situation. We are grateful to him for that. But the people of Sylhet are very much annoyed this time with the attitude of these local officers and there is a grievance all over the district and subdivisions that these local officials are not at all co-operating with the public nor do they give any attention to the grievances related before them by the representatives of the public.

Sir, as regards the relief, I have one suggestion to make to the Hon'ble Prime Minister. Of course he is doing his level best and we are all thankful to him for that. But it is extremely inadequate and the enormity of the situation can well be realised from these statements. I hope instead of being concerned over the prestige of the Government, he will have a humanitarian outlook in regard to this matter and try to be more generous. As regards the relief, my suggestion is this. These floods are visiting Surma Valley year after year. There were floods in 1913, 1915, 1916 and 1929 and then again in 1941, and these floods are doing great havoc to the people. They are diminishing the wealth of the district and impoverishing the people, and they are a drain on the public exchequer also. And it is high time that Government should go into the root of the matter and take up some remedial measures along with giving gratuitous and other relief to the people. The then Chief Engineer enquired into these floods in 1916 and there was a flood enquiry committee in 1929. That committee also made some recommendations about combating this havoc by floods. After 15 years, a Drainage and Embankment Department was opened last year, but up till now that Department has not been provided with sufficient funds to deal with this matter in a thorough manner.

Now as regards test relief work, my submission is that instead of taking up schemes in a haphazard manner whimsically by the Subdivisional Officers, the Government would do well to meet the representatives of the public in a conference and take up schemes that would really be preventive of floods and give some work to the people in the flood-affected areas. I understand, Sir, in some cases they have taken up schemes of road construction and excavation of ponds in areas far away from the flood-affected zones so that people in the flood affected areas do not get any benefit therefrom. But that is not the way the Government ought to go in these things.

There is a complaint also from the Agricultural Department officers that the Embankment and Drainage officers are not co-operating with them.

The Hon'ble the SPEAKER: I am afraid the hon. member is straying away from the point.

Babu NIRENDRA NATH DEV: It is a very serious matter, Sir. Of course I join whole-heartedly with the adjournment motion.

The Hon'ble the **SPEAKER**: That is the point you have to speak upon.

Babu NIRENDRA NATH DEV: Any way, my submission is that Government is solely responsible for these deaths, however much they may try to lay the blame on the shoulders of the people. In 1929 the people raised more than a lakh of rupees and gave relief to the flood stricken people. This time also people have done their best, but on account of the present economic condition it is not possible for the people to do more. And why should people agree to be doubly taxed in this way? It was the responsibility of the Government to save their lives from starvation. There is absolutely no doubt in our minds that there were some cases of deaths from starvation and Government has not done anything to save the people from this dangerous situation.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Speaker, Sir, my friend Maulavi Abdul Bari Chaudhury has impartially reviewed both the sides. We know that the Hon'ble Ministers visited the flood-affected areas and I also accompanied the Hon'ble Prime Minister in his tour and helped him to make a survey of the flood-affected areas. From the speech of Babu Ithibendra Chandra Biswas I come to know that the unfortunate Yasinulla of his village died. But it is a great regret that he being the representative of his constituency, could not find time to make an enquiry about the condition of Yasinulla. I refer to the death of unfortunate Yasinulla. May I know what help he did offer to the family of Yasinulla. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhury personally visited the house of Yasin. We also agree that more money should be spent for the relief of the poor. But I cannot agree with the hon. mover that the Government was unsympathetic to the lot of the poor people. So I ask the hon. mover to withdraw his motion.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I hesitate to talk about conditions in Sylhet for it is not my district, but there are one or two points which have arisen out of this debate so far, which I feel I must refer to. I will, however, confine my remarks to purely general criticisms and recommendations.

At the outset, Sir, I should like to say that I am sure my group sympathises whole-heartedly with the relatives of those who, as a result of flood distress, have gone elsewhere. There is one point, Sir, which I would like to make in extenuation, which is that in Mr. Mookerjee's references to the cases of death, I think I am right in saying that in no case cited was there indisputable evidence that in actual fact the deceased did die of starvation; and if they did, Sir, I cannot help remarking that their friends and neighbours might have done more about it than they apparently did. So much, Sir, for the general aspect of the case, but when we come down to examine what Government themselves have done we cannot but admit that their assistance amounting to Rs.2,80,000 for gratuities, Rs.8,05,000 for seed loans and Rs.1,17,500 on test relief work cannot be called slight. Those finances must of necessity be administered by the local officers and, if I may say so, Sir, I think, Mr. Mookerjee at the end of his speech was rather more inclined to indict the local officers than he was, in fact, the Government. But that is by the way.

Apart from this, my hon. friend Babu Nirendra Nath Dev takes the same view-point. My hon. friend Mr. Abdul Bari Chaudhury wants one lac of rupees for, what he calls, a cattle loan. I take this opportunity of pointing out that until we have some measure or institution in this province for the betterment of cattle, rather than proceeding along this ridiculous

line of letting bad cattle breed more bad cattle and until we have better arrangements for grazing the cattle no lac of rupees will improve the position. It will, in fact, make matters worse.

