

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

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on
Thursday, the 4th December, 1941.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten
Hon'ble Ministers and eighty-one members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Amlokhi-Rangali Deosal Grazing Reserve

Srijut SONARAM DATTA asked :

*32. (a) Are Government aware that the settlement of land in the Amlokhi-Rangali Deosal Grazing Reserve in the Silakuti mauza, Sibsagar subdivision, has caused grave discontent and inconvenience to the *rai-yots* of the villages surrounding the Reserve and that the aggrieved *rai-yots* have been repeatedly petitioning the authorities for cancellation of the settlement in that reserve ?

(b) Are Government aware that there is a 'deosal' (place of worship) in the said Reserve established by Purnananda Buragohain and that from time immemorial the Reserve has been used as a common grazing ground for cattle as well as a cremation ground by the inhabitants of many thickly-populated villages ?

(c) If the replies to questions Nos.32(a) and 32(b) above are in the affirmative, do Government propose to cancel the settlements already granted in the said Amlokhi-Rangali Grazing Reserve ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

32. (a) to (c)—A petition was filed to Government in October 1940 which was sent to the local officers for enquiry. The Subdivisional Officer, Sibsagar, reported that he visited the locality with the petitioner's pleader, another hon. member of this House, and found the objections mainly groundless and the result of local disputes. He had asked the local Sub-Deputy Collector to see that one particular plot of 150 *bighas* was kept free from encroachment. This report was submitted in April last and Government have no information if there have been any subsequent developments.

Victoria coins and partially damaged and torn notes

Babu BIPIN BEHARI DAS asked :

*33. (a) Are Government aware of the fact that the public had to undergo a lot of trouble on account of refusing to accept Victoria coins and partially damaged and torn notes by the local treasuries ?

(b) Do Government propose to take necessary steps to remove this inconvenience of the public by proper notification in the Gazette as well as in prominent papers ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

33. (a)—Government are aware that some inconvenience has been caused.

(b)—It is the policy of Government to notify all such changes in the Gazette and in the local papers and in the case of demonetization of Queen Victoria coins and introduction of one-rupee note, this has already been done. District officers were asked to publish the calling in of Victoria Rupees by beat of drum in the villages and this Government have recently addressed the Government of India to secure an extension of time for their acceptance at Government treasuries.

Maulavi ABDUR RAHMAN : May I know whether the Government is satisfied that this was announced in the villages by beat of drum by the local officers ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Sir, there is no reason to think otherwise.

Fish Culture

Babu BIPIN BEHARI DAS asked :

*34. (a) Are Government aware of the fact that fishes are going to be extinct for want of proper care ?

(b) If so, do Government propose to encourage the growth of fishes by prohibiting the use of fishes in the months of *Baisakh*, *Shravan*, *Kartik* and *Magh* when fishes grow ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

34. (a)—No.

(b)—Government are unable to change the dietary of the population of the Province.

Maulavi ABDUR RAHMAN : May I enquire whether Government contemplate to introduce any Bill in this respect for the preservation and improvement of fish industry in the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My hon. friend has himself given notice of a Bill of this nature and we will have ample opportunity of discussing that question when the Bill comes before the House.

Maulavi ABDUR RAHMAN : May I inform the Hon'ble Premier that my Bill has got the last place and there is no chance of its coming up in this session ?

Rural-Uplift Centres

Srijut PURNA CHANDRA SARMA asked :

*35. Will Government be pleased to state—

(a) How many Rural-Uplift centres are there in the Province and how many of them were opened during the last twelve months ?

(b) What works have been taken up in those Rural-Uplift centres?

The Hon'ble Maulavi MUNAWWAR ALI replied:

35. (a)—There are already 34 Uplift centres. No centre was opened during last twelve months.

(b)—A list of works that have been taken up in the Rural-Uplift centres by the organizers under the direct supervision of the Department of Agriculture is laid on the table.

LIST OF WORKS THAT HAVE BEEN TAKEN UP IN THE RURAL UPLIFT CENTRES BY THE ORGANIZERS UNDER THE DIRECT SUPERVISION OF THE DEPARTMENT OF AGRICULTURE

1. Repairing and constructing roads, making bamboo bridges and clearing *khals* and jungles, etc., with the help of the villagers of the locality.
2. Renovating and excavating tanks and wells and repairing and putting up new bunds.
3. Medical help.
4. Distribution and introduction of improved seeds.
5. Veterinary aid.
6. Making manure pits and conserving village wastes.
7. Developing cottage industry.
8. Rural sanitation and hygiene.
9. Opening Night Schools.
10. Improvement of livestock.
11. Propaganda for village improvement.
12. Organizing Agricultural Association and village defence parties.
13. Growing of special fodders.
14. Making of Silage pits.
15. Improvement of cattle sheds.
16. Horticulture (wherever possible), etc.

Srijut PURNA CHANDRA SARMA: With regard to item 7 of the list *i.e.*, "Developing cottage industry"—may I know what sort of cottage industry has been taken up?

The Hon'ble Maulavi MUNAWWAR ALI: Weaving.

Babu RABINDRA NATH ADITYA: Who are the officers in charge of those centres?

The Hon'ble Maulavi MUNAWWAR ALI: The organizers, and they are assisted by the Agricultural Demonstrators and Weaving Demonstrators.

Srijut PURNA CHANDRA SARMA: How many looms have been distributed in the villages?

The Hon'ble Maulavi MUNAWWAR ALI: I would require notice of that question, Sir. But I could tell the hon. member off-hand that the number is considerable.

Babu RABINDRA NATH ADITYA: What are the qualifications of those officers who are primarily in charge of these centres?

The Hon'ble Maulavi MUNAWWAR ALI: Aptitude for organization of such centres.

Srijut PURNA CHANDRA SARMA: With regard to item 12, of the list what are these "village defence parties"?

The Hon'ble Maulavi MUNAWWAR ALI: There are some bad elements in some of the villages who disturb the inhabitants. It has been the aim of these centres to organize young men's organizations in order to protect people's property.

Babu RABINDRA NATH ADITYA: Are Government aware that most of these centres are now defunct and the officers are drawing money for nothing?

The Hon'ble Maulavi MUNAWWAR ALI: Government is not aware of that, Sir.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Names of persons interned and externed under the Defence of India Rules and observance of "Soviet Day"

Babu KARUNA SINDHU ROY asked :

88. Will Government be pleased to state—

- (a) The names of persons interned in the province and the names of persons externed from the Khasi and Jaintia Hills by orders of the Provincial Government, since the answer given by Government to unstarred question No.256 asked by Mr. Baidyanath Mookerjee, M. L. A., during the adjourned session of the Assembly held in June, 1941?
- (b) The names of those who among all the persons restricted hitherto within the province are receiving Government allowance?
- (c) The names of those who among the above persons have applied for Government allowance?
- (d) The names of those who among the above persons have not applied for Government allowance?
- (e) The names of those who have been refused Government allowance?
- (f) The names of those whose applications for allowance are still pending?
- (g) Whether Government propose to make thorough enquiries about the financial condition of each of the persons so restricted under the orders of the Government and the circumstances in which they have been placed in consequence of such orders, and to grant them allowances according to their needs?

89. (a) Are Government aware that Babu Kiriti Bhusan Choudhury, has been compelled to defy the internment order passed against him as the allowance of a sum of Rs.12 (Twelve) only per mensem granted to him was insufficient for his needs?

(b) Is it a fact that he was convicted for three months for violation of internment orders?

(c) Will Government be pleased to enquire and state—

(i) Whether he was ill almost throughout the period he was undergoing imprisonment in the Sylhet Jail?

(ii) Whether the convicting Magistrate admitted that he was really in distress while he was in internment in his native village under the Police Station Biswanath, Sadr subdivision, district Sylhet?

90. Will Government be pleased to refer to the reply given to unstarred question No.113(g) asked by Babu Karuna Sindhu Roy, M.L.A., at the last Budget Session of the Assembly and state—

(a) Whether it is a fact that the application of Babu Rajendra Kumar Nandy for allowance has since been rejected?

(b) If so, why?

91. Will Government be pleased to refer to the reply given to unstarred question No.113(d) asked by Babu Karuna Sindhu Roy, M.L.A., during the last Budget Session of the Assembly and state—

(a) Whether the enquiry about the internee Babu Digendra Nath Das Gupta has since been completed?

(b) If so, do Government propose to grant him an allowance?

92. (a) Is it a fact that the Government permitted meetings and processions on the 21st July, 1941, throughout the district of Sylhet to observe the 'Soviet Day' declared by the All-India Kishan Sabha?

(b) If so, do Government propose to enquire and state why permission was not given by the Subdivisional Officer, Sunamganj, to the Sunamganj Kishan Sabha to observe the 'Soviet Day' by holding meetings and processions?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

88. (a)—None have been interned in Assam. Those restricted to certain areas in Assam are shown below.

1. Hemanta Kumar Chakrabarti.
2. Jyotirmoy Chakrabarti.
3. Mahitosh Purkayastha.
4. Jajneswar Das.
5. Ramendra Kumar Bhattacharjee.
6. Sukumar Nandi Majumdar.
7. Gopendra Chandra Deb.
8. Sachindra Chandra Datta.
9. Jitendra Kumar Bhattacharjee.
10. Binoy Lal Majumdar.
11. Ashutosh Sen.

12. Manik Lal Chaudhuri.
13. Nibaran Chandra Datta.
14. Satyabrata Datta.
15. Probhadananda Kar.
16. Mahbubor Rob Chaudhuri.
17. Sachindra Ray Chaudhuri.
18. Golak Chandra Medhi.
19. Bhupendra Nath Mahanta.
20. Amiya Sindhu Roy.

Of these two were ordered to leave the Khasi and Jaintia Hills, viz., Nos. 17 and 20.

- (b)—1. Kiriti Bhusan Chaudhuri.
 2. Digendra Nath Das Gupta.
 3. Rajendra Kumar Nandi.
- (c)—1. Kiriti Bhusan Chaudhuri.
 2. Digendra Nath Das Gupta.
 3. Rajendra Kumar Nandi.
 4. Pranesh Chandra Biswas.
 5. Rabindra Nath Dam.
 6. Nikhilendra Nath Mitra.
 7. Mahitosh Purkayastha.
 8. Satyabrata Datta.
 9. Amiya Sindhu Roy.
- (d)—1. Nilmoni Barthakur.
 2. Kedar Nath Goswami.
 3. Suresh Chandra Deb.
 4. Upendra Nath Sharma.
 5. Haridas Deka.
 6. Umakanta Sharma.
 7. Harendra Nath Kolita.
 8. Khagendra Nath Borbarua.
 9. Prafulla Chandra Goswami.
 10. Bistoo Bora.
 11. Dr. Binoy Bhusan Chakrabartti.
 12. Hemanta Kumar Chakrabartti.
 13. Jyotirmoy Chakrabartti.
 14. Jajneswar Das.
 15. Ramendra Kumar Bhattacharjee.
 16. Sukumar Nandi Majumdar.
 17. Gopendra Chandra Deb.
 18. Sachindra Chandra Datta.
 19. Jitendra Kumar Bhattacharjee.

20. Binoy Lal Majumdar.
21. Ashutosh Sen.
22. Manik Lal Chaudhuri.
23. Nibaran Chandra Datta.
24. Prokshadananda Kar.
25. Mahbubor Rob Chaudhuri.
26. Sachindra Ray Chaudhuri.
27. Golak Chandra Medhi.
28. Bhupendra Nath Mahanta.

- (e) 1. Pranesh Chandra Biswas.
 2. Rabindra Nath Datta.
 3. Mahitosh Purkayastha.
 4. Satyabrata Datta.
 5. Amiya Sindhu Roy.

- (f) 1. Nikhilendra Nath Mitra.

(g) Government have made, and are making careful enquiries about each case in which an application is filed.

89. (a) He made numerous demands, which Government saw no reason to concede.

(b) Yes.

(c) (i)—Yes, though his extravagant demands on the hospital authorities and the fact that on one occasion he was not found in his place cast some doubt on the extent of his illness.

(ii) The Magistrate remarked that he would treat him with leniency because he was in difficulty.

90. (a)—No.

(b) Does not arise.

91. (a)—Yes.

(b) He has been granted an allowance.

92. (a)—Government passed no order on the matter.

(b) Does not arise.

Recommendations of the Retrenchment Committee

Mr. BAIDYANATH MOOKERJEE asked :

93. Will Government be pleased to state—

- (a) How many recommendations of the Retrenchment Committee have been accepted by the Government and what are they ?
- (b) How many of these have been given effect to ?
- (c) What is the total saving that has been made by giving effect to those recommendations ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

93. (a), (b) & (c)—The hon. member is referred to replies given to starred question No.31 asked by Khan Bahadur Maulavi Mahmud Ali at the present session.

North Lakhimpur-Kamalabari Road

Srijut SARVESWAR BARUA asked :

94. Will the Hon'ble Minister-in-charge of Public Works Department be pleased to state—

- (a) If he inspected the North Lakhimpur-Kamalabari Road during his recent visit to North Lakhimpur ?
- (b) If so, did he notice that all the breaches caused by the flood of 1938 in the road between the Subansiri and the Tuni, i.e., those in the Silaagar district have been repaired whereas the breaches caused by the said flood between the Subansiri and the 11th mile from North Lakhimpur have been left unrepaired ?
- (c) Whether it is a fact that apart from its connecting North Lakhimpur with the Steamer ghat at Kamalabari and the Railway station at Kokilamukh this road has got no provincial importance ?
- (d) Whether Government has got any fresh estimate as to the amount that will cost to repair the breaches on the right side of the Subansiri providing suitable water-ways ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

94. (a) and (b)—Yes.

(c)—This is a matter of opinion.

(d)—No. The matter is under investigation.

Srijut SARVESWAR BARUA† : Will Government please inform us when they propose to complete the investigation ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI† : We have asked for a report from the Executive Engineer and we expect to get it soon.

Recruitment to Indian Navy

Srijut SARVESWAR BARUA asked :

95. (a) Is it a fact that the Honorary Naval Recruiting Officer, Assam, recently recruited some ten youths from North Lakhimpur for the Royal Indian Navy ?

(b) Is it a fact that some of these youths were taken without the consent of their guardians ?

(c) Is it a fact that as many as five of them returned from the way being taken back by their guardians ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

95. (a)—From the report of the Honorary Naval Recruiting Officer it appears that 12 young men accepted enrolment at North Lakhimpur, and of these 8 were actually despatched.

(b)—Government have no reason to think so.

(c)—The only information in the possession of Government is that, as already stated, four did not actually proceed to Bombay.

†Speech not corrected by the hon. member or Minister concerned.

Srijut SARVESWAR BARUA : With regard to (b), Sir, did Government make any inquiry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir. Government did not make any inquiry.

Srijut SARVESWAR BARUA : Do they propose to enquire now?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I see no reason to enquire now because all these youths came voluntarily and they wanted to be considered for recruitment for the Navy. They were examined by the Medical Officers and they also appeared before the Sub-divisional Officer. During all these processes, not a single man opposed that these people had not got the consent of their guardians.

Srijut SARVESWAR BARUA : May I know whether their guardians were at all consulted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, they were not at all consulted.

Deprovincialisation of the Government High English Schools

Srijut GAURI KANTA TALUKDAR asked :

96. Will the Hon'ble Education Minister be pleased to refer to the replies given to Unstarred Question No. 159 asked by Srijut Kameswar Das, M. L. A., in the November Session of the Assembly, 1940, and state—

(a) Whether Government have examined the question of deprovincialising Government High English Schools?

(b) If so, have Government arrived at any decision?

(c) If not, why not?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

96. (a) No.

(b) Does not arise.

(c) Owing to the need for considering other matters, Government have not yet had time to take up this question.

Srijut GAURI KANTA TALUKDAR : Do Government propose to examine this question at all?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Government has the genuine intention of examining this question shortly and coming to a conclusion.

Srijut GAURI KANTA TALUKDAR : May I know the approximate time that will be taken in examining this question?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : In absence of any unforeseen circumstance, we may be able to come to some conclusions within six months.

Contributions to the Central Muslim Shahitya Sansad, Sylhet, and Sylhet Shahitya Parishad

Maulavi ABDUR RAHMAN asked :

97. (a) Is it a fact that a sum of Rs. 750 was provided in the last budget for contribution to "The Central Muslim Shahitya Sansad, Sylhet"?

(b) If so, whether the money has been paid by this time?

(c) If not, why not?

(d) Is it a fact that another sum of Rs. 750 was granted this year to the " Sylhet Shahitya Parishad " ?

(e) If so, whether this amount has since been paid ?

(f) Are Government aware that both these two institutions are public bodies ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

97. (a)—Yes.

(b)—Yes.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : May we know when the money was paid ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The money was paid before the question was received. I cannot give the exact date.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

(c)—Does not arise.

(d)—Yes.

(e)—Yes.

(f)—Government are aware that both these institutions have been supported by members of the public.

Post of Inspector of Schools, Assam Valley

Srijut PURNA CHANDRA SARMA asked :

98. Will Government be pleased to state the names and qualifications of the applicants for the post of Inspector of Schools, Assam Valley, which fell vacant recently ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

98.—There were no applicants. Applications were not called for.

Government High English Schools in the Assam Valley

Maulana ABDUL HAMID KHAN asked :

99. Will Government be pleased to state—

(a) The total number of Government High English Schools in the Assam Valley ?

(b) The total number of boys in each such schools and the number of Hindus and Muslims therein ?

(c) How many of these students (to be shown separately) read Bengali and how many read Assamese ?

(d) How many of these boys belong to town and how many hail from villages ?

(e) The number of Assamese and Bengali teachers in each of those schools ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

99. The total number of Government High English Schools in the Assam Valley is — 15 (fifteen).

(b), (c), (d), & (e)—A statement is give below :

Name of Schools	Total No. of boys	Number of boys			Students reading		Boys belonging to town	Boys hailing from villages	No. of Assamese teachers	No. of Bengali teachers
		Hindus	Muslims	Others	Bengali	Assamese				
1. Government High School, North Lakhimpur.	420	354	66	..	..	420	159	261	19	1
2. Government High School, Dibrugarh.	538	425	104	9	14	524	362	176	21	3
3. Government High School, Silwagar.	481	394	87	..	6	475	227	254	21	1
4. Government High School, Jorhat.	613	475	135	3	17	596	315	298	26	1
5. Government High School, Golaghat.	466	409	57	..	15	451	204	262	20	1
6. Government High School, Nowgong.	547	413	116	..	..	547	310	237	23	..
7. Government High School, Tezpur.	386	327	51	8	..	386	234	152	14	2
8. Government High School, Mangaldai.	258	202	56	..	3	255	125	133	14	1
9. Cotton Collegiate School, Gauhati.	647	499	135	13	..	647	408	239	23	..
10. Government High School, Barpeta.	403	316	87	..	11	392	285	118	18	..
11. Government High School, Goalpara.	365	243	120	2	88	277	240	125	16	3
12. Government High School, Dhubri.	511	328	183	..	465	46	401	110	17	5
13. Government High School, Tura.	168	..	..	168	..	..	46	122	7	..
14. Government High School, Kohima.	354	4	..	350	..	60	64	290	5	..
15. Government Girls' High School, Dibrugarh.	346	305	35	6	21	325	294	52	17	1

Flood in the North Lakhimpur Subdivision

Srijut SARVESWAR BARUA asked :

100. (a) Are Government aware that a late flood of the Ranganadi has destroyed about 75 per cent. of the Sali crop of Bakal, Dhenudharia, Dhenudharia-Kathani, Naragaon, Lechaigaon, Jorokhat, Kadamal, Sunga-para and Mautgaon in the Telahi and Kamalabaria Mauzas in the North Lakhimpur subdivision this year ?

(b) If so, what steps, if any, have been taken by Government to give relief to the people of those villages ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

100. (a)—Yes.

(b)—On receipt of a telegram from the hon. questioner, Government instructed enquiries to be made. A reply was received that a tour of the affected area did not indicate the need for any extensive immediate relief. On receipt of a further report from the Agriculture Department about the damage to crops, Government directed the local officers to submit proposals for relief by way of seed loans as recommended by the Agriculture Department. Their proposals are awaited.

Srijut SARVESWAR BARUA: In reply to (b) it is stated that "a reply was received that a tour of the affected area did not indicate the need for any extensive immediate relief". May I know whether any sort of relief, extensive or not, was sought for by the Subdivisional Officer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In the report which we received from the Deputy Commissioner, it is stated that the Subdivisional Officer did not ask for any sort of relief.

Joint Session of the Assam Legislature

Babu KARUNA SINDHU ROY asked :

101. Will Government be pleased to state—

(a) Whether the Joint Session of the Assam Legislature which has been long overdue, for discussing the Sylhet Town Land Tenancy Bill, has been postponed *ad infinitum* ?

(b) If not, when the session is going to be summoned ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

101. (a) & (b)—A Joint Session will be summoned when there are other similar Bills to be considered.

Babu NIRENDRA NATH DEV: Sir, is it the principle that a Joint Session cannot be convened unless there is a number of Bills accumulated for discussion ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, that is not the principle but in order to save expenditure we thought that there may be an occasion to call a Joint Session if at least two Bills are ready to be placed before a Joint Session.

Babu NIRENDRA NATH DEV : Is there any likelihood of any other Bill coming up for discussion at a Joint Session, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am not yet sure, Sir. There may be occasion of two other Bills coming up before a Joint Session.

Babu NIRENDRA NATH DEV : Is it not a fact, Sir, that the Hon'ble Premier gave a definite promise on the floor of this House that the Joint Session would be convened in last January ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, if there had been any more Bill to be placed before a Joint Session.

Babu NIRENDRA NATH DEV : Do Government realise the inconvenience of the people of Sylhet Town for not convening the Joint Session ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, the inconvenience of Sylhet people have continued ever since they came under the British Government and the present laws were in force. If they waited for a long time, there is no harm waiting for some months more.

Babu NIRENDRA NATH DEV : But for how long they will have to wait, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That I cannot say, Sir.

Babu RABINDRA NATH ADITYA : Is it not a very downright denial of justice to the people, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I cannot say, Sir, that there has been any denial of justice to the people. But in order to save the finances of the province, we thought that a Joint Session should be called when two or three Bills may be taken up in a Joint Session.

Co-operative Central Banks of the Province

Maulavi ABDUR RAHMAN asked :

102. Will Government be pleased to state—

- (a) The total number of Co-operative Central Banks in the Province of Assam ?
 - (b) How many of them are now functioning regularly ?
 - (c) If any of such Banks have been sent to liquidation ?
 - (d) If so, how many ?
 - (e) The present condition of the Habiganj, Karimganj, North Sylhet and Maulvibazar Co-operative Central Banks ?
103. Will Government be pleased to state—
- (a) The number of Co-operative Credit Societies under the Habiganj Co-operative Central Bank ?
 - (b) How many of them have since gone to liquidation ?

The Hon'ble Miss MAVIS DUNN replied :

102. (a)—18.

(b) & (c)—All of them are functioning but not satisfactorily.

Maulavi ABDUR RAHMAN : Sir, the reply to (b) & (c) is that "All of them are functioning but not satisfactorily". May I enquire whether Government are taking any steps to make them function satisfactorily ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I reply, