

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 A.M., on Monday, the 17th March 1941

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the nine Hon'ble Ministers and fifty members.

OATH OF ALLEGIANCE

The following new member was sworn in—

1. Dr. C. G. Terrell.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

New posts created during the regime of the present Ministry

Maulavi MABARAK ALI asked :

- *60. Will Government be pleased to state—
- (a) What are the new posts that have been created since the present Ministry came back to power ?
 - (b) The present and deferred financial liabilities on this account ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

60.—The information is being collected, but it will require some time to collect complete information.

Communication grant to the Habiganj Local Board

Maulavi ABDUR RAHMAN asked :

- *61. Will Government be pleased to state—
- (a) If the Habiganj Local Board approached Government recently by a resolution to make an additional grant of Rs. 3,500 for Umednagar-Bithangal and Nabiganj-Inatganj-Mustafapur road?
 - (b) Whether it is a fact that the communication grant to the Habiganj Local Board has been reduced to one-third of the previous grant ?
 - (c) Whether it is a fact that mileages of roads under this Board have been increased ?

- (d) Whether it is a fact that the motorable roads of the Habiganj subdivision have been almost doubled during the later part of the year?
- (e) The mileage of roads maintained by the Public Works Department in the Habiganj subdivision and that of the gravelled roads included therein?
- (f) Whether it is a fact that Government earmarked an amount of Rs. 3,500 towards the improvement of Umednagar-Bithangal and Nabiganj-Inatganj-Mustafapur road, out of the communication grant of Rs. 13,000?
- (g) Whether Government propose to make adequate provision for communication grant to the Habiganj Local Board?
- (h) Whether it is a fact that the said Board made representation to Government for special grant for improvement of certain roads and bridges?
- (i) Whether Government propose to grant adequate amount as loan to the Habiganj Local Board for improvement of communication and repayable in easy long terms on moderate interest?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

61. (a) —The reply is in the affirmative.

(b) —It is not clear which particular previous year's grant the hon. member has in mind and Government find it difficult to give a categorical reply. The grant during the last ten years appears to have varied between Rs. 17,950 and Rs. 11,638.

(c) —The total length of roads of all kinds do not appear to have been increased appreciably during the five years beginning with 1935-36 and ending with 1939-40.

(d) —Government have not got the latest figures but it appears that there has been a considerable increase in the total length of these roads during the period referred to in question 61(c).

(e) —Total mileage of roads in the Habiganj subdivision maintained by the Public Works Department is 20.03 miles of which mileage of gravelled roads is 5.26 miles.

(f) —Yes.

(g) —The suggestion will be considered if and when funds become available for the purpose and along with similar demands from other Boards.

(h) —Yes.

(i) —No such proposal has been put up before Government by the Board.

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister, if the Board approaches Government with a prayer, to grant them some loan, will Government be prepared to grant it?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: When they will come up before Government with their proposal, Government will consider.

Maulavi ABDUR RAHMAN: Is it not a fact that the roads in Habiganj subdivision are worse in comparison with other subdivisions of the district?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Government have no such information.

Maulavi ABDUR RAHMAN: Is it not a fact, Sir, that the lower part of the subdivision is absolutely in want of good road communication?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Yes. in the submerged area of the subdivision, most of the roads go under water during the rainy season and their condition is bad.

December and January Sessions of the Assam Legislative Council

Mr. BAIDYANATH MOOKERJEE asked :

*62. Will Government be pleased to state—

- (a) The exact number of days on which the Assam Legislative Council sat during the last Session (both December and January last) ?
- (b) The amount of expenses incurred in connection with the said sittings of the Assam Legislative Council ?
- (c) Why it was necessary to hold the last Session of the Council in two parts—once in December and again in January ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

62. (a)—8 days :—29th, 30th November, 2nd December 1940, 7th, 8th and 14th—16th January 1941.

(b)—Rs.5,624-14-0.

(c)—The main cause was in order to give Members of the Council time to study the Bills which were to be the subject of the adjourned Session. Only a few days had elapsed between the proroguing of the Session of the Assembly at which these Bills were passed, and this meeting of the Council. For this reason, and also because several of the Bills were complicated and contentious, the Hon'ble the President was not prepared to relax the Rule (Rule 101, Council Rules) which lays down that not less than seven days are to elapse between notice of intention to move the consideration and the moving for consideration. The Session was therefore adjourned on December 2nd, and the date in January fixed as it suited the convenience of the majority of the Members.

(Starred question No.63 standing in the name of Maulavi Abdul Bari Chaudhury was not put and answered as the questioner was absent.)

Fruit-growing in Assam

Maulavi MUHAMMAD AMJAD ALI asked :

*64. Will Government be pleased to state what steps Government have taken—

- (i) To establish or to encourage fruit growing in Assam as an industry ?
- (ii) For preservation, canning and marketing of such fruits as oranges and pineapples ?
- (iii) For preparation of jam, jelly and pickle from fruits such as guava, plums and black-berries ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA replied :

64. (i)—Government have established a Fruit Experiment Station at Shillong from which grafts of improved varieties of peach, plum, apples and pears, etc., are issued to the public. A Citrus Fruit Research Station at Burnihat has recently been started.

(ii)—A scheme for canning and preserving of oranges and pine-apples is under the consideration of Government. The Marketing staff is taking action to get better market for Assam oranges and pineapples in Bengal (Calcutta).

(iii)—This is being carried on in the Government Fruit Experiment Station at Shillong.

Maulavi MUHAMMAD AMJAD ALI: Sir, when was the fruit garden established at Shillong?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: It was established in the year 1912.

Maulavi MUHAMMAD AMJAD ALI: May I know what steps have been taken by the present Government to improve the fruit garden at Shillong?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: They are doing various experimental works in the garden.

Maulavi MUHAMMAD AMJAD ALI: It may be indicated, Sir, in what line the improvement is sought to be made?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: I can tell what works are being done there. They are as follows:—

- (i) Collection of fruits, flowers, etc., and also seedlings of various indigenous citrus available in the province.
- (ii) Noting down the botanical characters of fruits, flowers, etc., and preserving them as herbarium samples for future reference.
- (iii) Planting of four seedlings of different varieties in variety block for identification and classification.
- (iv) Budding on all the varieties of stocks raised in the station and planting three budded plants of each variety for observation.
- (v) Budding on five different root-stocks collected for the indigenous stock: trial experiment will be carried out.
- (vi) Budding on five different root-stocks for the Co-operative stock: trial experiment will be taken up.
- (vii) Yield of individual trees will be recorded (Manurial block).
- (viii) Planting will be done if uniform seedlings of requisite height are available.
- (ix) Yield of individual trees will be recorded. Cultural experiment "care versus no care".
- (x) Observation on insect pests and diseases will continue.
- (xi) To start work in packing and picking in co-operation with marketing section will begin.

Maulavi MUHAMMAD AMJAD ALI: Sir, with regard to question No. 64(ii), may I know when was the Marketing Officer stationed at Calcutta for this purpose?

The Hon'ble Dr. MAHENDRA NATH SAIKIA : I cannot tell the date exactly, but I can say this much that when the scheme was first started the Marketing Officer was posted at Calcutta for sometime but after that his presence there was no longer considered necessary, and the work is being carried on by some other agent in his place.

Maulavi MUHAMMAD AMJAD ALI : Can the Hon'ble Minister give us an idea how long he worked at Calcutta ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA : I require notice of that question, Sir.

Maulavi MUHAMMAD AMJAD ALI : I have not followed the original reply to question No. 64(iii).

The Hon'ble Dr. MAHENDRA NATH SAIKIA : The reply is—“This is being carried on in the Government Fruit Experiment Station at Shillong”.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Condition of the villagers in the Bijni Pargannah

Kumar AJIT NARAYAN DEV asked :

75. Are Government aware that the condition of the villagers of Abadi, Takabari, Jhaubari, etc., in the Bijni Pargannah in the district of Goalpara is very precarious on account of the constant floods in the locality ?

76. Are Government aware that the Bijni Court of Wards is being compelled to give remission of rents every year on account of the miserable condition of its *rai-yots* ?

77. (a) Is it a fact that the Executive Engineer in charge of the Drainage and Embankment Division visited the localities mentioned in question No.75 above last year as well as this year ?

(b) If so, do Government propose to take any step to save the *rai-yot* of those villages from their calamity ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

75.—Government are aware that the areas in question suffer from flood.

76.—Government have no information if rent is remitted in the locality in question every year.

77. (a)—Yes.

(b)—The matter is under consideration of Government. The report of the Engineer has only just been received.

Approved text-books for Assam Valley

Mr. NABA KUMAR DUTTA asked :

78. Will Government be pleased to state—

(a) The names of books on Mathematics which are translations of Bengalee books approved as text-books for Assam Valley ?

(b) The names of original books on this subject written by Assamese authors and approved by the Text-Book Committee ?

79. Are Government aware of the undesirability of introducing translations of Bengalee books where original Assamese books are available ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

78. (a)—The information is furnished below :—

Names of Books and Authors			Class
1. Patiganit, Parts I and II—J. C. Chakravarty	...	and	B, I.
		H. N. Dutta Barua	...
2. Patiganit—	Ditto	...	II, III.
3. Patiganit—	Ditto	...	IV & VI.
4. Bijganit Prabeshika—University book—translated by			VII, VIII.
	B. K. Barua and B. C. Barua.		VII & VIII.
5. Sahaj Bijganit—K. P. Basu—translated by			VII & VIII.
	Maulavi Diyanuddin Ahmed		
	and B. C. Mukherjee.		
6. Jyamity Parichay—Hall, Stevens and Sen—			VII & VIII.
	translated by P. N. Bujarbarua.		
7. Prabeshika Jyamity—J. C. Chakravarty—translated			VII & VIII.
	by H. N. Dutta Barua.		

78. (b)—The information is furnished below :—

Name of Book		Name of Author
1. Akanar Ganit	...	Haramohan Das.
2. Sachitra Adarsha Patiganit (Parts I, II, III).		Dandiram Dutta.
3. Patiganit—Parts I-II	...	Chandranath Datta Phukan.
4. Saral Sishu Patiganit—Parts I-II	...	Padmaram Nath.
5. Sishu Ganit—Part I	...	Saifuddin Ahmed.

Name of Book	Name of Author
6. Patiganit—Parts I, II	An Experienced teacher.
7. Parasalir Assamiya Patiganit (Parts I, II).	N. C. Sabhapandit and another.
8. Ujuganit	Santiram Das.
9. Sahaj Ganit—Parts I, II, III ...	Saifuddin Ahmed.
10. Na Patiganit—Parts I, II, III ...	Santiram Das.
11. Assamiya Patiganit—Part II ...	Late Madhabram Das.
12. Sachitra Saral Patiganit—Part II ...	Late Sudhiram Kakati.
13. Saral Bijganit	H. K. Bhattacharya.
14. Sahaj Bybaharik Jyamity—Parts I-II	Saifuddin Ahmed.
15. Bybaharik Jyamity	P. N. Bujarbarua.
16. Natun Jyamity	Ditto.
17. Saral Jyamity—Parts I, II, III ...	D. Neog.
18. Jyamity Prabeshika—Parts I-II ...	Saifuddin Ahmed.
19. Prabeshika Jyamity	C. K. Das and D. N. Roy Chaudhury.
20. Jyamity Prabesh	Radha Kanta Das and S. Das.
21. Prathamik Parimity Parts I, II ...	Bhabendra Ch. Nath.
22. Parimity Sopan—Part I	Lakshmiram Nath.
23. Saral Parimity	G. K. Barpujari.
24. Saral Parimity	P. N. Bujarbarua.
25. Parimity Prabesh	Dhaniram Dutta.
26. Natun Parimity	Dandiram Dutta.
27. Saral Khetra Jyamity	Bharat Chandra Das.

79:—Yes, if the original Assamese books are at least as good as the translations of Bengalee books.

Representation of Scheduled castes in the Agriculture Department

Babu BALARAM SIRCAR asked :

80. Will Government be pleased to state how many officers in different cadres have been recruited from the scheduled castes of Surma Valley in the Agriculture Department during the last 3 years ? (The figures to be shown district by district.)

The Hon'ble Maulavi MUNAWWAR ALI replied :

80.—It is not clearly understood what the hon. member means by officers, if he means officers of higher rank then one temporary Agricultural Inspector belonging to the district of Sylhet.

Low price of jute

Maulana ABDUL HAMID KHAN asked :

81. Will Government be pleased to state—

(a) Whether they are aware that the price of jute has fallen considerably and there has been great hardship on account of this to the cultivators ?

(b) Whether they are aware of the relief being given to the cultivators in the neighbouring province of Bengal to remove this hardship ?

(c) If so, do Government propose to consider the desirability of encouraging the cultivators in jute growing areas to take up the cultivation of alternate crops such as sugarcane ?

(d) Whether Government propose to instruct Subordinate Agricultural Officers to take up the demonstration of sugarcane cultivation through the cultivators on an experimental basis to find out the kind of sugarcane suitable for cultivation in each locality in the Dhubri South Bank ?

82. Will Government be pleased to state—

(a) Whether they are aware that the Government of Bengal is trying by various means to raise the price of jute ?

(b) If so, whether the Government of Assam propose to adopt any such means to bring relief to the cultivators of jute in this province ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

81. (a)—Yes, some hardship has been caused to the cultivators due to a considerable fall in the price.

(b)—Government are not aware of any relief having been given.

(c)—This has always been the policy of this Government.

(d)—This will be duly considered.

Maulavi ABDUR RAHMAN: With regard to question No. 81 (d), it is said 'this will be duly considered'. May I know from the Hon'ble Minister whether they have taken up any scheme for the purpose ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: The experiment of sugarcane cultivation is being taken up in some selected areas.

Maulavi MUHAMMAD AMJAD ALI: With regard to question No. 81 (b), is it a fact that the Assam Government has dissociated itself from the jute restriction scheme of Bengal ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: No, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Will the hon. member please repeat the question ?

Maulavi MUHAMMAD AMJAD ALI: Is it a fact that the Government has dissociated itself from the jute restriction scheme of Bengal ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, it is not correct. The position is of vital importance to Assam and I shall deal with it with your permission. Sir, Bengal Government requested Assam to observe the same restriction policy as they want to follow in Bengal. The idea in Bengal is to restrict jute cultivation to one-third of the areas that was planted last year. Bengal has got jute on about 22 lakhs acres of land whereas Assam has got on about 2 lakhs acres only. If we restrict to one-third, Assam will have a very low acreage under cultivation. As hon. members know that the provinces producing

jute get a refund of the jute export duty which at the present moment is near about Rs. 12 lakhs for Assam, a sudden drop in the acreage of cultivation will adversely affect our finances. Moreover, in Bengal there is hardly any more land which can be cultivated with jute, whereas in Assam we have got about 28 per cent. of the total area still available for settlement and which may be suitable for cultivation with jute. The Assam Government, therefore, in the conference at Calcutta between the Bengal Government and the Assam Government at which I represented Assam, laid down this condition that we may accept their restriction policy so far as the present acreage is concerned, but as Bengal wanted to stop extension of the jute areas for another 10 years and as we have a development scheme for settlement of land that is waiting to be settled with, it will have a severe set-back. Therefore, we replied to Bengal that we are agreed to accept their terms so far as the present acreage is concerned but we cannot mortgage the future generation by agreeing not to have more jute cultivation in the new areas. We are still under correspondence with Bengal.

Maulavi MUHAMMAD AMJAD ALI: May we have some idea from the Government how they want to tackle this problem?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Assam Government have accepted the proposal of Bengal Government for voluntary restriction of jute. Beyond that we have not got anything else.

Maulavi ABDUR RAHMAN: May I know whether Bengal Government offered any financial help to the Assam Government in the matter of jute restriction scheme?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, Bengal did not offer any financial help to Assam, but they are prepared to lend to the Assam Government a sum of Rs. 4 lakhs without any interest to be repaid in 10 years for an actual field to field survey of the areas under jute.

Maulavi MUHAMMAD AMJAD ALI: May I know, what is the contribution of the Marketing Officer towards this?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: One jute grading centre at Haibargaon in the Nowgong district is going to be organised with a view to see what benefit can be given to the jute cultivators by the process of grading.

Maulavi MUHAMMAD AMJAD ALI: What about the control of prices?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Control of prices by restricting jute cultivation is a matter which is being seriously considered by the Bengal Government and we shall follow the course to be adopted by the Bengal Government if it is found beneficial to the people and practicable.

Mr. A. WHITTAKER: May I ask the Hon'ble Minister to make clear what is the actual policy of the Assam Government in this respect? Have they got any other policy beyond following the restriction and price control policy adopted by the Bengal Government?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: We shall try to adopt the measures that are adopted by the Bengal Government, provided they are practicable.

Mr. A. WHITTAKER: That is quite a different statement. The first statement made by the Hon'ble Minister is that this Government will follow the Bengal example and the next statement is that this Government will take into consideration the findings of the Bengal Government and then examine them. It is rather important that this question of crop restriction

in the two provinces receives careful consideration. The two statements are, I think, conflicting. I, therefore, ask which is the correct statement?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: The statement which I have made is quite clear that we shall try to follow the policy that is adopted with regard to jute restriction in Bengal. Probably hon. members might have seen one publication in the *Amritabazar Patrika* that there was a great protest against this jute restriction scheme proposed to be adopted by the Bengal Government by a piece of legislation, and the opinion of the general public, as we could gather from the article, was very much against this measure and which they wanted to be postponed on the ground that there should be fixity of price of jute from the field of production to the Mills where they are utilised, and also that the question of granting full remission of land revenue in areas where no other crop other than jute can be grown should be solved. As such it is a very complicated matter.

Maulavi MUHAMMAD AMJAD ALI: In view of the statement just made, is Government prepared to revise the answer given in question No. 81(b)?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, it is a very important question and therefore I will take the charge of this question for answer. A very important question has been raised by my hon. friends Mr. Whittaker as well as Maulavi Amjad Ali. Sir, I shall take up the question of Maulavi Amjad Ali first. His Supplementary is on question No. 81(b). The question of Maulana Abdul Hamid Khan runs thus:—

“ 81. (b) Whether they are aware of the relief being given to the cultivators in the neighbouring province of Bengal to remove this hardship? ”

In reply it is stated that “ Government are not aware of any relief having been given. ” Probably there is some misunderstanding or confusion in the minds of some of my hon. friends. So far this Government is aware, Bengal Government has not granted any direct relief to the cultivators but it is perfectly correct that Bengal Government has been trying their level best to stay the further recession in jute price and for this purpose their original idea was to buy the jute of the cultivators and stock themselves but as the quantity of jute produced is enormous—it is nearly about five crores of maunds—such a course is beyond the financial competence of Bengal Government. Therefore, they had a settlement, a gentleman's agreement with the Mill owners that the mills will take a certain portion of the jute at a minimum fixed price. Thereafter, the Bengal Government requested the help of the Central Government by way of monetary loan so that they may buy the surplus crops that will be still in the hands of the cultivators. So far as is known to the Assam Government, the Government of India has not yet been able to lend the funds that Bengal Government requested. Therefore, the position remained where it was excepting that the mills have taken up a certain quantity or certain percentage of the jute produced.

Sir, as regards Mr. Whittaker's question, if I remember aright, my Hon'ble Colleague Dr. Saikia mentioned that Assam will try to follow the principles adopted by Bengal so far as that is practicable and beneficial to the people. He mentioned the word ‘beneficial’ as a qualification to his statement. But I can say, it is beyond the competence of the Assam Government to buy the jute that is produced in Assam. And as the market is situated in Calcutta, by the time we hear of any rise in price or by the time the Assam crop may be placed in the Calcutta market, the market may fall. Therefore, it will be impossible for Assam Government to follow Bengal in that respect.

Mr. A. WHITTAKER: In view of the statement, I am quite satisfied that the Assam Government has got an escape clause for their protection.

The Hon'ble Maulavi MUNAWWAR ALI replied:

82. (a)—Assam Government are aware that Bengal Government are trying to raise the price of jute by reducing the area under cultivation.

(b)—The question is under consideration of the Government.

GOVERNMENT MOTION TO CARRY OUT AIR RAID PRECAUTION MEASURES IN ASSAM

The Hon'ble the SPEAKER: Order, order. The motion* regarding the allotment of money for Air Raid Precaution Measures to be taken up now. Does any hon. member want to speak on the subject?

Rev. J. J. M. NICHOLS-ROY: Mr. Speaker, Sir. I want to speak just a few words. Sir, I understand that this money will be used for the sake of some kind of protection, I don't know what it is, it may be for the sake of protecting Shillong during air-raids. Is that the idea, Sir? Before I speak, I would like to know whether this amount will be spent for the sake of protecting Shillong?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Not merely Shillong, Sir, I mentioned Tinsukia and Digboi also.

Rev. J. J. M. NICHOLS-ROY: Sir, we are very much surprised to see that the amount provided is very small. As far as Shillong is concerned, I understand, the Government has asked the Municipal Board to do something to protect Shillong from incendiary bombs that may come over the town and if the Municipal Board will not be prepared to do so, the Government will take action under the Defence of India Act. If that be the case, Sir, I think the Government of Assam will have to give a large amount of money to the Municipal Board, otherwise, they will not be able to undertake that. Here we have no preparation at all. I do not know whether any preparation has been made by Government or by the Military. With regard to Shillong, if there is any air raid, people will have to run to jungle and try to save themselves. Surely, for protecting the town of Shillong fire extinguishers will be necessary and this will require a large amount of money. I do not know what the Government is going to do with this 5,000 rupees. Perhaps the Central Government will give some money to the Assam Government. If that be the case, we have no objection to the amount but we want to see that there is better provision for the town of Shillong. If there is any attack in Assam, surely Digboi and Shillong will be attacked. We want to see preparation made to save the lives of the people if there be air-raids.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, in this connection may I be permitted to point out that our information is that Shillong Municipality has no fire appliances of any kind at their disposal? Now it is an accepted principle that fire appliances are a civic amenity which should be enjoyed by the tax-payers of a town or a municipality, whatsoever it may be, and I think, Sir, that the issue here should not be confused between an ordinary civic responsibility and Government responsibility. The fire appliances for extinguishing ordinary fire should be definitely within the charge of the municipality concerned, and I submit Sir, that the charge, which is now before the House for consideration is one of Government concern for it has regard to special amenities concerning enemy attack.

* That this House is of opinion that the Government of Assam do take necessary steps to carry out air raid precaution measures where considered necessary and to expend a sum not exceeding Rs.5,000 in advance of the sanction of the Government of India.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
 Mr. Speaker, Sir, I am very glad to know that the hon. members fully appreciate the potential danger on account of certain developments in the Far-East and all the hon. members who have spoken on this motion of mine have pointed out their fear that the sum may prove inadequate. I believe, Sir, if I explain the situation, they will be in a better position to realise what we are aiming at. Mr. Whittaker remarked the other day that any of the precautions taken or instructions issued should be uniform throughout the different parts of the country. He also asked that instructions should be marked by simplicity and clarity so that our masses may follow them quickly. Sir, the scheme which has been prepared for Assam has been sent to the Government of India for their approval. As it is under correspondence, I cannot speak in detail on the subject but I think, I will be betraying no official secret when I say that our scheme takes cognizance of the following requirements :—

Warning system and control organisation.

Lighting restrictions.

Co-operation with defence services.

Fire fighting arrangements and precaution against incendiary bombs.

Control of the civil population.

First aid and medical arrangements.

Maintenance of vital services.

Sir, expenditure will be required according to the circumstances of each of these items. The first item is the intelligence system, *i.e.*, installation of telephones. As it is the duty of the Defence Department to be apprised in the first instance of the presence of enemy air craft, we hope that the Government of India will bear the expenses of such installation.

As regards the equipments, *viz.*, steel helmets, gas masks, respirators etc., we have been informed that Central India will provide helmets, respirators and stirrup pumps for the schemes which they approve. We hope, Sir, like my hon. friend Mr. Blennerhassett, that our municipalities will be roused to appreciation of their own responsibility and provide the fire fighting equipment, such as fire engine. I am told, Sir, that it will be impossible to get a fire engine in India at the present moment. We have been in correspondence with the military authorities and they recommend a certain chemical fire fighting apparatus which can be had at a minimum cost of Rs.4,000. So far as Shillong is concerned, Government have requested the Municipality to provide one such fire fighting apparatus, whereas the Military are willing to contribute their quota as they have got a cantonment within the town of Shillong. With two such fire fighting apparatus, probably Shillong will be able to meet, for the present at least, any incendiary bomb attempt on the part of the enemy.

Now, for the personal equipments of wardens, *viz.*, torches, whistles etc., we shall have to pay. As regards the shelters, we propose, Sir, as I have already mentioned the other day, to utilise both the help of the Military, and at Digboi, the help of the Oil Company, in providing free sites as can be had without any compensation. But it may be that in Shillong Government shall have to acquire some land for preparing shelters. Here also we are informed that the Government of India will pay for the scheme of shelters which they approve. The scheme has not yet been worked out in detail, but in all cases we cannot wait for final approval before starting the digging of trenches.

Then, Sir, as regards the medical equipments, i.e., ambulance, stock of medicines, a squad for nursing, stretcher-bearers, and so forth, we propose to tap every volunteer organisation that we have in these places, and we are confident that if public opinion is aroused, there will be no difficulty in finding squads of such voluntary workers for different purposes. We will require a squad for fire fighting, a squad for ambulance work and medical aid and a squad for demolition work, etc. To arouse public opinion, I have appealed to the public to come to a meeting which will be held on Wednesday next at 4 o'clock in the Cricket Ground, and which will be presided over by His Excellency and addressed by the Brigadier Commanding at Shillong and also by other gentlemen, where speeches in different languages spoken in Shillong will be delivered pointing out the danger. I request every hon. member to go and hear what the Brigadier has got to say, so that they in their turn will be able to apprise their respective localities. In case, God forbid, their localities are exposed to this danger of air attack, they will be able to give their knowledge to practical purposes. I think, the Deputy Commissioner has issued letters to each hon. member (*Voices:—No*). Very well, I will ask the Deputy Commissioner to issue letters to each hon. member.

Now, Sir, as regards lighting restrictions, in all these three places we have got electric installations and therefore with the co-operation of the Railway at Tinsukia and of the Company at Digboi, we may be able to restrict the lighting in such a way as to carry out a blackout which is an essential necessity in cases of air raid. For carrying on with the essential services, probably, something by way of shades will be necessary. For all these purposes, Government may have to spend some amount.

Now, Sir, I hope I have placed sufficient materials before the hon. members to come to the conclusion that to make a start, the sum of Rs. 5,000, which the Assam Government want, will be sufficient, because the main expenditure being the fire fighting apparatus, which the Government have asked the Shillong Municipality to provide and the Government contribute their quota and which the Oil Company at Digboi probably possesses and if not they will now provide, the main item of expenditure will be gone. We want voluntary workers whom we shall have to give some personal equipments, such as torches, whistles, etc. We shall also have to provide some ambulance although the Military possess ambulance here. We may require some stock of first aid medicines too. For all these purposes, we believe that the sum which we have asked this House to vote will be quite sufficient to begin the work.

As I mentioned, Sir, the other day, for the present there is an actual working scheme for Digboi and Tinsukia and only a paper scheme for Shillong, but here also an actual scheme is necessary. As Digboi and Tinsukia are situated in the Dibrugarh subdivision of the Lakhimpur District, probably the whole of Dibrugarh subdivision may require some kind of scheme. If that is required later on, probably, we will have to ask the House to vote a further supply.

The Hon'ble the SPEAKER: The question is :

"That this House is of opinion that the Government of Assam do take necessary steps to carry out air-raid precaution measures where considered necessary and to expend a sum not exceeding Rs. 5,000 in advance of the sanction of the Government of India."

The question was adopted.

DEMANDS FOR GRANTS

GRANT No. 12

(27.—Administration of Justice)

The Hon'ble the SPEAKER: Hon. members will see that we have got 20 minutes from the question hour and also the half an hour which was allotted for Land Revenue which could be disposed of on the 15th. This means that we have got another extra half an hour in addition to 20 minutes from the question hour. It is, therefore, not necessary to strictly adhere to-day to the time limits fixed for the grants. I shall watch the discussions and regulate the time necessary for each of the demands. I may tell hon. members that I propose to devote half an hour after 3 p. m., to Charges on Account of Motor Vehicles Taxation Act, Taxes on Income other than Corporation Tax, Other taxes and duties, Education—European, Civil Works—Tools and Plant and Establishment Charges of the Public Works Department, and other demands up to Extraordinary Charges. Hon. members will notice that there are cut motions tabled with regard to only four of these. So, we will have plenty of time after 3 p. m., for the discussion of these demands, but if other demands be finished before that time, these demands will be taken up at once.

The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri may move his motion with regard to grant No. 12.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 7,32,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1942, for the administration of the head "27.—Administration of Justice".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 7,32,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1942, for the administration of the head "27.—Administration of Justice".

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg to move that the provision of Rs. 20,500 under Grant No. 12, Major head—27.—Administration of Justice, Minor head—E.—District and Sessions Judges, Sub-head—3.—Allowances and Honoraria, Detailed head—Remuneration to copyists, at page 89 of the Budget, be reduced by Rs. 101, i.e., the amount of the whole grant of Rs. 7,32,100 do stand reduced by Rs. 101.

Sir, I have tabled this motion with the object of discussing the lot of the poor copyists. This matter was discussed several times. Last year also a cut motion was tabled by my hon. friend Mr. Dakshina Ranjan Gupta Chaudhuri and I supported that motion. We got some hope from the Hon'ble Minister at that time, as he said that they were considering some proposals. But we find, Sir, that very little or nothing has been done in this direction. Sir, if any service is temporary, in that case no such question would arise. But in the case of these copyists who are working regularly like all other Government servants from 10 A.M. to 6 P.M. and sometimes even up to 8 P.M.—taking advantage of their poor lot, I think it is not proper for a popular Government not to give them the remuneration which they really deserve. Sir, so far as I know, the Government makes some profit also out

of this work. I understand that what the Government get on account of the copies being supplied to the parties is not paid to the copyists. Last year the Hon'ble Minister said that they were thinking of raising the rate of payment to these copyists from 2 annas to 2½ annas, per folio and so far as the unremunerative works were concerned they were thinking of paying at a rate of 2 annas for 150 words. Our prayer was that they also should get the advantage of pension just like other Government servants. Now, Sir, I hope that we shall hear from the Hon'ble Minister that the Government have come to a definite conclusion that from the next year these poor copyists will be absorbed into the permanent cadre and that they will enjoy the same benefit that the other Government servants are enjoying. With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.20,500 under Grant No 12, Major head—27.—Administration of Justice, Minor head—E.—District and Sessions Judges, Sub-head—3.—Allowances and Honoraria, Detailed head—Remuneration to copyists, at page 89 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.7,32,100 do stand reduced by Rs.101."

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, we welcome this motion. I am sorry to say that these poor copyists have been reduced to the position of ordinary day labourers. They have got the requisite qualifications for their work, they have got responsibility also and I see no reason why they should not be absorbed in permanent Government service. We shall be very happy if the Hon'ble Minister of the Judicial Department makes out a case to put them into permanent cadre.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir, I really appreciate and admire the zeal and earnestness with which my hon. friend Mr. Baidyanath Mookerjee and my hon. friend Mr. Amjad Ali have taken up the cause of alleviating the condition of the poor typists and copyists of this province. The first point that has been raised in their arguments is to organise them into a regular establishment under the Government. But, Sir, on examination it will be found that there are various difficulties in our way. Since 1937, the subject-matter of this cut motion has been engaging the attention of the Government, and the Government have examined all the points in detail. In the province of Assam, we have all told 95 typists and copyists. Besides these, we have got another class of people who are called mappists—these officials are piece-workers, and their retention in service naturally depends on the amount of work available, and they are appointed on the principle of "no work, no pay". Under rule 666 of the High Court Rules and Orders it has been laid down that copyists should earn at least Rs. 40, and if possible as much as Rs. 50 and the typists at least Rs. 65, and if possible as much as Rs. 80, and if there is no sufficient work to ensure that the typists and copyists can earn the average laid down in the rules, then the staff should be reduced. Sir, where the work is not regular, such a staff cannot be brought into a regular cadre with a time-scale of pay. If we are to give them a time-scale of pay and to retain the services of those for whom we can find work, in that case the others shall have to go out. According to the calculation it is presumed that half the number would go out, out of the total strength of 95, most probably 48 will have to go out of employment, which is not, I think, desirable in these days of unemployment. Moreover, Sir, the Government cannot be turned into a charitable institution and cannot maintain a staff and pay them without work. If we are

to take that position it will cause great hardship to those who will be thrown out of employment. Consequently, I think, this proposal to bring them under a regular establishment is not a sound one, and after much consideration the Government had to drop it.

Next, Sir, it was considered whether these typists and copyists should be given a bonus for the period of vacation during which they do not get any work or remuneration

Maulavi MUHAMMAD AMJAD ALI: On a point of information, Sir. The Hon'ble Minister says that the Government is not a charitable institution. Has charity begun at home?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: That proposal has also ultimately been dropped on the ground that in all the branches where typists and copyists are employed the duration of recreation is not the same.

Lastly, Sir, Government considered the proposal to increase their remuneration from 2 annas per folio to 2½ annas per folio, and also to make all their work remunerative which is hitherto done without remuneration. For this purpose two schedules — one for Rs. 13,830 and another for Rs. 1,295 were given to the Finance Department for inclusion in the Budget for 1941-42, but unfortunately these schedules could not be included in the Budget for want of money.

From all these things it will appear that the present Government is not unsympathetic to the hard lot of these typists and copyists, and we hope, Sir, that in the next year we shall try to provide money for the extra remuneration as suggested above, if funds are available for the purpose. *(Laughter)*

With this assurance, I hope my hon. friend will see his way to withdraw his motion.

The Hon'ble the SPEAKER: The question is:

"That the provision of Rs. 20,500 under Grant No. 12, Major head—27.—Administration of Justice, Minor head—E—District and Sessions Judges, Sub-head—3.—Allowances and Honoraria, Detailed head—Remuneration to copyists, at page 89 of the Budget, be reduced by Rs. 101, i.e., the amount of the whole grant of Rs. 7,32,100 do stand reduced by Rs. 101."

The Assembly divided.

AYES—8

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| 1. Mr. Baidyanath Mookerjee. | 5. Srijut Ram Nath Das. |
| 2. Babu Bipin Behari Das. | 6. Khan Bahadur Maulavi Mahmud Ali. |
| 3. Babu Kamini Kumar Sen. | 7. Rev. J. J. M. Nichols-Roy. |
| 4. Mr. Naba Kumar Dutta. | 8. Babu Sanat Kumar Ahir. |

NOES—33

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 5. The Hon'ble Dr. Mahendra Nath Saikia. |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 6. The Hon'ble Maulavi Abdul Matin Chaudhury. |
| 3. The Hon'ble Srijut Hirenda Chandra Chakravarty. | 7. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. |
| 4. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 8. The Hon'ble Miss Mavis Dunn. |

NOES—*concl'd.*

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| 9. The Hon'ble Srijut Rupnath
Brahma. | 20. Dr. C. G. Terrell. |
| 10. Srijut Joges Chandra Gohain. | 21. Mr. F. W. Blennerhassett. |
| 11. Babu Kalachand Roy. | 22. Mr. N. Dawson. |
| 12. Maulavi Abdur Rahman. | 23. Mr. W. R. Faull. |
| 13. Maulavi Muhammad Amirud-
din. | 24. Mr. P. Trinkle. |
| 14. Maulavi Badaruddin Ahmed. | 25. Mr. C. W. Morely. |
| 15. Khan Bahadur Dewan Eklmur
Roza Chaudhury. | 26. Mr. D. B. H. Moore. |
| 16. Maulavi Ghyasuddin Ahmed. | 27. Mr. A. Whittaker. |
| 17. Maulavi Muhammad Maqbul
Hussain Chaudhury. | 28. Mr. Benjamin Ch. Momin. |
| 18. Khan Bahadur Maulavi Mufi-
zur Rahman. | 29. Srijut Bideshi Pan Tanti. |
| 19. Maulavi Sheikh Osman Ali
Sadagar. | 30. Srijut Binode Kumar J. Sar-
wan. |
| | 31. Mr. C. Goldsmith. |
| | 32. Mr. Jobang D. Marak. |
| | 33. Srijut Rabi Chandra Kachari. |

The question was negatived.

The Hon'ble the SPEAKER: The next motion stands in the name of Maulavi Mabarak Ali.

Maulavi MABARAK ALI: I beg, Sir, to move that the provision of Rs.3,36,675 under Grant No.12, Major head—27.—Administration of Justice, Minor head —E.—District and Sessions Judges (total), at page 89 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of R.7,32,100 do stand reduced by Rs.101.

Sir, the object of my moving the motion is to draw the attention of Government for removing the Karimganj Civil Court in the neighbourhood of the Karimganj Criminal Court. This removal will no doubt benefit the litigant public in two ways. Firstly, Sir, the litigant public will have the advantage of attending both the Courts at a time thus having no chance of losing their case in one Court while attending the other Court because the Civil Court is situated at a distance of nearly one mile from the Criminal Court at present. Secondly, justice may be available at a cheaper cost because now if a party requires to take a pleader to conduct a criminal case of his in the Criminal Court, in that case the pleader will charge Rs.10 to Rs.25 per diem. But if the Civil Court is removed in the neighbourhood of the Criminal Court, the same pleader may work at a fee of Rs. 2 to Rs.5 for the same case. This fact was brought to the notice of the Hon'ble Judicial Minister when he visited Karimganj and he was pleased to start a file in this connection. When Hon'ble Mr. Abdul Matin Chaudhuri and Mr. Sen were also tried to remove the Civil Court in the neighbourhood of the Karimganj Criminal Court. A file was actually started either by Hon'ble Mr. Sen or Mr. Abdul Matin Chaudhuri but I do not know what has become of that file now. Now it has perhaps gone to the Hon'ble Judicial Minister, Khan Sahib Maulavi Mudabbir Hussain Chaudhuri and I hope, Sir, that this time the Karimganj Civil Court will be removed in the neighbourhood of the Karimganj Criminal Court.

Sir, Government may put forward their arguments that owing to financial stringency or something like that, they are not in a position to remove the Court at present but in this connection I may suggest that if the site on which the present Civil Court is situated is sold away in auction or by private arrangement, the expenditure which will be incurred for the removal of the Civil Court, can be met. With these few words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved :

" That the provision of Rs.3,36,675 under Grant No.12, Major head—27.—Administration of justice, Minor head—E.—District and Sessions Judges (total), at page 89 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.7,32,100 do stand reduced by Rs 101."

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I feel it necessary that I should not co-operate with my friend the mover of this motion. I myself being a Muktear must oppose it as I apprehend that the profession of my colleagues at Karimganj is likely to be affected. Sir, from the speech of the hon. mover, it is understood that by the removal of the Civil Court, facilities will be given to the pleaders who are likely to capture the practices of the Muktears and as such there is a danger at the hands of the pleaders and so it is only natural that I should oppose it.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir. I feel tempted to oppose the motion in view of the arguments put forward by the hon. mover.

Maulavi MUHAMMAD AMJAD ALI: There seems to be a good deal of domestic trouble.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: The hon. mover says that now a pleader if engaged in a case charges Rs.10 to Rs.20 but when the Civil Court will be removed in the neighbourhood of the Criminal Court a pleader will be available at Rs.2 to Rs.5. I do not think, Sir, that this House should reduce the value of a pleader like Babu Kamini Kumar Sen or the hon. mover by removing the Civil Court. Only with this view in mind, I oppose the motion.

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir. After my hon. friends Mr. Abdur Rahman and Mr. Maqbul Hussain Chaudhury have spoken, I am tempted to say a few words in this connection. This matter does not involve any quarrel between pleaders and muktears nor the removal is meant for the benefit of the lawyers only. It is mainly sought for the benefit of the litigant public. The litigant public having business in the Civil and Criminal Courts find it difficult to attend both the Courts at the same time owing to their location in two different places. Moreover, the Ilam office, Sub-Registry office, Local Board and Municipal offices, etc., are all located near the Criminal Court and the public having business in these offices also find it difficult to attend to their cases in the Civil Court, if fixed for the same day. So all these difficulties will be removed if the Civil Court is removed to a site near the Criminal Court. It may be that the lawyers may be benefited by that but it would be more to the advantage of the litigant public than to the pleaders. The question was taken up long ago and if I remember aright, a file was started by the Congress-Coalition Ministry, in this connection. I also understand, the present Hon'ble Judicial Minister himself visited the site and after being convinced of the utility of the scheme he gave an assurance to the public that he would see that the scheme is pushed through without least possible delay. It is surprising that though the scheme does not involve much expenditure, he

has not yet thought fit to take up the same. So I would urge on the Hon'ble Judicial Minister to take up the scheme as early as possible because I understand this can be done with some minor adjustments in the Ilam office as well as in the Civil Court building, and without incurring much expenditure.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir, I quite realise the difficulties of the litigant public as well as the lawyers with regard to this point that both the Courts, i.e., the Civil and the Criminal Courts are far apart from each other. When I visited Karimganj, my attention was drawn to these difficulties and I was convinced that the Civil Court should be removed to a site near about the Criminal Court and after I returned to Shillong I made certain queries and so far I understand now, it is being examined in the Public Works Department. They have been asked to prepare a rough estimate of the cost that will involve in removing the Civil Court to a site near about the Criminal Court and simultaneously I have also asked them to furnish the Government with an estimate as to what would be the probable price of the buildings and the site thereto of the Civil Court if that is sold in auction or by private arrangement and we are awaiting the estimates. From the Government side I have nothing more to add.

Maulavi MABARAK ALI: Sir, on hearing the Hon'ble Judicial Minister, I beg to withdraw my motion with the leave of the House. The motion was, by leave of the House, withdrawn.

Maulavi ABDUR RAHMAN: Sir, I beg to move that the provision of Rs.3,36,675 under Grant No.12, Major head—27.—Administration of Justice, Minor head—E—District and Sessions Judges (total), at page 89 of the Budget, be reduced by Rs.100, i.e., the amount of the whole grant of Rs. 7,32,100 do stand reduced by Rs.100.

Sir, I am raising a very old and important question. So far my information goes, the question of the establishment of a Sessions Court to try sessions cases at Habiganj was raised by Babu Gopendralal Das Chaudhuri in the old Council in the form of a resolution and there was a hot discussion and I am told that Government also showed some inclination at this suggestion. The establishment of a Sessions Court at Habiganj to try sessions cases occasionally is a great necessity and this will not only remove the difficulties of the public but will also be a gain on the part of the Government in the shape of witnesses' expenditure. Sir, large number of sessions cases tried at Sylhet is from the Habiganj subdivision and in connection with those sessions cases lots of witnesses are to travel from far distance to depose in the cases. In the way of witnesses' expenses, a good amount of money of the Government is being spent. If, as in the case of Silchar, sessions cases which come up from Habiganj are tried at the Habiganj subdivision, Government will save much in the shape of witnesses' cost and the litigant public will also get much benefit. In that connection, I am now to suggest that if it is possible, one Sub-Judge may be put at Habiganj to try the civil cases that come up to the Judge's Court. Only in the way of suggestion, I am putting this. Any way, the reasons which I have put forward will, I think, alone convince the Hon'ble Minister in charge for putting one Sessions Judge occasionally when there will be greater number of Sessions cases at Habiganj. With these words, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved;

"That the provision of Rs.3,36,675 under Grant No.12, Major head—27.—Administration of Justice—Minor head—E—District and Sessions Judges (total), at page 89 of the Budget, be reduced by Rs.100, i.e., the amount of the whole grant of Rs.7,32,100 do stand reduced by Rs.100."

Maulavi MABARAK ALI: Mr. Speaker, Sir, I rise to oppose the motion (*laugther*) that has been moved by my friend Maulavi Abdur Rahman. He is trying to establish a Sessions Court at Habiganj which is a subdivision of the Sylhet district. If a Sessions Court is allowed to be established in a subdivision, in that case other subdivisions may also come forward and put their claims to have their sessions cases tried in their respective subdivisions.

Maulavi MUHAMMAD AMJAD ALI: Has the mover made it clear that Habiganj is a criminal subdivision?

Maulavi MABARAK ALI: The result will be, Government will have to provide Sessions Court in each subdivision. That will increase the expenditure of Government. In that view of the fact I oppose the motion.

Maulavi BADARUDDIN AHMED: Sir, as I hear, my friend the hon. mover is trying that a Sessions Court be opened at Habiganj. If a Sessions Court is to be opened only at Habiganj subdivision, in that case I oppose the motion. If my hon. friend say that there will be a Sessions Court in every subdivision, in that case I will support him. In every subdivision of the province more or less there are numbers of cases committed to Sessions Court. If a Sessions Court is to be opened occasionally in the Habiganj subdivision it should be opened in all the subdivisions of the province.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir, the subject matter of this cut motion was first agitated both inside and outside the House in 1931 and from that time this matter is being agitated. Now I shall place before the House how the matter was examined by the Government from 1931 right up to 1935. When this matter was agitated in 1931, it was taken up by Mr. C. Gimson, the then Deputy Commissioner of Sylhet and Mr. Edgley, the then Sessions Judge of Sylhet, and it was thrown out on account of the fact that the sessions cases from Habiganj did not occupy a Judge for the whole year and also on the ground of economy. In 1933, the matter was again taken up upon a representation made by the Bar Association, Habiganj, to the District Judge, Sylhet, to re-open that question. At that time also, the Judge was of opinion that no useful purpose would be served by opening a Sessions Division at Habiganj as the cases coming up from Habiganj subdivision did not justify such a course and from economic point of view also the proposal was not considered desirable at that time. Again, on a cut motion by Babu Gopendralal Das Chaudhuri, a member from Habiganj in the old Council, the matter was raised at the instance of Government and a thorough enquiry on the desirability of holding a periodical sessions court at Habiganj was made by the then Judge, Sylhet, and the figures showing the number of sessions cases and other criminal matters arising within the jurisdiction of the Habiganj subdivision during the past 7 years, *i e.*, from 1927—34 were taken into consideration. From those figures it appeared that any year was not sufficient to occupy the work of a Sessions Judge, even if he went on circuit for more than 4 or 5 months a year. With regard to this matters it can be pointed out, Sir, even now it will not be feasible to depute any Additional Judge on circuit to Habiganj within the present strength of the Judicial Superior Staff. There are at present one District and Sessions Judge is deputed to Silchar on circuit for four times a year to take up both Civil and Criminal works in the district of Cachar and he is to remain at Silchar for a period of 4 or 5 months on average during the year during which the whole file of the district has to be managed by the District and Sessions Judge with the assistance of only one Additional Sessions Judge. If any

Sessions Division is to be opened at Habiganj, one of the Judges will have to go there periodically and in that case it will be impossible for the Sessions Judge to control the files, both Civil and Criminal in the district of Sylhet, single-handed and the inevitable result will be accumulation of works at Sylhet for which I am afraid a third Additional Judge will be required at least for some time in a year. Then, Sir, from this point of view also it may be considered that if the judicial work demands deputation of two Judges at two places simultaneously, that is, at Silchar and at Habiganj, it will be impossible within the present strength to spare their services at the same time from the headquarters. But if a Judge after holding a session at one place is to move on to the other station, the duration of the sessions trial and detention of the accused in Jails will be unnecessarily prolonged which, I think, neither the public nor the Hon'ble High Court would like. I may also add in this connection that there may be some sort of savings with regard to witnesses' expenses, if a Judge is allowed to go on circuit to Habiganj, *i. e.*, in the shape of diet money, etc., but it is sure that there will be a corresponding increase in the expenses of jurors who are selected by ballot from the whole district. Besides this, the travelling allowances and halting allowances of the circuit Judge and his staff will be increased, as also the increased rate of daily fee of the Public Prosecutor and providing accommodation for them also will not be less expensive. So from all these, it will appear that the proposal will not be a sound one both from the economic and administrative points of view. With these few words, Sir, I think, my hon. friend will see his way to withdraw his motion.

The Hon'ble the SPEAKER : What does the hon. member propose to do? Does he like to withdraw?

Maulavi ABDUR RAHMAN : Yes, Sir.

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

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir, I beg to move :
 "That the provision of Rs.82,000 under Grant No.12, Major head—
 27.—Administration of Justice, Minor head—I.—Criminal Courts, Sub-head—(3) Contingencies, Detailed head—Diet and road money to witnesses, at page 91 of the Budget, be reduced by Rs.5, *i. e.*, the amount of the whole grant of Rs.7,32,100 do stand reduced by Rs.5."

The object of moving this motion is very simple. It is a well-known fact that since the economic depression has been prevalent in the country the diet money which is being paid to the witnesses is very scanty. The witnesses are allowed to get only two annas per diem as food money. Sometimes it is seen that respectable witnesses also are denied their dues which they actually incur in attending cases. The proper money which actually the witnesses spend for the purpose of attending the court is not given and there is therefore a dissatisfaction among the public in general and so they sometimes hesitate to come to the court to give evidence. No respectable or reliable person likes to bear testimony to any particular occurrence as he knows that he would not be paid what he actually pays for attending the court. This is why proper justice is not done sometimes for want of respectable and honest men appearing as witnesses. At times, Government cases also suffer on this ground.

With this view in mind I have brought forward this motion in order to draw the attention of the Hon'ble Minister in charge so that he may look to the interest of the witnesses.

Of course, there are some witnesses, who are said to be professional witnesses. They intentionally want to be present in the criminal courts to earn some money. I am not pleading for them, but I am concerned with

those respectable witnesses who are honest, and who should not be deprived of their due cost which they actually incur for attending the court. With these few words, Sir, I put the motion before the House.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.82,000 under Grant No.12, Major head—27.—Administration of Justice, Minor head—I—Criminal Courts, Sub-head—(3) Contingencies, detailed head—Diet and road money to witnesses, at page 91 of the Budget, be reduced by Rs.5, *i.e.*, the amount of the whole grant of Rs.7,32,100 do stand reduced by Rs.5."

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir, with regard to the expenses of the complainants and witnesses, provision has been made in the Criminal Procedure Code, and for all of these expenses a discretion has been left by the Code itself to the trying Magistrate and also by the rules made thereunder.

Maulavi MUHAMMAD AMJAD ALI: May I enquire from the Hon'ble Minister which section of the Criminal Procedure Code gives discretion to the Magistrate?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I think section 544. Sir, in this connection, it will be better if I read out the rules framed by the Local Government, so that the hon. members may see that even where the rules have provided for a certain rate of money to be paid to witnesses, the trying Court can, if brought to their notice, raise the rate in deserving cases.

Maulavi ABDUR RAHMAM: But, Sir, is the Hon'ble Minister aware that the district heads always interfere by issuing standing orders for reducing the money paid to the witnesses?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Government have already made rules for this purpose, and I am now reading out the relevant extracts from those rules regarding payment to complainants and witnesses attending Criminal Courts:

Rule 2.—"Complainants and witnesses entitled to be paid their expenses shall receive a diet allowance which for labourers of the poorer class, ordinary cultivators and other persons of their class shall not ordinarily exceed six annas a day. Any sum in excess of that amount may be paid only on the personal order of the trying Magistrate after careful scrutiny. Higher rates may be allowed in the case of persons of superior rank subject to a maximum of rupees five a day. Provided that persons whose ordinary income does not exceed Rs.100 a month shall not be entitled to get more than rupee one a day and that the rate allowed to any person shall not exceed the probable daily cost of his board and lodging."

Then, Sir, rule 3: "(a) Complainants and witnesses performing the journey, or part of the journey by rail or steamer, may be allowed their actual fares each way according to the class by which persons of their rank and station in life would ordinarily travel. In determining the class by which a person would ordinarily travel, regard should be had to the standard laid down in Chapter LII of the Civil Service Regulations.

(b) Charges for toll at ferries will be allowed at the authorised rates to the extent to which they have actually incurred.

(c) Other travelling expenses will be given only when the journey could not have been performed on foot, or in the case of persons whose age, position and habits of life render it impossible for them to walk.

In such cases, in addition to the allowances permitted by the preceding rules travelling allowance shall be given at the following rates:—

- (i) When the journey is by any kind of conveyance by road, the actual out-of-pocket expenses up to maximum of 8 annas a mile.
- (ii) In districts where the usual mode of travelling is by water, the actual expenses incurred for boat-hire up to a maximum of Rs.2 a day."

From all these it will appear, Sir, that the rules framed under the Act are comprehensive, and that a discretion has been left to the trying Magistrate, who is in a position to know the status of the witnesses and the complainants, and his decision in this respect is regarded as final.

With these few words, Sir, I would request the hon. mover to withdraw his motion.

Maulavi MUHAMMAD AMJAD ALI: May I know whether this discretion is exercised by the Magistrate arbitrarily or judicially?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I think, the Magistrate uses his discretion on judicial consideration, according to rules, and not arbitrarily.

Maulavi ABDUR RAHMAN: May I wish that the Hon'ble Minister will insist that these rules are given effect to by the Magistrates concerned?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The Local Government have framed these rules, and I do not know what has led the hon. member to suppose that the Government do not mean to insist on the observance of these rules.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Minister prepared to admit that these rules are honoured more in the breach than in observance?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Government have no reason to think like that.

The Hon'ble the SPEAKER: What does the hon. mover want to do with his motion?

Maulavi ABDUR RAHMAN: With the pious wish that the Hon'ble Minister, who has got personal knowledge of the difficulties of the witnesses, will insist on the observance of these rules by the Magistrates, I beg leave of the House to withdraw my motion.

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

The Hon'ble the SPEAKER: The question is:

"That a sum not exceeding Rs.7,32,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1942, for the administration of the head '27. - Administration of Justice'".

The question was adopted.

GRANT No.3

(8.—PROVINCIAL EXCISE)

The Hon'ble Dr. MAHENDRA NATH SAIKIA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.3,79,400 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1942, for the administration of the head "8.—Provincial Excise".

The Hon'ble the SPEAKER: Motion moved :

"That a sum not exceeding Rs.3,79,400 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '8.—Provincial Excise'".

Maulavi ABDUR RAHMAN: I rise on a point of order, Sir. During the general discussion of the Budget, when the Hon'ble Finance Minister was replying, you were pleased to say that it would be better for the Hon'ble Ministers, when they present their respective demands, to make brief speeches in the light of the criticisms which the hon. members made. But I find, Sir, that the Hon'ble Excise Minister simply read out the demand now, and did not say anything in support of his motion.

The Hon'ble the SPEAKER: I remember to have made such an observation. But the hon. member will please also recollect that the Hon'ble Finance Minister said that, when there would be some cut motions and points would be coming up before the House, he would refer to those points in his replies. But if there is any question of broad policy with regard to the departments, it would be better for the Hon'ble Minister in moving his motion to briefly explain it. Now in this case regarding Excise there is certainly a policy, that of prohibition, but with regard to that sufficient materials have been placed before the House by the Hon'ble Finance Minister when he made his budget speech and also when he replied to the general discussion on the budget.

Babu BIPIN BEHARI DAS: I do not like to move the motion* standing in my name, Sir.

Rev. J. J. M. NICHOLS-ROY: Mr. Speaker, Sir, I beg to move :

"That the provision of Rs.90,000 under Grant No 3, Major head—8.—Provincial Excise, Minor head—B.—District Executive Establishment, Sub-head—5.—Prohibition Propaganda (total), at page 45 of the Budget, be reduced by Re.1, i.e., the amount of the whole grant of Rs.3,79,400 do stand reduced by Re.1"

I have indicated, Sir, the object of my motion, and that is to ask Government to declare their definite opium policy for the partially excluded areas and to urge them to bring these areas under the Opium Prohibition Scheme. This is not a censure motion, but one to get from the Government a declaration of their definite opium policy for the partially excluded areas and also to ask them to bring these areas under the Prohibition Scheme.

Sir, when the Prohibition Scheme was initiated for the whole of Assam, I expected that these partially excluded areas also would be brought under that Scheme. The partially excluded areas consist of only the Garo Hills, the Mikir Hills and the Khasi and Jaintia Hills. In the Garo Hills, Sir, there is hardly any opium problem; the Mikir Hills and the Khasi and Jaintia Hills stand on the same footing. There are many opium consumers in these areas. The Khasi and Jaintia Hills district stands between the two Valleys. If these areas are not brought under the Prohibition Scheme, that Scheme itself would be a failure.

*Babu BIPIN BEHARI DAS to move :—

That the provisions of Rs.24,360 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 44 of the Budget, be reduced by Rs.100, i.e., the amount of the whole grant of Rs.3,79,400 do stand reduced by Rs.100.

(To criticise the policy of Government in not settling any Excise shop with the member of the Scheduled Caste at Habiganj.)

Then, Sir, it has been said that the Prohibition Scheme has not been applied to the Khasi and Jaintia Hills and other hill areas on account of lack of facilities to help the opium consumers, that is to say, because there are not enough doctors and hospitals. This reason, Sir, does not at all satisfy me and also many people who have considered this question. If it is a question of doctors to help the opium consumers, the same problem is for the whole province. There are not enough doctors for the Lakhimpur district, and for the matter of that, for large areas in Assam. The Government has to appoint doctors to help these opium consumers and why should not the same thing be done for the hill areas also?

Then it has been said also that another difficulty to bring in prohibition to these areas is that there are unadministered areas from which opium can be smuggled into these partially excluded areas. This difficulty does not apply to the Mikir Hills, because the Mikir Hills are in the Nowgong and Sibsagar districts, and in the case of the Khasi and Jaintia Hills also that difficulty does not apply. But it appears that there is a kind of misapprehension in the mind of Government that opium can be smuggled from the unadministered areas of the Khasi and Jaintia Hills which have about 25 Khasi States. I have already stated in my budget speech that there is no opium shop in the Khasi States, with the exception of one shop at Bholaganj and opium in that shop is supplied from the Government Treasury at Shillong. That can be easily controlled, and I am sure that all the Siems matter, if they bring this Prohibition Scheme into the Khasi and Jaintia Hills areas. I see no reason at all why the Government should not bring these areas into the Prohibition Scheme.

Sir, it has been stated by the Government that, on account of the baneful effects of the opium habit on the moral, physical and economical condition of the people, Government feel that no sacrifice is too great for the opium scourge to be eliminated from Assam. They have adopted this policy for the sake of eliminating this scourge from Assam and they consider that there is no sacrifice too great for the sake of doing that. If their intention is to deliver the people from the scourge, why not the same policy be adopted for these hill people? My hon. friend, Rev. Gatphoh, who spoke for the Jaintia Hills, in his budget speech stated that he was against the very idea of making the hill people as "opium preserves". Unfortunately he is not present here as his brother died last night, otherwise he would have come and expressed his opinion very strongly in favour of bringing in these areas under the Prohibition Scheme. Mr. Terang also, who comes from the Mikir Hills, spoke in favour of bringing in prohibition to the Mikir Hills. Sir, I realise that the Ministry has some kind of difficulties on account of the fact that these areas are partially excluded areas. But I think, Sir, that, on account of the feeling of the people in these areas and their great desire that they should be brought under the Prohibition Scheme, the whole Government, including His Excellency the Governor, would be glad to bring in the Scheme when they know that the people will co-operate. I do not see why they should not do it. I do not believe that any one in the Ministry or the whole Government want to make the hill people as "opium preserves" and that opium should be allowed to be used here and that this should be the base of smuggling for the whole of Assam. I hope, I shall get a very favourable reply from the Government and that they will bring this Scheme to these areas. In regard to the petition of the opium-consumers that they do not want that opium should be taken away from them, I need only say that Government should not listen to this. If they listen to the requests of the opium-consumers of the Khasi and Jaintia Hills and the

Mikir Hills, they will have to do the same to the consumers of the plains districts of the province of Assam. Ask the opium-consumers in Sibsagar, or Lakhimpur, or in Kamrup; none of them will say "take away our opium"; they will say "do not take it away, we shall die if you do so." The argument that the people will make a row does not hold good. I remember, when I was Minister for Excise, that there was a big row in the Chabua Opium Shop—there was going to be a kind of rioting there on account of opium reduction; but Government went on with their reduction scheme. So I say that Government should go on with their Prohibition Scheme in the partially excluded areas also and if it is helped by public propaganda this opium prohibition will be a success, because there is a great volume of public opinion in favour of this prohibition. In view of this I hope that Government will give a favourable reply and bring the partially excluded areas also within the Prohibition Scheme. If they do so, they will get the co-operation of all the religious societies in the Khasi and Jaintia Hills and I am sure of all the religious societies of all the partially excluded areas, and also of the public, and meetings will be held to instruct the people that the Government is against this opium habit and therefore they must give it up. If this is done it will help these poor people, otherwise they will say, "why should we not take it when the Government is willing to give it to us."

The Hon'ble the SPEAKER: The hon. member should try to finish now.

Rev. J. J. M. NICHOLS-ROY: If, however, they know that Government is against it and because it is a bad thing Government has prohibited it, then they will try their best to give up the habit.

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

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.90,000 under Grant No.3, Major head—8—Provincial Excise, Minor head—B.—District Executive Establishment, Sub-head—5.—Prohibition Propaganda (total), at page 45 of the Budget, be reduced by Re.1, i.e., the amount of the whole grant of Rs.3,79,400 do stand reduced by Re.1."

Adjournment

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

After lunch

The Hon'ble the SPEAKER: There is one cut motion in the name of Mr. Goldsmith. It seeks to discuss practically the same thing.

Mr. C. GOLDSMITH: It is different, Sir.

The Hon'ble the SPEAKER: Has the hon. member got any points different from those urged by Rev. Nichols-Roy?

Mr. C. GOLDSMITH: I am not concerned with partially excluded areas. I shall move my motion when my turn comes.

Maulavi MUHAMMAD AMJAD ALI: Sir, I take this opportunity of congratulating my friend, Hon'ble Dr. Mahendra Nath Saikia, Minister-in-charge of Excise, who will go down in history as the virtual saviour of Assamese people from the opium evil. This is a motion in which Rev. Nichols-Roy has asked the Government to extend the opium policy to the partially excluded areas. I go further and say that his Government should

see if it is possible also to extend the same to the wholly excluded area, because the opium policy has been taken up by Government.....

The Hon'ble the SPEAKER: I think it would come up when the next motion is moved. Hon. member may speak then.

Maulavi MUHAMMAD AMJAD ALI: From previous experience of this policy of prohibition in other countries we have found that when the prohibition policy is enforced in certain areas it is fraught with certain danger, because smuggling is resorted to by people of those areas which do not come under the operation of the policy. Partially excluded areas like the Khasi and Jaintia Hills and the Garo Hills have been excluded, and I do not know if there is any practical difficulty in extending the operation of the same to those areas. If it can be extended, the prohibition policy will be more successful. It will give better result than it is expected now. Rev. Nichols-Roy has also indicated that if doctors are available in places like North Lakhimpur and Sibsagar, why should it not be possible to provide doctors in these areas. In view of this and in view of the fact that it will lead to further complications and that the whole scheme of prohibition might become unsuccessful at the end, Government ought to see their way to extend the policy of Prohibition to the partially excluded areas. I agree with what Rev. Nichols-Roy has said in his motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will reply on behalf of Government.

Mr. Speaker, Sir, my hon. friend Rev. Nichols-Roy who had been twice Minister-in-charge of the Department of Excise, knows full well that conditions in the hills and the plains are quite different. In 1929, when Assam Government first started the policy of ten per cent. reduction in opium rations, the then Governor, Sir Laurie Hammond sounded a note of warning that in introducing that system in the hills great caution should be observed, for, on account of the inaccessibility of parts of the hills, sudden stoppage of the drug from the addicts might lead people in those parts to start illicit cultivation of poppy. Therefore, the policy that was adopted in the plains portion was not adopted to the full extent in the hills till 1934. When the matter was reviewed by the late Sir Michael Keane, he started plains proportion reduction in the Mikir hills where consumption of opium was the highest amongst the hill people.

Rev. J. J. M. NICHOLS-ROY: I should like to tell the Hon'ble Premier that in the Khasi and Jaintia Hills this same reduction policy was adopted. It was also stated in the pamphlet read by the Hon'ble Minister of Excise that it was adopted in the Khasi Hills.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend would do well to let me state my facts instead of interrupting me. If he has got anything to say, he may note that down and ask me afterwards when I have finished.

The late Governor, Sir Michael Keane, reviewed the case of all hill areas severally and decided to try the plains cut in the Mikir Hills. On the basis of the reports from the different district authorities of the hills, it was found that although some reduction was introduced in the Khasi Hills, the Deputy Commissioner, Mr. Cantlie, was opposed to an annual reduction. This was as early as 1934. It was then ordered that the Deputy Commissioner of the Khasi Hills should be authorised to make reduction at his discretion, where the ration was found to be larger than necessary. Subsequent to that, the hon. members, I think, know that there was an Excise Advisory Committee. That Committee recommended that the reduction in ration in hills should be introduced on the same line as those obtaining in the plains. It was in June, 1939 when

the Congress-Coalition Ministry was functioning they decided to start accelerated reduction of opium ration both in the Mikir Hills as well as in the Khasi Hills. From the records I find, Sir, that after a good deal of deliberation, the then Governor, Mr. Twynam, agreed to apply this accelerated reduction as an experimental measure in the Khasi Hills also from September, 1939. Since then the reduction has been at the rate of one-eighth of a tola per quarter. When we took office in November, 1939 we continued the same policy and reductions were effected in every quarter till by the middle of 1940. Government then received a largely signed petition from the people of the Bhoi country of Khasi Hills—the portion which is regarded to be most malarious in the Khasi Hills—that during the rainy season they get neither medicine nor can they work unless they are sustained by opium. The Ministry refused to accede to that request but on humanitarian principle, we had to request the Deputy Commissioner to inquire whether the grievances of the people were genuine. We thought that this had been engineered by opium lessee at Nongpoh. Mr. Cantlie reported that these people had got genuine grievance. As it concerned the partially excluded areas, the matter was referred to His Excellency the Governor. The Ministry recommended to His Excellency that the reduction should not be kept in abeyance but should follow the principles of the plains. I believe, Sir, that if two more cuts could be introduced in those areas, these areas would also become perfectly opium dry. But as His Excellency has got special responsibility, he asked the Excise Commissioner for certain facts and figures before continuing further reduction and the matter is still pending for the report of the Excise Commissioner. So my hon. friends will be glad to know that the Ministry did not want to make the hills a preserve for opium addicts and a happy hunting ground for opium smugglers. The recommendation of the Ministry to His Excellency the Governor is already there that in partially excluded areas also the accelerated reduction in opium ration should continue. Unfortunately, Sir, I cannot give any figures about the persons concerned in the Khasi Hills for the file does not give these figures; but so far as the Mikir Hills are concerned, the policy affected 2,309 opium pass holders by the middle of 1940. We will not be very far if we say that at the present moment near about 2,000 pass holders in the Mikir Hills are concerned with this ration cut. We hope, Sir, that after the facts and figures are received from the Excise Commissioner, His Excellency will discuss the matter with the Ministry. The Ministry have already decided to request His Excellency to bring these hills on the same lines as of plains.

Rev. J. J. M. NICHOLS-ROY: After hearing the Hon'ble Premier, I beg leave of the House to withdraw the motion.

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

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir. I beg to move:

“That the total provision of Rs.3,79,400 under Grant No. 3, Major head—8.—Provincial Excise, at page 43 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.3,79,400 do stand reduced by Rs.101.”

The object of my motion is to criticise Government for not adopting a policy to check increased consumption of country spirits and *ganja*.

Sir, it will be found in the Budget that revenues under “country spirit” and “hemp and other drugs” are gradually increasing and I must say that this has not escaped the notice of the Government. They have also stated that the revenue under these two heads are gradually increasing. Now my point is this that with a view to check the opium evil Government have

spent much money and are still spending and taking great troubles and all possible cares. But now, Sir, if they keep their eyes shut to other sides and some other evil is introduced which takes its place firmly in the society then in that case, I think, no credit can be given to the Government, rather it will discredit the Government. Sir, it has been said in the Budget Memorandum at page 19, that the resort of opium consumers to country spirit, and the general improvement in the economic condition of the people as a result of the rise in prices are the principal causes for the increase in the revenue under this head. Again under the head 'Hemp and other drugs' it is laid down that the increase in the revised and the Budget is due to an increased consumption of *ganja* which normally takes place each year. This is another item to which the opium consumers are taking. That is the remark made in the Budget Memorandum also and in the budget speech the Hon'ble Finance Minister has mentioned this. And though he has said that this should be stopped, we do not find that Government has taken any steps to stop this. Sir, I suggest that the Government should take necessary steps so that the numbers of the country spirit shops and *ganja* shops are not increased and they should also introduce some sort of restrictions so that the people may not be addicted in larger numbers to drinking country spirit and *ganja* smoking. Sir, one of the bad effects of hemp smoking is that in most cases those who take too much *ganja* become lunatic. Sir, I do not know if the item under the new schemes in the Budget Memorandum at page 92, Civil Works—Construction of six cells for the lunatics in the hospital yard of the district jail, Sylhet—has got anything to do with it. It will also be found in the supplementary demand that the number of lunatics has increased to a considerable extent recently in the Tezpur Mental Hospital also. So without any fear of contradiction I can say this much that *ganja* smokers very quickly lose the equilibrium of their head. Sir, my point is this that as they have taken up the matter of opium prohibition, they should also adopt some means so that these two evils may not spread and the people may not be put afterwards into the same trouble. It has been already said by the Government that the cause of poverty of the Assam Valley people is mostly due to opium taking. Now, Sir, Government should be very very careful from the very beginning and step to check it. I think, it is high time that the Government should come out with a fixed policy so as to stop the increase of *ganja* smoking and country spirit taking. With these words, Sir, I commend my motion to the acceptance of the House.

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

"That the total provision of Rs.3,79,400 under Grant No.3, Major head—8.—Provincial Excise, at page 43 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.3,79,400 do stand reduced by Rs.101."

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Mr. Speaker, Sir. Mr. Mookerjee by moving this cut motion raises a very big question of policy. Hon. members are aware that Government have already introduced total prohibition of opium all over the included areas, i.e., areas for which the Ministry is responsible. At the beginning, when total prohibition was introduced in two subdivisions, namely Sibsagar and Dibrugarh, it was found that the smuggling activity of the smugglers was very great. It went up to such an extent that the Department had to instruct the Excise staff not to give more stress in the detection of illicit distillation and brewing of *Pachwai*. Rather they were asked to devote more time in the detection of opium smuggling cases. Now when with the limited staff at our disposal it

may not be possible to cope with the situation created by the activities of the smugglers over such an extensive area under total prohibition of opium, it will not be wise on our part to think of prohibition of any other drug at the present moment. The factors which have led to the increased consumption of liquor are as follows:—(1) The continued activity of the Excise staff for the suppression of illicit distillation; (2) excessive brewing of *Pachwai* has been checked to a great extent by the activity of the Department; (3) introduction of the canteen system to check illicit distillation and brewing of *Pachwai* and the reduction of the price of liquor to some extent; (4) the co-operation of the tea industry in checking illicit distillation in the garden areas and their help in carrying out excise raids was also of great value.

Sir, for all these reasons there has been increase in the consumption of liquor. It was reported that some opium addicts, who were deprived of their ration all on a sudden because of introduction of total prohibition of opium in the two subdivisions, had taken recourse to liquor and *ganja*, and that after some time these opium addicts who took resort to liquor and *ganja* gave up liquor and *ganja* because they did not find them to be good substitutes for opium. Now in view of the fact that we have already introduced total prohibition of opium all over the included areas and that it has been found to be a huge task to cope with the situation, it is not possible to think of prohibition of any other drug at the present moment. Of course, we very much appreciate the idea of the hon. mover. Now, Sir, the attention of the Department will be directed towards checking the opium smuggling activities of the smugglers to make opium prohibition a success. Therefore at present, as it is a big question of policy, we are unable to give any opinion in the matter. Of course when the opportunity comes, the whole question will be looked into by the Government.

Mr. BAIDYANATH MOOKERJEE: May I ask one thing, Sir? Are Government agreeable to give this assurance that they would not increase the number of *ganja* and country spirit shops?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: This is not the policy of the Government to open shop to encourage addiction. In the tea garden areas when the planters desire to have some such shops opened for the consumption of the labour population we may be required to open shops in certain places, because in the absence of such a shop there may be illicit distillation and excessive brewing of *Pachwai* going on.

Mr. BAIDYANATH MOOKERJEE: Am I to understand that if the number is increased, it will be in the tea garden areas only and for the garden labourers?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: As regards other areas we always consult the Local Bodies before deciding to open a shop. As far as possible we abide by the opinion of the Local Bodies.

Mr. BAIDYANATH MOOKERJEE: Sir, my point has not been answered.

The Hon'ble the SPEAKER: The Hon'ble Minister has said that with regard to other areas they will consult the Local Bodies. Does the hon. member like to withdraw his motion?

Mr. BAIDYANATH MOOKERJEE: No, Sir, I stick to it.

The Hon'ble the SPEAKER: The question is:

"That the total provision of Rs. 3,79,400 under Grant No. 3, Major head—8.—Provincial Excise, at page 43 of the Budget, be reduced by Rs. 101, i. e., the amount of whole grant of Rs. 3,79,400 do stand reduced by Rs. 101".

The question was negatived.

Mr. C. GOLDSMITH: Mr. Speaker, Sir, I beg to move:

"That the total provision of Rs. 3,79,400 under Grant No. 3, Major head—8.—Provincial Excise, at page 43 of the Budget, be reduced by Re. 1, i. e., the amount of whole grant of Rs. 3,79,400 do stand reduced by Re. 1".

As I have mentioned to discuss the need of extension of prohibition, now I like to bring forward this motion from the point of view of extending prohibition in the field not only of opium but of other intoxicating drugs.

The Hon'ble the SPEAKER: What are the other intoxicating drugs?

Mr. C. GOLDSMITH: Liquor.

The Hon'ble the SPEAKER: I am afraid the hon. member ought to have taken his chance when Mr. Mookerjee's motion was discussed. I cannot allow to discuss the same motion twice.

Mr. C. GOLDSMITH: Mr. Baidyanath Mookerjee wanted to check the increase.

The Hon'ble the SPEAKER: That comes to the same thing, i. e., the need of extending prohibition to other intoxicating drugs could have very well been discussed under Mr. Mookerjee's motion and I do not think the hon. members should discuss the same thing twice over. I was repeatedly asking the hon. member to take his chance when the motion of Rev. Nichols-Roy was discussed. I cannot allow this motion.

The question is:

"That a sum not exceeding Rs. 3,79,400 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '8.—Provincial Excise'."

The question was adopted.

GRANT No. 4

(9.—stamps)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN Sir, on the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 44,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "9.—Stamps".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 44,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '9.—Stamps'."

The motion was then put and adopted.

GRANT No. 10

(18B.—Navigation, etc.)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 1,51,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "18B.—Navigation, Embankment and Drainage Works".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 1,51,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '18B.—Navigation, Embankment and Drainage Works'."

Khan Bahadur Maulavi MAHMUD ALI: Sir, I beg to oppose this motion. This embankment and drainage allotment has been made for helping the people, to improve the condition of their lands by digging *khals*, etc. But Sir, I find that under the new schemes they have taken up only big schemes. I have nothing to say against them, but I do not find that any scheme has been made for small projects for which the people even before the inauguration of the Reforms had been murmuring, for instance, Jagirdari *Khal* of Karimganj, Maskandar *khal*, Lamazuar *Khal* and some *khals* of Jaldhup, Patharkandi and Badarpur Thanas. If they require, I may give further names. Sir, nothing has been done for small projects. I wish to know the policy of Government whether this allotment for embankment and drainage is for big projects only or for the small projects also. I wish to know how they will spend the money allotted.

Sir, the whole of the Cachar district and the Karimganj subdivision are mostly affected by floods every year. So the work of this embankment and drainage should be more concentrated in those places to improve the condition of those places. It may be local grievance, Sir, because I come from that place; but really that is a subject matter which should be taken up seriously. Flood comes from Cachar and through the paddy fields goes up to Fenchuganj or Balaganj through Sadakhali and other places. Now Government should take up all these works in right earnest to make this Department helpful for the public and make their lands productive and useful throughout the year, Sir. In those places we find paddy grows only for some months but not throughout the whole year. Sometimes the land is under water and sometimes it is dry. So, Sir, I say that steps should be taken to improve these lands and to help those who require their help. With these words, I oppose this motion. I would not have opposed it Sir, because otherwise I would not have been allowed to speak as there is no cut motion on this Grant.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Sir, the only criticism that my hon. friend Khan Bahadur Maulavi Mahmud Ali has made is that we are concentrating our attention to big projects neglecting the small *Khals*. But that is not a fact, Sir. If you look up to the projects for which schemes have been prepared, surveyed or under investigation, you will find that quite a good number of them will come under the category of small projects. Khan Bahadur Maulavi Mahmud Ali has drawn attention to some of the smaller *Khals*. If he better if he had given notice of a cut motion so that I could have replied point by point in regard to *Khals* in question. Any way, Government will take note of those matters to which he has drawn attention. I do not think any specific point has been made out by the hon. member which requires reply. His general observation is that we should help those who require our help. This is an universal truth which is accepted by everybody.

The Hon'ble the SPEAKER: The question is:

"That a sum not exceeding Rs. 1,51,100 be granted to defray the charges which will come in the course of payment during the year ending

on the 31st March 1942, for the administration of the head 18B.—Navigation, Embankment and Drainage Works”.

The question was adopted.

GRANT No. 7

(12.—CHARGES ON ACCOUNT OF MOTOR VEHICLES TAXATION ACT)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 4,67,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head “12.—Charges on account of Motor Vehicles Taxation Act”.

The Hon'ble the SPEAKER: Motion moved:

That a sum not exceeding Rs. 4,67,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head “12.—Charges on account of Motor Vehicles Taxation Act”.

Khan Bahadur Maulavi MAHMUD ALI: Sir, I beg to move:

“That the total provision of Rs. 4,67,200 under Grant No. 7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 55 of the Budget, be reduced by Rs. 101, i. e., the amount of the whole grant of Rs. 4,67,200 do stand reduced by Rs. 101.”

My object is to censure Government for giving monopoly to the United Motor Transport Co. Ltd., and not only that but I want to know why monopoly should be given at all.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I rise on a point of order, Sir. My hon. friend has been kind enough to say that his intention in moving this motion is to censure Government for giving monopoly to the United Motor Transport Co. Ltd. Would he state, Sir, how Government comes in here at all, whether Government has got any power to grant any permit to any one to run any bus on any road?

Khan Bahadur Maulavi MAHMUD ALI: May I know from the Government who has appointed the Provincial Transport Authority? We take it that the Ministry has done so and the other Authority has been their creation.

The Hon'ble the SPEAKER: Order, order. I think the motion is perfectly in order. The transport authority is a creation of Government. Against the decision of the transport authority appeal lies to Government. So, Government cannot shirk responsibility.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not shirking any responsibility, Sir. My hon. friend wanted to censure Government for giving monopoly to the United Motor Transport Co. Ltd. I was only pointing out that it was not Government who granted monopoly to any one.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Moreover, Sir, the matter is still *sub-judice*.

Khan Bahadur Maulavi MAHMUD ALI: Wait please. I will not go so far (*laughter*).

Formerly, Sir, the people of the Surma Valley used to travel by Shillong-Sylhet Road in the services of Messrs. Union Motor Co. and Messrs. Shree-lakshmi Motor Co. These two companies were carrying on their duties quite well. I do not find any necessity for giving a monopoly of this road to the United Motor Co. Ltd. My own opinion in the matter and the public opinion too are that there was no necessity to give monopoly of this road at all. I also do not know whether this company is a bona fide one or not. The public also doubt that it is the same Company which is working on the Gauhati-Shillong Road, viz., the Commercial Carrying Co. I hope the Government will remove this doubt from the public mind. Moreover, Sir, I wish to know who formed this United Motor Transport Co., who are the partners, how many parties applied for getting monopoly of this road and what are the grounds for which this Company alone has been granted monopoly. I hope Government will clear the whole position and remove any doubt from public minds.

The Hon'ble the SPEAKER: The Hon'ble Revenue Minister was heard to say that the matter was still *sub-judice*. I wish to know how it is so.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, I shall explain that.

My hon. friend the Khan Bahadur has converted this time into a question hour because during the very brief speech he stated at least four times "I wish to know", e. g., he wished to know who formed the United Motor Transport Co., he wished to know who were the partners of this Co., he wished to know how many parties applied for getting monopoly of this road, and so forth. I am sorry, Sir, I am not going to reply to all these questions. If he wants, he has got his own way clear. If it is a company registered in Assam all the details that he wants will be found with the Registrar of Joint Stock Companies. It is not my business to help him in finding out those details.

Sir, my hon. friend was probably not aware that since the passing of the Indian Motor Vehicles Act, 1939, by the Central Assembly, the power of the Provincial Government of granting permits to ply vehicles, either for carrying passengers or goods, had been taken away and vested in a body called the Provincial Transport Authority. I shall read section 42(1) of the Act: "No owner of a transport vehicle shall use or permit the use of the vehicle in any public place, save in accordance with the conditions of a permit granted or countersigned by a Regional or Provincial Transport Authority authorising the use of the vehicle in that place in the manner in which the vehicle is being used". Under section 44(1), we find "The Provincial Government shall, by notification in the official Gazette, constitute for the province a Provincial Transport Authority to exercise and discharge the powers and functions specified, etc."

Before the Government constituted the Provincial Transport Authority, they called for tenders from the public to see what royalty they offered for issue of permit for running lorries and buses on this road. Various applications were received in pursuance of that. Unfortunately, Sir, a similar notice was issued by the previous Government, I mean the Government in which Khan Bahadur Mahmud Ali was one of the Cabinet Ministers. In that notice it was stated that the new arrangement would be for ten years. When this Ministry constituted a Provincial Transport Authority and placed the papers before them the point was detected that under the new Act permission could be granted only for five years and not ten years. So under the advice of our legal expert, the tenders had to be scrapped and when applications were again invited Government themselves fixed the

royalty. Various parties applied, but at the same time, almost all, excepting a particular company, stated that the rates of royalty were high and that they were tendering in the hope that those rates would be reconsidered. However, after considering every point, the Provincial Transport Authority granted the right of plying passenger traffic to one particular company—the company mentioned by my hon. friend in his cut motion. They were also given the right to ply certain goods vehicles on this road. And in order to have a limited competition, the Provincial Transport Authority granted six permits for carrying goods to other persons. After the issue of these orders by the Provincial Transport Authority, one of the unsuccessful tenderers, the Sri Lakshmi Company, went to the Civil Court asking for a declaration that the orders of the Provincial Transport Authority be null and void and that, they, being one of the companies that were running vehicles on this road previously, ought to get the permit again under the new Act. This civil suit is now pending in the Court of the Sub-Judge at Sylhet. Then as you, Sir, mentioned a little earlier, under the rules framed under the Motor Vehicles Act IV of 1939 provision for an appeal against the order of the Provincial Transport Authority has been made; that is, a Tribunal consisting of three hon. members of this House will form an appellate body. The same party which has gone to the Civil Court has also filed an appeal with this Tribunal to set aside the order of the Provincial Transport Authority. Thus, Sir, there are two different Courts which are dealing with this matter, the Civil Court of the Sub-Judge at Sylhet on the entire question whether the Provincial Transport Authority has been legally constituted and whether they have the power to give license to anybody excepting the plaintiffs themselves, and secondly the Appellate Tribunal as provided by the rules under the Motor Vehicles Act. In view of the fact that this matter is *sub-judice* in two different Courts, I hope, Sir, you will rule that a discussion on the subject should not be raised on the floor of this House.

The Hon'ble the SPEAKER: I am not going to put this motion before the House, after what I have heard from the Hon'ble Premier. It appears to me that a discussion on this motion will give rise to intricate questions which are now *sub-judice* before a Civil Court. Of course I have held that the motion is in order and I have given my grounds why I hold that view. There is the further reason that the motion has reference to the rules under the Motor Vehicles Act. In that view I held that the motion was in order. But now I find that a fair discussion would not be possible by reason of the provision in one of our rules to the effect that matters *sub-judice* should not be discussed on the floor of the House. I feel that in the course of the discussion some matters are coming up which are really *sub-judice*. Therefore, in that view I do not put this motion before the House.

Then the next motion is of Khan Bahadur Mahmud Ali about the fixation of rates and fares of passengers and goods on the Sylhet-Shillong Road. Will the hon. member explain how he wants to discuss that matter also?

Khan Bahadur Maulavi MAHMUD ALI: Mr. Speaker, Sir, I would only like to say this. The present rates on the road have been greatly increased from the former rates. Originally the first class rate was Rs. 3 and now it is Rs. 18. The second class rate is now Rs. 12 whereas it was Rs. 2 and annas 8 before. The third class rate also has been increased to Rs. 2 and annas 8 from the old rate of Re. 1 and annas 8.

The Hon'ble the SPEAKER: I think the rates and fares have been fixed by the Provincial Transport Authority.

The Hon'ble Maulavi Sayid Sir MUHAMMAD SAADULLA: No. In the tender the maximum rates that would be allowed were mentioned.

The Hon'ble the SPEAKER: The hon. member may move his motion.

Khan Bahadur Maulavi MAHMUD ALI: Sir, I beg to move:

"That the total provision of Rs. 4,67,200 under grant No. 7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 55 of the Budget, be reduced by Rs. 101, *i.e.*, the amount of the whole grant of Rs. 4,67,200 do stand reduced by Rs. 101."

Sir, as I have already stated that the present rates on this road are much higher than the old rates. For instance formerly it was Rs. 3 for the first class but it is now Rs. 18.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTI: What was the first class fare previously?

Khan Bahadur Maulavi MAHMUD ALI: I have already said, Sir, that it was Rs. 3. It was Rs. 2 and annas 8 and Rs. 1 and annas 8 for the second and third classes, but now they are increased to Rs. 12 and Rs. 2 and annas 8. The people of the Surma Valley are put to great hardship on account of this increase in rates. Also the people of Jaintia used to take their commercial committees, *viz.*, rice, egg, fish, etc. to Shillong at lesser rates before and used to earn some profit. Now they find that their profits are reduced very much. So the Government should consider these difficulties of the people and as custodians of the comfort and convenience of the people do justice to them by cutting down these rates.

The Hon'ble the SPEAKER: Does the hon. member want that the Government should represent these matters to the Company?

Khan Bahadur Maulavi MAHMUD ALI: The United Transport Company has fixed these rates and by this put to the people are great hardship. The Government should manage it and save the people from these troubles. I therefore hope that the Government will take up this matter and revise the rates, and make the rates convenient for the people. I have no personal grievance against the Company. This is the public grievance which I have taken up only.

Maulavi MUHAMMAD AMJAD ALI: What about the rate for goods?

Khan Bahadur Maulavi MAHMUD ALI: I have already said, Sir, that I do not know what rate they are charging for goods definitely, but the murmuring of the people is so intense that I cannot but bring it to the notice of the Government and I think the Government ought to be censured for the creation of the trouble. If the House agrees with me that there should be some redress, the hon. members should join with me in seeing that the Government is censured (*laughter*.)

The Hon'ble the SPEAKER: Cut motion moved:

"That the total provision of Rs. 4,67,200 under Grant No. 7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 55 of the Budget, be reduced by Rs. 101, *i.e.*, the amount of the whole grant of Rs. 4,67,200 do stand reduced by Rs. 101."

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, the hon. Khan Bahadur Maulavi Mahmud Ali was sufficiently eloquent to put the grievances of the people of the Surma Valley before the House. I only want to mention one subject before the House, *i.e.*, the freight charged on goods. Formerly some particular goods were carried at the rate of eight annas per maund, but all on a sudden this rate was

enhanced to eleven annas per maund. The rates of fares were fixed by the Government, but I do not know whether the freight on goods was also fixed by the Government or not. We know that the contract for plying buses on the Shillong-Sylhet Road was given to the United Transport Company, but what do we find? If you go to the Motor Station you will see that the entire business, *i.e.*, the plying of motor buses both on the Gauhati-Shillong Road and the Shillong-Sylhet Road is being run by the same Company, *i.e.* the Commercial Carrying Company. First we heard that there were two different companies, but now we see that the Company is one and the same and that the Shillong-Sylhet service is being run by the same staff and the same office (*laughter*). It is really a grievance, as stated by hon. Khan Bahadur Maulavi Mahmud Ali. I read in a newspaper some days back that some 200 persons from Sylhet submitted a signed petition to Government stating the grievances of the people of the Surma Valley, who have been practically deprived of their rights by Government when they gave a contract to this *benami* company. I think, Sir, there is a legitimate grievance of the people of the Surma Valley.

The Hon'ble the SPEAKER: The hon. member should confine himself to the question of rates.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: I have already mentioned about the rates on goods. I hope Government will revise both the rates of freight on goods and fares of passengers in the interests of the people of the Surma Valley.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I also desire to take part in the discussion that has been raised with regard to the rates for goods and fares for passengers over the Shillong-Sylhet Road. The intention of the hon. mover also does not require to be made clear; his intention is to draw the attention of the Government to the matter so that the public may get some relief through the intervention of the Government. It has been said that the Government has no control over a company to which monopoly for the road has been granted, and that the matter being *sub judice* we have been asked by the Chair not to refer to it.....

The Hon'ble the SPEAKER: Not to discuss as to who should have got the license.

Maulavi ABDUR RAHMAN: The Transport Authority which has been constituted is a creation of this Government. Most of its members are officials, and so far as my knowledge goes, there are only three nominated members on it—one comes from the Surma Valley, and he is a retired Government official; and two others are from the other Valley. There is a complaint also in this respect, *i.e.*, our Valley is very poorly represented on the Authority. Anyway, Sir, as it is a fact that the Transport Authority is a creation of the provincial Government, I think we have got full justification to bring our grievances before the Government so that we may get some redress. Moreover, our Hon'ble Premier, who is the representative head of the whole province, is the Chairman of the Transport Authority, and also as he is the Leader of the House we are quite justified in placing our grievances before him.

Now let me come to the chief grievance. It is not long that the road has been given to a particular company, which goes by the name of the United Motor Transport Company and which as my hon. friend has justly remarked is creating havoc in the province. This Company is sucking the blood and exploiting the wealth of the people of the province. (*Laughter.*) The Company is the *benamdar* of the Commercial Carrying Company, and first it was sucking the blood of the people of the Assam Valley, but now it has got full opportunity to suck the blood of the people of the whole

province. Now the Company has put its teeth for sucking my blood also (laughter). It was on the 18th of February last when I first had the occasion of travelling by this newly-formed company's bus. We were given to understand that in case we paid a higher fare we would be given better comfort in the matter of travelling. What happened on the 18th of February when I first came to travel by their bus? On three occasions the door of the bus opened suddenly and I was about to fall down. If the gentleman by my side had not been a bit careful and come to my help I would have fallen into the river of Dawki.

The Hon'ble the SPEAKER: Is it speaking about rates and freights? (Laughter).

Maulavi ABDUR RAHMAN: They charge Rs.8 for the second class, and in return what better comfort and relief are we getting? But for the gentleman by my side, I would have lost my poor life. I would have fallen down into the river of Dawki. On the third time when the door opened and I was about to fall, I told the driver of the bus that unless he made better arrangement I would stop the bus and would not allow him to proceed. I sent a petition to the Hon'ble Premier, and later on I came to know that the petition had gone to the Transport Authority.

As to what they charge for the goods, hon. members will be surprised to hear that for 16 seers of goods, the other day, my servant was charged annas fourteen. That is a personal matter, but it will be seen what difficulty the public at large are undergoing because of the high rate of freight. Previously in Shillong the necessaries of life were much more cheap than they are at present. Freight has gone up so high that for one maund potato, I am told, they charge Rs.1-8. The supply of potato, fish and vegetable is being totally stopped because of the high rate. If hon. members of this House will care to enquire from the market they will be acquainted with the fact that traffic has been greatly reduced, and thereby people are suffering. We should encourage small traders, but they are suffering to a great extent. There has been a hue and cry. I am perfectly sure that the motive of the Commercial Carrying Company is that they want to divert the whole business to the other valley. Instead of allowing the people of the Surma Valley to carry on their trade by the Shillong-Sylhet Road they are going to divert it to the Gauhati-Shillong Road. With these words, I draw the attention of the Hon'ble Premier so that he may deal with this matter in a meeting of the Provincial Transport Authority of which he is the Chairman.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the policy that has been followed by the Assam Government for a long time past, i.e., from 1921, is to fix a maximum rate for passenger fares and freights for luggages and goods. This is mentioned in the notice for tender, which the successful tenderer will be allowed to charge. I find, Sir, that my predecessors the Congress Coalition Ministry, issued their notice for tender some time about the middle of 1939. They considered carefully the rates that should be allowed to the successful tenderer, and they drafted the rates with a view to keep the charge as low as possible for the public ensuring at the same time some profit to the carrier companies. When we advertised, Sir, in January 1940, we closely followed our predecessors. The rates had been published on a notice which appeared in January 31st 1940, as a schedule and it was stated that the successful tenderer would be allowed to charge within these limits. I will just place the rates that were fixed for passenger traffic. By No. 1 Service (first class) in the Sylhet-Shillong Road the fare is Rs.18; by second class Rs.8; by Intermediate class Rs.4 and by third class it is Rs.2-8-0.

This notice was before the public for a considerable length of time. During this period we did not get any complaint about the rates fixed. Every one knows that the distance between Shillong and Sylhet is 86 miles, as against 64 or rather 63 miles between Gauhati and Shillong. How these rates compare with the rates that have been in existence on the Gauhati-Shillong Road will be found from the following:

In the Gauhati-Shillong Road for 63 miles, first class charge is Rs.17; for second class service which is as fast a service as No.1, it is Rs.10, whereas for Sylhet it is only Rs.3; for Intermediate class service this is Rs.5 on the Gauhati-Shillong Road and for 3rd class it is Rs.2-4-0 there, whereas it is Rs.2-8-0 on the Sylhet-Shillong Road.

My hon. friend Khan Bahadur Maulavi Mahmud Ali made an astounding statement in as much as he says that he travelled first class for Rs.3. Probably by first class he means the front seat with the driver of an ordinary bus.

Khan Bahadur Maulavi MAHMUD ALI: That was a seat near the driver at Rs.5.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will tell the hon. Khan Bahadur that the first class that now obtains is not the first bench in a bus, but a first class car, the same make of a car which the Khan Bahadur himself possesses. It is the pleasure touring car or a saloon car.

I remember that when one of the previous licensees on that road got into an arrangement with the Assam-Bengal Railway for through communication, the Railway insisted that the licensee should have first class car on the road and for each seat (we have personal experience)—a sum of Rs.25 was charged. Now it is Rs.18 a rate which was fixed by the Government of which the Khan Bahadur was one of the members.

My hon. friends Maulavi Maqbul Hussain Chaudhury and Maulavi Abdur Rahman have drawn my attention to the fact that now the freight charges have gone up and also that the rates now charged are higher than before. For their edification I can say, Sir, that the rates that were allowed by the Public Works Department which was then in-charge of this transport lines were exactly the same. At that time the rate was also Rs.2-8-0 on the buses but on account of the cut throat competition between the different licensees in order to fill up their buses the different carriers had to reduce their charges and accept whatever they got. I have heard, Sir, that although the official rate was Rs.2-8-0 some people could travel by paying only annas 12. The charge for first class was Rs.3 and the charge for back benches was Rs.2-8-0 but on account of some competition people could travel sometime at annas 12. I heard a complaint from no less a person than a Professor of a Government College drawing Rs.750 per month that for want of first class conveyance, he had to travel in a bus alongside baskets containing dry fishes and he had to travel in such great discomfort that throughout the whole journey he was feeling great nausea and uneasiness. Those days, Sir, are now gone and now the people do not travel with baskets of dry fish. I have travelled many times on that road and I know that such things had happened before.

There are six outside permit holders and if the people think that now the freight charges on goods have arisen, then these six outside permit holders can very well manage to reduce the rates. About the Company, my hon. friend Mr. Rahman has said something which I should quote in his own terms, "this Company has come here to suck the blood of the poor people of the whole province". I would say that if they have come here to make money, they would be the last persons to raise

freight to such an extent as to kill the traffic entirely. Sir, I hold no brief for the Commercial Carrying Company or any other company but I cannot allow statements to go unchallenged which are entirely divorced from realities.

Before the year 1921, the licence to transport goods and passengers on the Gauhati-Shillong Road was with a certain company which not only had the monopoly of passenger traffic on the road but used to get a subsidy of Rs.36,000 per annum from Government. It is this much maligned Commercial Carrying Company who appeared on the scene in 1922 and said that they would not take any subsidy from the Government, but they were willing to pay royalties to the tune of a lakh of rupees to Government, if they were given the monopoly. Now it is for the hon. members to say whether they by plying their buses from 1922 on the Gauhati-Shillong Road have sucked the blood of the people or contributed to the coffers of the province. I personally travelled on this road many times before 1922 and I know that the rate of the first class was Rs.32. Afterwards it was reduced to Rs.25 and now it is Rs.17.

My hon. friend Mr. Abdur Rahman complains that for 16 seers of goods he was charged annas fourteen. It is well-known that in every company there is a tariff rate. I can say from memory that luggage up to 15 seers is allowed free and it is for the extra seers passengers are to pay according to the tariff rate on every ten seer basis. Probably this 10 seer basis is the reason why he was charged annas fourteen. I sympathise with my hon. friend for this extra charge but if he could reduce his bundle by one little piece of clothing he could, I think, have been allowed to take his luggage free. (laughter).

I am really shocked and surprised to hear that my venerable colleague who is no less a person than the Chief Whip of the Party of which I am the Leader, was almost on the point of losing his life as the door of the bus got open suddenly. He ought to have reported the matter then and there either to me or to the Inspector of Motor Vehicles.

Maulavi ABDUR RAHMAN: I reported this matter by a petition to the Hon'ble Premier.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It was very late.

Maulavi ABDUR RAHMAN: No, I sent the report on the 20th February the day following.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: However, Sir, I will see that no such buses with defective mechanism in the propelling system or in the body building are plied and that no such accidents occur in future.

My hon. friend Maulavi Muhammad Maqbul Hussain Chaudhury has said with his usual eloquence that the United Motor Transport Company is nothing but the 'Benamdar of the Commercial Carrying Company' and now the buses run from the same station at Shillong to Sylhet and Gauhati. No one deploras this more than myself. I stated on the very floor of this House that it would be my endeavour to keep these two lines separate and that the same company should not be allowed to run the two lines. But we had no other alternative than to allow the licensees of the Sylhet-Shillong road to beg the Commercial Carrying Company to give them shelter. During the discussion of the previous motion, I had mentioned that a civil suit was filed by the Sree-Lakshmi Company in the court of the Subordinate Judge at Sylhet. After filing the suit, they asked for and obtained temporary injunction for not allowing the permit holders from the Provincial Transport Authorities to run buses or lorries on that line. On notice being given of that injunction by

the Court to Government, the Government had to ask the Transport Authority to notify the successful tenderers not to make preparation for running their buses on the line from the first of January 1941 and this injunction was issued in the early part of December 1940. Under Government orders the permit holders had to postpone every item, i.e., to have their own office, to get their new buses, etc., because nobody knew that the injunction would be set aside. However, the successful tenderers went to the High Court and they got an order from the High Court quashing this temporary injunction. That order was passed on the 18th December. Now from the 18th December they had hardly 12 days to arrange their station, their fleet and other things. So they had to go to the Commercial Carrying Company with the request that they might be allowed to use their station. (*A voice*: Combination is permanent.) Let us hope this is not. Sir, I have said enough comparing the rates that are obtaining in the Gauhati-Shillong Road which is 63 miles with the rates on the Shillong-Sylhet Road that were fixed by the previous Government and which are now being adopted. There is no disparity. On the other hand, the benefit is on the side of the Surma Valley people than on the side of the Gauhati people.

The Hon'ble the SPEAKER: Does the hon. member press his motion?

Khan Bahadur Maulavi MAHMUD ALI: Yes, Sir.

The Hon'ble the SPEAKER: The question is:

"That the total provision of Rs.4,67,200 under Grant No.7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 55 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.4,67,200 do stand reduced by Rs.101."

The question was negatived.

The Hon'ble the SPEAKER: Now there is another cut motion* standing in the name of Maulavi Abdul Bari Chaudhury. But I am afraid I cannot allow this cut motion to be moved in view of the fact that I have got only 15 minutes at my disposal. Now the question is:

"That a sum not exceeding Rs.4,67,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '12.—Charges on account of Motor Vehicles Taxation Act.'"

The question was adopted.

GRANT No.1

(4.—Taxes on income other than Corporation Tax.)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.38,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "4.—Taxes on Income other than Corporation Tax".

*Maulavi Abdul Bari Chaudhury to move:—

That the total provision of Rs.4,67,200 under Grant No.7, Major head—12.—Charges on account of Motor Vehicles Taxation Act, at page 55 of the Budget, be reduced by Rs.100, i.e., the amount of the whole grant of Rs.4,67,200 do stand reduced by Rs.100.

(To criticise the policy of Government and the Transport Authority in distributing the permits of buses.)

The Hon'ble the SPEAKER: Motion moved :

"That a sum not exceeding Rs.38,200 be granted to defray the charges that will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '4.—Taxes on Income other than Corporation Tax'."

The Hon'ble the SPEAKER: The only cut motion on this grant stands in the name of Mr. Whittaker. I hope the hon. member will be very brief.

Mr. A. WHITTAKER: I will be very brief, Sir.

I beg to move that the provision of Rs.38,200 under Grant No.1, Major head—4.—Taxes on Income other than Corporation Tax, Minor head—Collection of taxes on Agricultural Income (total), at page 29 of the Budget, be reduced by Re.1, *i.e.*, the amount of the whole grant of Rs.38,200 do stand reduced by Re.1.

The object of this motion is to draw attention to the delay in the issue of the Refund Rules.

Under section 39 of the Agricultural Income-tax Act passed as long ago as in September 1939, there is a provision that refunds shall be admissible under this Act. The circumstances and the manner in which refunds shall be allowed shall be prescribed by the rules under section 50. Sir, I need not take very much time but need only detail certain dates for the information of the Hon'ble Finance Minister. On the 4th of May 1940 these draft Refund Rules were published in the *Gazette*. The date for receiving criticisms was given as the 7th of June. These rules are extremely complicated and so far as I am aware there are no models elsewhere in India. Here I wish to thank the Government for agreeing to the request of the tea industry that the time be extended for receipt of the criticisms of these rules. The date was extended till 2nd July and in the last week of July the Indian Tea Association submitted a long list of objections, criticisms and suggestions to these rules. Up to the present moment we do not know what the fate of these criticisms and what the fate of these suggestions is, nor do we know when the Refund Rules will be published. But there is one significant sentence in the Finance Minister's budget speech which I noted with underlining :—"If the refunds are to be given" That is the first intimation I have heard from the Treasury Benches that refunds are open to question. The whole matter is extremely difficult, but I think Government have had ample time to consider it. This consideration has now taken about seven months and still, as far as I know, no indication as to when these rules are going to be published is given. There is also a further complication—whether any refunds are going to be made. Sir, this delay is somewhat unreasonable and to draw a reply from Government about their intentions on this subject I have tabled this cut motion.

The Hon'ble the SPEAKER: Cut motion moved :

"That the provision of Rs.38,200 under Grant No.1, Major head—4.—Taxes on Income other than Corporation Tax, Minor head—Collection of taxes on Agricultural Income (total), at page 29 of the Budget, be reduced by Re.1, *i.e.*, the amount of the whole grant of Rs.38,200 do stand reduced by Re.1."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, Mr. Whittaker has rightly drawn the attention of the Government as well as of the House to the long delay in drafting the Refund Rules. The delay occurred for various reasons. The first Special Officer who was put on to this work retired before he finished the Refund Rules. The second officer, namely the Assistant Commissioner for Agricultural Income-tax drafted these rules. The draft rules were published in the *Gazette* and criticisms invited, and as my hon. friend has pointed out, extension

of time had to be given to suit the convenience of the tea industry. Since then the criticisms have been considered and the rules have been modified to a certain extent. For final approval they were submitted to me while I was in charge of the Finance Department, in the latter part of October last. But as we had a session in November, I was very busy and could not go through them. Immediately after the very day after the session was closed, I was attacked with a very severe and serious illness and had to give up office work for some time. Under those circumstances, the file was sent over to my Colleague the present Finance Minister. As I had gone through some of these rules previously and as those rules are very complicated and have no precedent, my Hon'ble Colleague said that it was better that these rules be dealt with by me. I have been going through these rules, they are quite voluminous. There is a request from my hon. friend, the Leader of the European Group, that before these rules are finally accepted he would like to discuss with Government with his technical expert. Sir, I am sorry for the delay, but this delay could not be avoided on account of my illness. As soon as I am free from the labours of the Assembly I will get the help of my hon. friend Mr. Whittaker and his technical adviser and thereafter we shall finally adopt the Refund Rules. My hon. friend need not be afraid that Government is not going to give refund at all. One reason for the delay had of course certain connection with such a proposal. But there would be a corresponding benefit to the tea industry by a decreased rate of tax. For the present however we are not taking up that because we want to see how far the Refund Rules will effect collections of Agricultural Income-tax. I assure my hon. friend, probably by April, we will sit together to finish these rules. I hope on this assurance my hon. friend will see his way to withdraw his motion.

Mr. A. WHITTAKER: Sir, I beg leave of the House to withdraw the motion and regret the course for it.

The Hon'ble the SPEAKER: The question is: "That a sum not exceeding Rs 38,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '4—Taxes on Income other than Corporation Tax'."

The question was adopted.

GRANT No.8

(13.—OTHER TAXES AND DUTIES)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, on the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.2,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "13.—Other Taxes and Duties".

The Hon'ble the SPEAKER: Motion moved: "That a sum not exceeding Rs.2,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '13.—Other Taxes and Duties'."

The motion was then put and adopted.

GRANT No.15

(30.—PORTS AND PILOTAGE)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs 2,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "30 — Ports and Pilotage".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs.2,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '30.—Ports and Pilotage'."

The motion was then put and adopted.

GRANT No.17

(37.—EDUCATION—EUROPEAN)

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.78,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "37.—Education (European)".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs.78,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '37.—Education (European)'."

The motion was then put and adopted.

GRANT No.27

(TOOLS AND PLANT AND ESTABLISHMENT CHARGES OF THE PUBLIC WORKS DEPARTMENT)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.7,95,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the Public Works Department (Establishment and Tools and Plant).

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs.7,95,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the Public Works Department (Establishment and Tools and Plant)".

There is a cut motion.

Mr. BAIDYANATH MOOKERJEE : I shall take only one minute, Sir.

Mr. Speaker Sir, I beg to move :

"That the provision of Rs.4,20,317 under Grant No.27, Major head—18—B.—Navigation, Embankment and Drainage Works, 39.—Public Health—50.—Civil Works and 81.—Civil Works, Minor head—B.—Charges on construction, Sub-head—2.—Pay of Establishment, at page 191 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.7,95,700 do stand reduced by Rs.101.

Sir, I have tabled this cut motion to criticise the policy of Government for not making Public Works Department Moharirs' services permanent and denying them the facilities enjoyed by other Government servants. Sir, my arguments are just the same as I advanced in the case of the copyists. My hon. friend Maulavi Muhammad Amjad Ali is very eager to speak on the subject as he is well-posted with all the facts and I hope he will deal with the matter in detail. With these words, Sir, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved :

"That the provision of Rs.4,20,317 under Grant No.27, Major head—18—B.—Navigation, Embankment and Drainage Works, 39.—Public Health—50.—Civil Works and 81.—Civil Works, Minor head—B.—Charges on construction, Sub-head—2.—Pay of Establishment, at page 191 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.7,95,700 do stand reduced by Rs.101."

Maulavi MUHAMMAD AMJAD ALI : Mr. Speaker Sir, at the outset I must thank the Government for allowing the Public Works Department Moharirs to form themselves into an association to ventilate their grievances and send up their representations through public meetings. The first session of the All Assam Public Works Department Moharirs' Conference was held at Gauhati on the 27th and 28th December 1939. And the only resolution which they passed was as follows—

"The Government of Assam be requested to take the Public Works Department Moharirs in regular permanent pensionable establishments with all benefits of permanent services and past continuous services."

Sir, these unfortunate lot of people are virtually in the position of ordinary day labourers. To improve their lot they have long been agitating. Number of representations were sent and every effort was made to find their hard lot changed, but to no effect. Moharirs, Sir, are recruited with necessary educational qualifications and from the same society from which other high Government officials are recruited. Their duty is of a purely technical nature and without any time limit. They have to work hard in sun and rain from early hours of morning to sunset and at times during night also. There is no certainty about their place of work and time for food. A Moharir has to work in dense forest and watery places, ill-clad and half fed, at the risk of his life without holidays or Sundays in a year. That being the nature of his work, it is easily ascertainable what a great strain it involves on his body. But that does not give him decent pay. He is with all the responsibility of a Government servant without benefits of services that other Government servants enjoy. He finds it practically impossible to maintain his family with bare necessity of food and clothing not to speak of giving his family and dependants proper medical aid in case of illness, imparting education to his children and meeting other social and religious obligations. In spite of the fact that the Moharirs are to discharge most heavy and responsible duty in all works of the department and notwithstanding the nomenclature, as "Government servants"—they are charged under the "Work Charge Establishments" for the purposes of their allowances thus

reducing their status merely to that of daily wage-earners. And when discharged from their duties due to old age and infirmity their miseries know no bound, with nothing to subsist on, and their children equally made *hors de combat* to fight for their existence and of their poor parents having left dumb owing to the lack of any education in their childhood or financial backing afterwards.

Sir, they have been admitted to the benefits of the General Provident Fund. But the saving through General Provident Fund out of their meagre pay is next to nothing. May we urge upon the Government that they would get some benefit out of Contributory Provident Fund and that is meeting half way from their pay being made pensionable. For the provision of granting "gratuity in special deserving cases" is a very poor and slender measure of relief.

Sir, the temporary character of their services under the "Work-Charge Establishment" should be done away with and they should be given a status by merging them under "Permanent Establishment", for that will give them in sequence what are all the facilities enjoyed by a Government servant. To this the point which could be raised by the Government is that the pensionary charges will increase. But if the other servants of the Department do not embarrass the Government with facilities of pension and other advantages why should this particular branch give them irritation? (*Hear, hear.*)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Mr. Speaker, Sir as my hon. friend Maulavi Muhammad Amjad Ali has pointed out, these Public Works Department Moharirs belong to the work-charged establishment, I think, I should explain what 'work-charged establishment' is. Those persons employed under the work-charged establishment are merely employed in the execution of the work, and the cost of that establishment is charged to the estimate. As soon as the work is over their employment terminates. Now, Sir, there is a large number of Public Works Department Moharirs who are employed all the year round for road and maintenance works. The number of the main body of Public Works Department workers is about 361. Nowhere in India, Sir, this class of work-charged establishment is permanent or their posts are pensionable. The question of making their posts permanent and pensionable has been engaging the attention of Government. My hon. friend Maulavi Muhammad Amjad Ali waited on a deputation last year to represent the grievances of these employees. My hon. friend Maulavi Abdul Hai of the other House has also been pressing this question for some time. The whole question is engaging the attention of the Government, and, you will find, Sir, in this year's Budget we have made provision for making the post of some of the employees of the work-charged establishment permanent and pensionable—I mean the Divisional Mechanics, who also belong to the work-charged establishment. We are proceeding by stages. It requires actuarial calculation to determine what should be the pensionary charges of these large numbers of Public Works Department Moharirs. I can assure my hon. friends, Messrs. Mookerjee and Amjad Ali, that we shall take up this question of actuarial calculation with a view to see if we can make their posts permanent and pensionable. When their posts have been made so, I think other consequences will automatically follow. We want to make a beginning by taking up the question of actuarial calculation to see whether it is possible to do anything for them. In view of this assurance, Sir, I hope the hon. mover will see way to withdraw the motion.

Mr. BAIDYANATH MOOKERJEE: Sir, the reply of the Hon'ble Minister is very sympathetic, and so I beg leave of the House to withdraw my motion.

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

The Hon'ble the SPEAKER: The question is:

"That a sum not exceeding Rs. 7,95,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the Public Works Department (Establishment and Tools and Plant)."

The question was adopted.

GRANT NO. 29

(55.—SUPERANNUATION ALLOWANCES AND PENSIONS, ETC.)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 17,26,900 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '55.—Superannuation Allowances and Pensions including payment of commuted value of pensions'."

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 17,26,900 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '55.—Superannuation Allowances and Pensions including payment of commuted value of pensions'."

There is no time to move the cut motion tabled by Khan Bahadur Mahmud Ali.* So, I am putting this as a question.

The motion was then put and adopted.

GRANT NO. 30

(56.—STATIONERY AND PRINTING)

The Hon'ble Srijiat ROHINI KUMAR CHAUDHURI: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 3,45,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "56.—Stationery and Printing."

*Khan Bahadur Maulavi MAHMUD ALI to move:—

That the provision of Rs. 4,000 under Grant No. 29, Major head—55.—Superannuation allowances and pensions—Minor head—G.—Donations to Provident Funds, at page 198 of the Budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 17,26,900 do stand reduced by Re. 1.

(To discuss the question of permitting Muslim Government servants who joined the General Provident Fund before the 31st March 1940 to withdraw the whole amount at their credit in the fund on religious grounds.)

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 3,45,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '56.—Stationery and Printing."

I am putting this as a question.

The motion was then put and adopted.

GRANT NO. 28

(54A.—FAMINE RELIEF)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.50,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "54A.—Famine Relief."

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 50,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '54A.—Famine Relief'."

I am putting this as a question.

The motion was then put and adopted.

GRANT NO. 16

(36.—SCIENTIFIC DEPARTMENTS)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.6,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "36.—Scientific Departments."

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 6,200 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '36.—Scientific Departments'."

I am putting this as a question.

The motion was then put and adopted.

GRANT NO. 32

(63.—EXTRAORDINARY CHARGES)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.1,300 be granted to defray the

charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "63.—Extraordinary charges".

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs.1,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '63.—Extraordinary Charges'."

I am putting this as a question.

The motion was then put and adopted.

GRANT NO. 22

(41.—VETERINARY)

The Hon'ble Dr. MAHENDRA NATH SAIKIA : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.2,17,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head "41.—Veterinary".

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs.2,17,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the administration of the head '41.—Veterinary'."

I thought of allotting the last fifteen minutes for this grant. But now it appears that we have got only three minutes more. If the House wish to proceed with any cut motion, I am prepared to sit for ten minutes more.

Mr. BAIDYANATH MOOKERJEE : Let us take a motion which seeks to criticise the general policy.

The Hon'ble the SPEAKER : In that case I think it will be better for Mr. Baidyanath Mookerjee to move his motion.

Mr. BAIDYANATH MOOKERJEE : Sir, I beg to move :
"That the total provision of Rs.2,17,500, under Grant No.22, Major head—41.—Veterinary, at page 167 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.2,17,500 do stand reduced by Rs.101."

Sir, I have tabled this motion to criticise the general policy of the Government in administering the Veterinary Department. Sir, in the Budget we find that the provision under this head has been slightly increased. But, Sir, at the same time I find in the revised estimate that although the amount originally provided was more than 2 lakhs, a large portion of that amount was not spent. In this connection, Sir, I would like to bring this fact before the House that simply allotment of money under some particular head does not solve the problem. The Government must see that, specially when they admit too that some particular department deserves more money but due to want of funds they cannot provide it, at least the meagre sums sanctioned by this House are timely spent. Sir, cattle are the only valuable assets of the cultivators for whom we are crying on the floor of this House day in and day out. It will be found in the Budget that there are only

47 Veterinary Assistant Surgeons, 4 Veterinary Inspectors and only 85 Field Assistants. Of course 25 is the addition of the current year. Now, Sir, my point is this ; whether these 47 Veterinary Assistants can cope with the diseases that we are getting annually among our cattle ? In the Memorandum we find that under the new schemes (page 127) it has been said as follows :—

“There is a great dearth of qualified Veterinary Graduates. Some posts which are lying vacant could not be filled up for want of Veterinary Graduates who are natives of or domiciled in Assam”.

I think every hon. member must take notice of this that, because the province cannot provide us with Veterinary Graduates so, though the money has been provided, it should not be spent and the cattle should be allowed to die ! When we have not got our own men, let the cattle die, we are not going to engage men from other provinces ! Sir, this is a very serious matter and I think that this policy is most absurd and unwise for any Government. I do not like to put in any adjective before the word Government. I leave it to the House. It is noted also, “A few officers would retire shortly. It is also intended to expand the staff commensurate with the increased activities of the Veterinary Department and increased popular demand.” So provision for ten more veterinary stipends are made for the year 1941-42.” Now, Sir, it reminds me of a story of a debtor and a creditor. On the last day on which the payment was surely to be made the creditor came to the debtor's house to receive his dues. The creditor seeing the debtor went in and came out of his room with a basket of tamarind seeds, and then when the creditor demanded him for his money the debtor replied—“Please wait a little, here it is you see I am just trying to get the money for you.” When asked as to what he was going to do with the seeds, the debtor replied that he was going to sow those seeds so that in course of time when they would germinate and afterwards become big trees and yield fruits he would sell them and pay him back in cash. Naturally the creditor laughed. Then the debtor remarked—“Oh, I see even in the name of cash money how glad my creditor is and is laughing.” Therefore I do not know whether I should laugh or cry. It is really regrettable that such a remark should come from our popular Government, *viz.*, that some posts which are lying vacant could not be filled for want of Veterinary Graduates who are natives of or domiciled in Assam and so they have provided stipends for some young men. I think they should give up this conservative policy and try to give benefit to the poor peasants. With these words, Sir, I beg to commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved :

“That the total provision of Rs.2,17,500, under Grant No.22. Major head—41.—Veterinary, at page 167 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.2,17,500 do stand reduced by Rs.101.”

The Hon'ble Dr. MAHENDRA NATH SAIKIA : Mr. Speaker, Sir, before I reply to the points raised by my hon. friend Mr. Baidyanath Mookerjee, I should like to read out to the House the Government Resolution regarding the activities of the Veterinary Department during the year 1939-40.

“The year under review saw an expansion of the Department and an extension of its activities not only in combating the many outbreaks of epidemic diseases and in protecting the livestock from infection by inoculation and vaccination, but also in conducting research and investigation on various diseases as also in the treatment of animals in the hospitals and dispensaries. Appointment of 43 Veterinary Field Assistants was found

necessary to cope with the work of vaccination, castration and other minor cattle diseases. This not only gave some relief to the overworked Veterinary Assistant Surgeons, but also went some way to meet the rapidly growing demand from the public for veterinary aid and the question of a further increase in the staff within the limited resources of the province, forced itself to attention.

The situation arising out of several outbreaks of rinderpest to which more than half the cattle mortality in this province is due was energetically tackled and vaccination and inoculation was vigorously and extensively carried on. During the year there were 25,826 deaths from rinderpest as against 34,120 in the previous year. Vaccination with Goat Tissue Vaccine both during epidemics and at other times has been attended with very encouraging results. 3,35,384 cattle were vaccinated with this vaccine and 354 more cattle were inoculated with Serum alone method. Out of this number only 1,964 animals were reported to have subsequently died as against 1,998 deaths out of 2,70,812 animals vaccinated and inoculated during the previous year. Inoculation was also undertaken against Haemorrhagic Septicæmia, though there was an increase in mortality from this disease, 1,796 deaths as against 1,507 deaths in the previous year. There was no death among 1,292 cattle inoculated in the year. Anthrax accounted for 2,119 deaths as against 1,743 deaths in the previous year. Only 5 animals subsequently died out of a number of 2,423 animals which were inoculated with Anthrax Spore Vaccine. The Director of Veterinary Department reports that he has found out a simple method of treatment of animals attacked with Haemorrhagic Septicæmia and Anthrax, by which numerous cattle are being saved at comparatively nominal cost.

The problem of Johne's disease among the cattle in the Government Farm and also elsewhere in the province has been causing anxieties for some time. A Veterinary Investigation Officer was appointed to carry on investigation on this and other diseases, the cost of which was partly met by the Imperial Council of Agricultural Research". From all these facts and figures it will appear to what extent the activities of the Veterinary Department have taken place.

Now, Sir, if the hon. members of this House go through the Annual Administration Report of the Veterinary Department they will find that the number of cattle that were brought under treatment has greatly increased from year to year, and also what a great saving has been done in the cost in this province will be well realised. The number of animals protected with Goat Tissue Vaccine during the year 1935-36 was 70,081; in 1936-37 it was 1,11,859; in 1937-38 it was 1,25,194; in 1938-39 it was 2,76,814, and in 1939-40 it was 3,35,384. The cost which would have been required if serum were to be used, would have been Rs.35,040 in 1935-36; Rs.55,930 in 1936-37; Rs.62,597 in 1937-38; Rs.1,38,407 in 1938-39; Rs.1,67,692 in 1939-40; whereas the cost actually incurred for using Goat Tissue Vaccine was Rs.154 in 1935-36; Rs.686 in 1936-37; Rs.927 in 1937-38; Rs.2,130 in 1938-39, and Rs.3,574 in 1939-40, or a net saving of Rs.34,886 in 1935-36, Rs.55,244 in 1936-37, Rs.61,670 in 1937-38, Rs.1,36,277 in 1938-39, and Rs.1,64,118 in 1939-40. Or in other words a net saving of Rs.4,52,195 in the last five years. Now, Sir, as to the point raised, as to why the entire amount allotted in the Budget could not be spent, I may point out that it was perhaps due to this saving which has occurred due to the successful vaccination with Goat Tissue Vaccine.

And as regards not filling up the posts of Veterinary Assistants, that are lying vacant at present, I may inform the House that Government have already advertised the posts, and the filling up of these posts is under the consideration of the Government.

The Hon'ble the SPEAKER: Does the hon. member wish to press his motion?

Mr. BAIDYANATH MOOKERJEE: No, Sir.

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

The Hon'ble the SPEAKER: Let me now put the substantive motion. The question is:

"That a sum not exceeding Rs.2,17,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1942, for the Administration of the head '41.—Veterinary'."

The question was adopted.

Adjournment

The Assembly was then adjourned till 11 A.M. on Tuesday, the 18th March, 1941.

SHILLONG:

A. K. BARUA.

The 8th May, 1941.

Secretary, Legislative Assembly, Assam.

**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.

MEMBERS OF THE COUNCIL OF MINISTERS

1. The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA, M.A., B.L., in charge of Home Department.
2. The Hon'ble Srijut ROHINI KUMAR CHAUDHURI, B.L., in charge of Education Department.
3. The Hon'ble Maulavi MUNAWWAR ALI, B.A., LL.B., in charge of Agriculture and Veterinary Departments.
4. The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY, B.A., in charge of Medical and Public Health Departments.
5. The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY, B.L., in charge of Judicial and Local Self-Government Departments.
6. The Hon'ble Dr. MAHENDRA NATH SAIKIA, L.M.P., in charge of Excise Department.
7. The Hon'ble Maulavi ABDUL MATIN CHAUDHURI, B.L., in charge of Public Works Department and of Labour.
8. The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN, M.A., B.L., in charge of Finance, Revenue and Legislative Departments.
9. The Hon'ble Miss MAVIS DUNN, B.A., B.T., B.L., in charge of Registration, Industries and Co-operative Departments.
10. The Hon'ble Srijut RUPNATH BRAHMA, B.L., in charge of Forest Department.