To sum up, Sir, I think it must be admitted that a very clear case has been made out for Government to take speedy steps to prevent the recurrence of these floods. Vast sums of money are spent every year in flood relief and immense distress is caused to people, cattle and crops and we from these benches maintain, Sir, those floods are to a very large extent preventable, and, we do urge upon Government to seriously consider the setting up of Irrigation and Afforestation Departments which will make these floods avertible.

And, finally, Sir, if I am allowed to refer once again to what always has been our contention from these benches—if you want to have more floods cut down more trees.

With these few words, Sir, I beg to oppose the motion of my friend Mr. Mookerjee.

Mr. ARUN KUMAR CHANDA: I feel, Sir, that I shall be failing in my duty if I did not lend my support to the motion moved by my hon. friend, Mr. Mookerjee, as I come from a district which has also been very heavily distressed by the floods. Most of my hon. friends who have just spoken on the motion seem to have strayed away from the scope of the motion because the motion merely intended to censure Government for their callousness and indifference in the matter of organising the relief for the people affected by the floods and nothing more nor nothing else. Mr. Abdul Bari Chaudhury and Mr. Blennerhassett have spoken on behalf of cattle; other members have among other things suggested the measures that should have been taken even for prevention of floods, not to talk of flood relief operations. But these are not matters with which we are concerned at the moment. The question is whether the Government did or did not fail in their duty in so far as it lay in their power to cope with the situation created by the floods during the months of May and August last eventually culminating in deaths of several persons from starvation. Sir, I claim some acquaintance with the nature of relief work going on at the instance of Government in both the districts; I was myself in charge of some of the relief operations in Cachar initiated by the Congress. I had also the opportunity of presiding over a conference of the workers who are actively participating in flood relief work. As a result of threefold experience, I make my bold to say that Government officers in charge of relief operations have bungled very sadly all through and that nothing in the way of even a proper survey has been made to find out the amount of distress caused by the floods or the amount of relief which would be necessary to meet the situation in affected areas. And what is the result? Although Government from time to time have sanctioned perhaps large sums of money, they were ill-spent because they were not properly spent. They did not reach those quarters where the need for relief was most acute. In Cachar, so far as I know, there has not been any death, from starvation. Well, there is no use now shedding tears for the persons who are said to have died of starvation. For, those who have died are in a way lucky to have escaped their sufferings through death. Sir, such deaths were perhaps inevitable; inevitable because we find that nothing was done by Government in the way of purifying the water-supply in the flood affected areas where the floods had contaminated it. I do not suppose that Government will be able to state that anything was done to achieve this end. As every one knows, one of the most urgent problems connected with the floods is the ensuring of pure

drinking water as soon as floods have receded. Government most sadly failed in discharging this most elementary duty in connection with flood-relief work. Government doubtless threw away some money in some areas, but unless water-supply could be purified after it had been contaminated by the on-rush of flood water the outbreak of diseases would be only natural, in the circumstances. We have also to bear in mind that there was not only dearth of food but also, lack of medical treatment. So, it may be very difficult for us to prove that X, Y or Z died of actual starvation for in all cases of death, illness in some shape or other intervenes. But I would like to submit, Sir, Government would surely be culpable if death and disease had been brought on, or had been hastened, by the indifference of Government in the matter of tackling one of the most elementary problems of flood relief. Flood or no flood, a person may normally also die of cholera, but it is equally true that when he has an empty stomach, he has no resistance left in him, he cannot resist the on-coming of any disease, and when any food goes into his stomach—unfortunately in most of the flood-affected areas poor people have to swallow unwholesome food—mostly he is naturally attacked with cholera or other diseases resulting from the disorder of bowels. If any deaths occurred in flood-affected areas among the people who were unfed or ill-fed, I suppose, we would be within our rights in holding Government responsible for what had happened because they did not adopt any preventive measures to avert such calamities. Of course, it is true, as my hon. friend, Mr. Blennerhassett has hinted at that the gravamen of Mr. Mookerjee's charge seems to be directed towards the local officials in charge of flood-relief work. Undoubtedly so. We cannot expect Sir Muhammad Saadulla or the Hon'ble Khan Bahadur sitting here to be able to be personally acquainted with what is actually being done by the officials on the spot. But our misfortune is, Government will accept nothing from us or trust unless we happen to be Government servants. This Rai Bahadur Satish Chandra Dutt, we have heard of, was once upon a time a Government Pleader, and I believe, in the past when he was a Government Pleader, he co-operated with Government and many momentous decisions must have been taken by Government on his advice. The same unfortunate old man, when he is no longer in the service of Government, is distrusted! When he sends up something to Government in the nature of a report, he is unceremoniously directed to render co-operation to the tribe of officials and his report is thrown into the waste paper basket. Sir, such is our lot! Unless one puts on the livery of a Government servant one must be treated with suspicion. Whenever one like us outside the charmed circle draws the attention of Government to any omissions or commissions on the part of the Government servants he is invariably asked to go to those very persons against whom he brings charges of callousness and negligence of duty! In our district we have an official who is undoubtedly very patriotic; he is very keen on collecting funds for the war—voluntary subscriptions he calls them—but we know the methods he employs for collecting those "voluntary subscriptions"! Month after month we have statistics to inform us how much has been collected from the district of Cachar for war purposes. But how about flood relief? How much was collected by this officer for flood work? Did Government ever enquire how much he had collected for this purpose in a district where he lived and worked and earned his bread? I say, Sir, Government obviously gave a long rope to those men, who worked out of their sight, to go on according to their whims and caprices undeterred by public clamour. They have their own methods of rendering what they consider to be their public duty. But I may tell the House that such discharge of duties is rarely in the public interest. And unless these whimsical

officials are sat upon from time to time and their bills are twisted from the top, well and hard, they will not be corrected. So, I submit, Sir, these deaths have occurred primarily, of course, due to the callousness and negligence of the officials on the spot, but Government deserve to be censured also because Government did not properly deal with these miscreants and by their callousness and indifference allowed them to go on in their own way with the result that such tragedies have occurred which could well have been averted.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:

Mr. Speaker, Sir, I must congratulate my hon. friend, the learned Deputy Leader of Congress Party, who just now said that the discussion on this adjournment motion has strayed from its main point. And to a certain extent my hon. friend kept to the straight point, but later on we had a desertion about the effect of different germs on the low vitality of stout people (*laughters*). We had a discussion as to how much a particular officer collected for war and how much for flood relief.

We must look at the wordings of the adjournment motion. Every one knows that by means of an adjournment motion, a Government is censured. I will place every relevant fact before the hon. members so that the House may judge for themselves whether Government deserve any censure at all.

We know very well that Mr. Mookerjee is a cosmopolitan in every way and he has, as usual, lavished praises where they are due, and at times had discredited others only for the simple reason that he was not in full possession of facts. In the present case he has taken upon himself, and naturally so, because he is the Secretary of the recently formed Flood Relief Committee of Sylhet and Cachar, the whole burden. Sir, the primary intention of this adjournment motion is to censure Government for their inability, as I read it, to prevent certain unfortunate deaths. My hon. friend has quoted *in extenso* from a particular paper and also from certain statements alleged to have been made by the families of the deceased. I think, Sir, he is correct there; but can he on that account censure the Government, either myself or my Hon'ble Colleague, the Revenue Minister? I was particularly pleased to hear from my hon. friend, Mr. Chanda, that he exonerated both myself as well as other members of the Cabinet that they would not be charged with any alleged negligence or callousness on the part of the local officers to prevent the deaths of these unfortunate people. Having the purse strings of Government in our hands we have opened them wide, as I will show a little bit later, for the relief of the people. I think Mr. Blennerhassett read in the peroration of my hon. friend Mr. Mookerjee that his indictment was principally against the local officers and not against Government, an interpretation which is shared by my hon. friend Mr. Chanda.

Mr. ARUN KUMAR CHANDA: You have taken a part of my statement.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, I will take a part of it; even for that, many thanks.

If this is so, can the matter be discussed in the way of a censure motion? Now what are the facts, Sir? As I mentioned yesterday, up till now, beyond what has been stated on the floor of the House, no hon. member, no Secretary or President of any Relief Committee mentioned to us the cases of those unfortunate people who are alleged to have died in the South Sylhet subdivision. I stated yesterday, and I have refreshed my memory from the files and have also consulted my Hon'ble Colleague, the Revenue Minister, that we had absolutely no knowledge till yesterday of the alleged deaths of these two people, *viz.*, Abdul Hekim and Bidur Dhooly, of Maulvibazar

subdivision. I have got facts and figures to place before the hon. members about the other two deaths, the blame for which has been laid at our doors. Sir, I am very glad to learn from my venerable friend Mr. Biswas that he hails from the village Baniachong, in the suburb of which, this poor man Yawn Ulla died. But did he even inform either the Government or the local officer about the condition of this man?

Mr. ARUN KUMAR CHANDA: On a point of information, Sir. This morning we found a long list of newspapers which are subscribed by Government. For whom are they subscribed if the Hon'ble Ministers do not read them?

The Hon'ble Maulavi Saliyd Sir MUHAMMAD SAADULLA: Sir, the first intimation about the death from alleged starvation of Bharat Chandra Das of Sukchar was brought to our notice on 29th August 1941. A telegram came straight from Srijut Girindra Nandan Chaudhury, the President of the Subdivisional Famine Relief Committee of Habiganj.

I must give credit to that gentleman that he sent four telegrams to draw our pertinent attention—one to me, one to my Hon'ble Colleague—the Revenue and Finance Minister, one to the Hon'ble Minister who hails from that subdivision and one to Military Secretary to His Excellency the Governor. All these telegrams were sent to the Revenue Department for immediate action on them. Sir, we sent a wire as well as an Express letter to the Deputy Commissioner, Sylhet, for taking necessary action. Although these telegrams were despatched on the 29th August, they were received by the Revenue Department on the 30th August. On the 2nd September we sent copy of the telegram to the Deputy Commissioner, Sylhet, for favour of a report at an early date. I am glad to find that the Deputy Commissioner took immediate action on it. The Subdivisional Officer, Habiganj, made an enquiry and submitted a report within four days from the date of receipt of our telegram. This report was sent to the Deputy Commissioner, Sylhet, and the Deputy Commissioner sent it to Government through the Commissioner. The letter of the Deputy Commissioner is dated the 5th September. So, Sir, it is apparent that the Subdivisional Officer, Habiganj, must have finished his enquiry at least on the 4th of September, if not earlier. I must say that this is very quick and creditable, because our telegram to the Deputy Commissioner, Sylhet, was sent from Shillong on the 2nd September. The report from the Deputy Commissioner, Sylhet, is as follows:—

"On 29th August 1941, a telegram was received from Babu Girindra Nandan Das Chowdhury, President, Subdivisional Famine Relief Committee, Habiganj, to the effect that there was a death from starvation of one Bharat Das of Sukchar under Habiganj Police Station and that there were more acute starving cases. The sender of the telegram Babu G.N. Das Chaudhury is the president of another Subdivisional Relief Committee formed at Habiganj by Rai Bahadur S. C. Dutta, who is the President of the Sylhet-Cachar Flood Relief Committee. The Subdivisional Officer reports that the committee was formed inspite of the protest from some quarters that there was already a committee with Subdivisional Officer as President.

The Subdivisional Officer, Habiganj, who was asked to enquire and report says that the deceased was aged about 80 years according to the statement of his son who is about 30 years old. The deceased, it transpired, died of fever on the 12th August last. The Chowkidar's Hatchita and the Thana Death Register corroborate this. The statements of the Assistant Panchayat who is a next door neighbour of the deceased and of the Bhit Chowkidar were also taken from which it appears that the deceased died of fever.

The family of the deceased was in distress and received doles before and after his death. The Sub-Deputy Collector who distributed doles in that area reported that neither Mohendra, the son of the deceased nor anyone else of the village Sukchar who attended the distribution centre after 12th August to receive doles said a single word to him about this alleged death from starvation. Babu Girindra Nandan Das Chowdhury who attended the meeting of the Subdivisional Relief Committee on 26th August did not also mention any thing of this death in the meeting or to the Subdivisional Officer.

The relief operation is being continued and the officers have been instructed to see that relief is given in deserving cases."

As I said, Sir, the death of this man occurred on the 12th August, and inspite of the survey as well as very vigilant conduct of the non-official relief committee, the President did not know of his death till a fortnight later. He telegraphed not only to the Deputy Commissioner, but also to the Hon'ble Ministers as well as to his own President Rai Bahadur S. C. Dutta—on the 29th August. That clearly shows, Sir, that it was not really a case of starvation, otherwise the people of the locality as well as the non-official Relief Committee would have come to know of it earlier than the 29th August.

So, Sir, I can not lay any blame upon anyone of the officers. Immediately after receipt of the telegram from Babu Girindra Nandan Das Chowdhury, Government took steps and asked the Deputy Commissioner, Sylhet, to have an enquiry made by the Subdivisional Officer, Habiganj, and to report to Government. They have taken every possible step that a human being can take. This does not show callousness or negligence on their part. They should rather be credited with a little bit of human feeling, as immediately after the matter was brought to their notice, they took all possible steps.

Now, we have been taken to task for not informing Rai Bahadur Satish Chandra Dutta what action was taken by us. But, Sir, we received the telegram from Babu Girindra Nandan Das Chowdhury, on the same day it was received by Rai Bahadur Satish Chandra Dutta, and we wrote a letter to Babu Girindra Nandan Das Chowdhury on the 16th of September. We informed him to the effect:—"To Babu Girindra Nandan Das Chowdhury, B. L., President, Habiganj Subdivisional Famine Relief Committee, Post Office Habiganj, Sylhet.

Letter No.4685-R., dated the 16th September 1941.

Your telegram dated the 29th August 1941 and letter dated the 30th August 1941.

Sir,

An enquiry was made by the Subdivisional Officer, Habiganj, and from the report it transpires that the deceased Bharat Das aged about 80 years died of fever on the 12th August last. The cause of death is authenticated both by the Bhit Chowkidar and the Assistant *Panchayat* who lived next door to the deceased. It is reported that the family of the deceased was in distress and received doles both before and after his death. So it appears that the report sent by you was incorrect. I am, therefore, to request you not to send such unauthenticated reports in future without proper verification."

Then, Sir, on the 10th September we received another telegram from the same gentleman reporting the death of Yachin Ulla. There was a mistake in the telegram as the man's name was mentioned as Inchanulla. The

telegram was to the effect—"Report death from starvation received Inchan-ulla of Jatrapasha Baniachong thana aaa Confirmed on enquiry aaa Extensive relief measure immediately necessary. Girindranandan Das Chowdhury President, Habiganj Famine Relief Committee."

On receipt of this telegram again I took immediate steps to have an enquiry, and this time after an enquiry, we got another report from the Subdivisional Officer.

We received telegram, as I mentioned, on the 10th and we sent it on to the Subdivisional Officer through the Deputy Commissioner and the Subdivisional Officer after prompt enquiry sent this report on the 15th September:

"With reference to your memorandum dated, the 10th September 1941, regarding the alleged death of Yasin Ullah of Jatrapasha by starvation, wired to you by Babu Girindra Nandan Das Choudhury, President, Famine Relief Committee, Habiganj, I beg to report that I held a personal enquiry into the matter on 14th September in the presence of Dewan Ali Raja, M. L. A., Vice-President of the Baniachong Flood Relief Committee, and several other members of that committee and found the allegation of death by starvation entirely false. The deceased Yasin Ullah (not Inchan Ullah) of Jatrapasha Circle No.7, Baniachong Police Station, was aged about 60 years and was a beggar by profession. He died on the 4th September at about mid-day. His wife says that on the previous day of his death, he with his two little sons, went to Nowagarh, a village about 4 miles off from his house, for begging, by himself plying his own boat and returned before dusk with some rice. His wife offered him food but he refused to take any food saying that he was not feeling well and went to bed and became restless. Water was poured on his head. He had several motions and died the following day. His brother-in-law Majid Ullah of Jatrapasha (present wife's elder brother) stated before us that the deceased died of choleric diarrhoea. One Hamid Ullah of Jatrapasha, brother of the *Sarpanch* of that circle also, stated before us that he heard from people that Yasin Ullah had died of disorder of bowels.

This Hamid Ullah further stated before us that the deceased had gone to his house on the 2nd September for begging and that he had given him food and alms. This is corroborated by the *sarpanch* also. If a man of 60 could go to a distant village by plying a boat and return in the evening it is absurd to believe that he would died of starvation on the following day. It is presumed that the deceased took some bad food at Nowagarh and suffered from indigestion and died in consequence thereof.

The deceased has a son aged about 28. He plies at *Goyna* boat at Mymensingh side and earns Rs.10 to Rs.20 a month. He has a young wife and a baby. Besides, the deceased has left a widow aged about 30 and 3 minor sons. All of them are robust and well fed. The wife and the daughter-in-law of the deceased, I could learn from their neighbours, earn about 12 annas a day by husking paddy. I entered their house and found about $1\frac{1}{2}$ maunds of rice and about a maund of paddy in two baskets. There was one wooden chest worth Rs. 5 in the house. We also found sufficient quantity of paddy husks in a Tyle (a big basket for storing paddy).

All these clearly indicated that the family was not in distress. The earnings of the two sons and the women are sufficient to maintain the family.

Not a single man of Jatrapasha says that the deceased died of starvation. A flood relief committee was formed in Baniachong with Babu Hara Krishna Moharatna, the richest man of Baniachong, if not of Habiganj, as

President and Dewan Ali Raja, with a few Vice-Presidents and a few of the *panches* and other minded men as members. Jatrapasha is a sub-village in Baniachong. The local Choukidars informed the village committee all cases of starvation to the Committee but no such case was reported. The President of the Relief Committee denies having been informed of any case of starvation at Jatrapasha, not to speak of death by starvation.

Sir, these are the two reports received from the Subdivisional Officer of Habiganj. From these it is apparent that Government as soon as they were apprised of, took all possible steps to ascertain facts, and in one case it has been reported that the Bharat Chandra Das's family was poor and was given doles from the relief centre started by Government both before the death of the man and after. In that case it was stated that the man was 80 years old and had fever at the time of death. Of course the statement is partially corroborated by what was read by Mr. Mookerjee, where it is said that this family had to live some times without food, some times half-starved and that this old man when he got fever for 4 days was unable to take any food. But it is rather stressing imagination too far to say that this man died of starvation. Sir, so far as these two specific cases are concerned, it must be admitted after the facts have been placed before this House that every reasonable member will accept that the Government was neither negligent nor callous.

Next, Sir, I may say that in the general relief measures this Government has gone even beyond what the previous Government had done and it will be apparent from the facts that immediately after the two floods early in May and June, I deputed some of my Hon'ble Colleagues to visit the localities to find out the extent of damages and start relief centres wherever necessary and also to take note of the fact that whether reliefs proposed by our local officers were adequate. In this connection, the Hon'ble Minister-in-charge himself, my Hon'ble Colleague Khan Bahadur Sayidur Rahman visited Silchar, Hailakandi, Karimganj, Maulvibazar and also part of the Sadar subdivision of Sylhet. Some hon. friend says this was a flying visit. But I may say that though it was a flying visit, whatever had to be seen and whatever measures were to be adopted, were seen and adopted. I also had a flying visit to parts of Karimganj and parts of South Sylhet. And then I went to Sunamganj. My Hon'ble Colleagues, the Minister of Agriculture and the Minister of Local Self-Government had been to Habiganj and Sunamganj. Now, in order to co-ordinate efforts of Government for rendering adequate relief and in a proper manner, my Hon'ble Colleague, the Revenue Minister held a conference of all the Subdivisional Officers and Relief Officers at Sylhet on the 4th July and he gave clear instructions as to how reliefs were to be given. On the report of these local officers, my Hon'ble Colleague, the Deputy Commissioners and other responsible Officers made a programme of work and they, according to knowledge or information they had at that time, decided that agricultural loans up to March 1942 should be given to the extent of Rs. 5,67,000 in the flood affected areas of the Sadar including Jaintia Parganas, Karimganj, South Sylhet, Habiganj and Sunamganj subdivisions and the gratuitous relief they proposed to give up to the same period, was Rs. 1,40,000. In spite of the fact that all Subdivisional and relief Officers were agreeable to this estimate, the Government, as soon as they came to learn from various sources, sometimes from the Subdivisional Officers themselves who could not judge initially the extent of the damage, and also from what we read in the papers and what we heard from the representative people of the flood affected areas, increased our agricultural loan from 5 lakhs to 8 lakhs 5 thousands or very nearly 40 per cent., gratuitous relief from 140,000 to 218,000 that means an

increase of about 11 per cent. and in addition we have spent 1 lakh, 17 thousands and 5 hundred rupees for test relief work. This will clearly show, Sir, that Government fully realised the extent of the misery in the flood affected areas and have not in any way stinted in the grant of relief as far as possible within the limited resources available to Government ; for every one knows that when a calamity like a flood comes, it strikes the public exchequer both ways. They cannot collect their usual income either from land revenue and from many other sources ; at the same time they have to draw upon their balances and spend money for test and gratuitous relief, agricultural loan in cash and seed loan. So, Sir, we have taken every possible step that any Government could take under the circumstances. In spite of the efforts taken by Government there may have been deaths here and there. I should not go so far as to say that these deaths occurred through negligence of local officers, as they had no information in proper time and as such do not deserve any censure. After all everybody is human. Every one knows that Baniyachong is a big village, probably the biggest village in India, if not in the world, with a population of 40 thousands souls. If Yasinulla who lived at Baniyachong died of starvation in spite of the fact that there were rich people there the richest men in the Habiganj subdivision, including our hon. friend Mr. Ali Raja who were themselves the President and Vice-President of the local Flood Relief Committee and they did not hear about this man,—I don't think we can blame the Subdivisional Officer, who lived at a distance of about 10 miles and where there were no communications except by country boats.

Sir, my friend who read from the *Janasakti* and Mr. Chanda, as will be evident from the question put by him, said that all these facts were brought to the notice of Government. Mr. Speaker, Sir, you put a very pertinent question whether the cases of these particular people were mentioned in the papers so as to draw the attention of the Government. To that there was no reply, because the cases of these persons who unfortunately died were published only sometime after the death occurred. And that was at a time, when no amount of relief from Saadulla or from Sayidur Rahman or Mr. Mookerjee could be of any avail to them.

Sir, Mr. Mookerjee in his usual style, heaped praise upon my hon. friend Mr. Whittaker for his contribution to the non-official Relief Committee. I congratulate my friends of the European group and Mr. Whittaker for showing this amount of humanity for the sake of Indian people of the Surma Valley. At the same time Mr. Mookerjee has fallen foul of my hon. friend Mr. Abdul Bari, the Chairman of the Local Board Sunamganj.....

Mr. BAIDYANATH MOOKERJEE: I include yourself also.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Well, you will get the reply. I have not given anything from my personal pocket directly to my hon. friend, Mr. Mookerjee for his Flood Relief Committee. I may say Sir, that for two days I have travelled with Mr. Abdul Bari through fields which were 20 feet under water and I have heard from different quarters how helpful Maulvi Abdul Bari had been not only with the public funds in the name of the Local Board but also from his private funds and he had helped his own constituency (*voices:—guided by self. interest*)..... Every body is guided by self-interest, but charity begins at home, we learnt this in our school days and nobody should criticise Maulavi Abdul Bari if his money went for the relief of the Sunamganj people.

One word more as regards the accusation against me. Mr. Mookerjee has been kind enough to admit that they had a legacy of three thousand rupees from the Flood Relief Fund of 1929. This sum of three thousand rupees did not immediately come into operation for relief. There need not

have been any new Committee formed, Sir, some of the old members are still there, they could have started their relief in March from a fund of three thousand immediately with Government relief measures that was started in June. But they waited for a long time and they now say that they spent half of their capital in making a survey. We hear criticisms that if there is some money in some benevolent budget, it goes to the salaries of the officers and not to the field of action. Here also we had that sort of 3,000, half of it has been spent on survey work, half of this money has gone in vain—why should I pay my money to such an organization? I should only say,—‘physician heal thyself’.

Khan Bahadur Maulavi KERAMAT ALI: I think the Government should be grateful to the hon. Mr. Mookerjee for bringing this motion because by doing so he has given an opportunity to the Government to explain their conduct with regard to what they have done for the distressed people in the flood affected areas and he has also given an opportunity to the members of this House to hear from the Government what steps they have taken to give relief to the flood stricken people at Sylhet. Sir, Mr. Mookerjee has indirectly admitted that he has not much personal knowledge. From the reports that he read in the papers he thought it his duty to bring this motion before the Government so that the Government may explain themselves and tell the world as to what they have been doing and also to contradict the statements that have been made in those newspapers. Sir, Mr. Mookerjee was quite correct when he stated that if the statements are true the Government should be condemned for not taking proper action at the proper time, but now that the Government have explained to him with facts and figures as to what they did, I think, Mr. Mookerjee is now convinced that the statements made in the paper are not true.

Mr. BAIDYANATH MOOKERJEE: Many contradictions I shall show in the Premier's speech.

Khan Bahadur Maulavi KERAMAT ALI: Sir, Mr. Mookerjee, if I remember aright, read a certain statement made by a certain widow before a *Sarpanch*. That widow belongs, perhaps, to Sunamganj (*Voices—No, Habiganj.*) I do not think Habiganj widows speak chaste Bengali as has been read by Mr. Mookerjee. This statement is not the verbatim statement made by the widow (*laughter*). It must have been the statement, I should say that the writer must have made some improvements upon the statement that was made by her (*laughter*).

Mr. BAIDYANATH MOOKERJEE: Sir, I wish the hon. member was a little more serious at least in view of his age. An old man has died of starvation and we have no reason to laugh as we are laughing now.

Khan Bahadur Maulavi KERAMAT ALI: I am very serious, Sir. If the House indulges in laughter, I am no more responsible than my hon. friend Mr. Mookerjee. I was saying that the statement was read out from a newspaper report. He is relying upon statements which are not real and which could not be real. Sir, he has himself admitted that on a comparison to the reliefs granted in previous floods the Government have this time been very liberal. After making that statement, I do not understand how the hon. member wants to condemn the Government. If to that statement we add the statement made by my hon. friend Babu Nirendra Nath Deb, who said that “Of course, the Hon'ble Premier has done his best. We are thankful to him”, can this Hon. House condemn the Government? We have the two statements made by the two hon. members of the Opposition admitting that the Government have done their best, I do not know how a censure motion comes in if the Government have done all that they could.

Sir, it has been said that liberal contributions have been made by Government. But to use Mr. Mookerjee's language, where is the heart to see that the money has been rightly spent? The heart is there although some officers may not have done their duty properly. To whom does Mr. Mookerjee expect that the money should have been sent? Was there any application from the Relief Committee for that money? Does the hon. Mr. Mookerjee mean that the money that was sent to the Deputy Commissioner was misappropriated or not rightly appropriated? And if that money was misused by some local officers should Government be condemned for it? Was any specific case put up before the Government? The Government is responsible to see that sufficient relief is sent for the flood stricken people. If the Government have done that and if some local officers have not properly spent it, I do not think that Government should be condemned. You may complain against the officers.

Sir, it is said that Yasin Ullah died of starvation. But the Hon'ble Minister, Local Self-Government, who visited the place and the Subdivisional Officer who also made a personal enquiry into the matter came to the conclusion that the unfortunate man died of choleric diarrhoea or bowel complaints. This man was treated by a doctor who said that the man died of choleric diarrhoea. The hon. Mr. Mookerjee cannot say that the doctor was influenced. He is not a Government doctor. It has been stated on the floor of this House by the Hon'ble Prime Minister that this doctor was not a Government doctor. He was a village doctor.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir, how much time will be allowed to the hon. member?

The Hon'ble the SPEAKER: The hon. member knows that the hon. member Khan Bahadur Keramat Ali has got a right to speak for fifteen minutes.

Khan Bahadur Maulavi KERAMAT ALI: As I was going to say, Sir, the doctor was a private doctor and not a Government doctor. That private doctor said that the man died of choleric diarrhoea and there was no reason why we should disbelieve that statement.

Mr. BAIDYANATH MOOKERJEE: The hon. member is misleading the House, Sir, because the Hon'ble Premier said that the brother of the man's second wife said that the man died of choleric diarrhoea.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I stated yesterday Sir, that there was a certificate from the private doctor.

The Hon'ble the SPEAKER: The hon. member Khan Bahadur was referring to the statement of the Hon'ble Premier made yesterday.

Khan Bahadur Maulavi KERAMAT ALI: We have heard Babu Nirendra Nath Deb said that it was stated in a certain paper that there was no cholera in that circle.

Babu NIRENDRA NATH DEB: That was before 9th. But the man died on the 18th.

Khan Bahadur Maulavi KERAMAT ALI: In this case, there was no cholera in a certain circle, therefore, no one could not have died of cholera, is an argument which should not be accepted as no logic would accept it.

I must thank the hon. member Batai N. Chandra Nath Deb for the very useful suggestions that he has given. And I am sure that the Government will give due consideration to the suggestions that have been made by him and also by the hon. member Mr. Chanda. Mr. Chanda complained that nothing had been done so as to improve the sanitary conditions in those areas where people had been suffering from dysentery, or where these fevers occurred. I do not know, Sir, whether the speaker of the local boards is within the jurisdiction of local boards or the municipalities. If he is, it is better for him to approach the local boards or the municipalities rather than to come and condemn the Government. Sir, one suggestion has been made by the hon. friend Mr. Chanda, that the task of the officers should be reduced. I am sure, the Hon'ble Ministers will take adequate steps against such officers who neglected their duties, but specific proof must be placed in the hands of the Government.

Sir, I put a pertinent question to the hon. member as to whether these deaths were in any zemindari area or not.

Adjournment

The Assembly was then adjourned till 11 a.m. on Thursday, the 4th December, 1941.

Dated Shillong,
The 3rd January, 1942.

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

APPENDIX M

Statement by the Hon'ble Speaker regarding procedure to be adopted for circulating Bills for eliciting public opinion thereon

Copies of opinions on the provisions of several legislative measures have been distributed to the hon. members this time. Hon. members must have seen that in the case of one of these Bills (The Assam Shop Assistants' Relief Bill) some of the opinions were received direct from the public.

The question as to what should be the correct procedure for inviting opinions on Bills and for selecting persons to whom Bills should be sent for opinions, has been engaging my consideration for some time. The existing procedure is that as soon as a motion for circulating a Bill for the purpose of eliciting opinion is adopted by the House, the administrative Department concerned is requested to select the persons, Bodies or Associations to whom such Bill should be circulated for opinion. No steps are taken to ascertain the opinion of the public at large. There were only two instances, [1. The Goalpara Tenancy (Amendment) Bill, 1941 and 2. The Sylhet Non-Agricultural Tenancy Bill, 1941], so far as I remember, when the Bills were published in the Gazette as desired by the administrative Department concerned inviting opinion of the public at large. In no other case the public at large was given any opportunity to ventilate their opinion on legislative measures. I think the existing procedure is faulty for the simple reason that when a motion that a Bill be circulated for eliciting public opinion thereon is adopted by the House, the public at large come to know of it from the Assembly proceedings published in the Gazette, but they cannot know how the opinions would be collected. The procedure as to how such opinions are to be collected is not also prescribed by any of the Assembly rules. Hon. members will remember that in September 1938, (*cf.* Page 129 of the Assembly proceedings of 6th September, 1938) I suggested a certain procedure on the floor of the House but that also has not been acted upon. The result was that we have been depending upon the old procedure of asking the administrative Department concerned to select persons, Bodies or Associations for obtaining public opinion on a Bill, either Government or private. The one disadvantage of such a procedure, is that while the public at large can come to know that opinions on a Bill are to be collected by the Assembly Department, they cannot know that we collect the opinions through some agencies selected by Government and that all opinions must come through such agencies.

In order to meet the difficulties that have arisen already and other difficulties that are likely to arise in future, I suggest

the following procedure for the consideration of Government and other members of this Hon. House.

I. In the case of a private members' Bill it may be circulated—(1) to such persons, Bodies or Associations as may be selected (i) by the Government Department concerned as at present and (ii) also by the member-in-charge of the Bill. (2) The opinion of the public at large may also be invited by the Assembly Department by a notification in the Gazette, as in Bengal, publishing the Bill in the same Gazette under Assembly rule 54. It should be made clear in the notification that such opinions should be sent through such and such Government officers who would be given full discretion to forward only such opinions as are found to be of representative character and worthy of consideration and that opinions received direct would not be taken into account. I would like to know, however, whether the House would agree to the question of giving full discretion to the selected Government agencies to discriminate between opinions and opinions as suggested. I may state here for the information of the House that in the Central Assembly opinions on Bills are obtained through the agencies of the Provincial Governments and not direct. It is desirable that opinions on Bills from the public at large should come through selected agencies and not direct; but whether such agencies should be given the discretion to decide which opinions are of representative character and worthy of consideration and which are not, is a matter for the House to decide. At the same time I would invite the attention of the House to the fact that it will be a hopeless task for all concerned if it is decided to take into consideration and print any and every opinion that is received from the public at large. There should be some check, I think.

II. Now in the case of a Government Bill—

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

ASSAM LEGISLATIVE ASSEMBLY
GOVERNMENT OF ASSAM
GOVERNOR OF ASSAM

His Excellency Sir ROBERT NIEL REID, K.C.S.I., K.C.I.E., I.C.S.

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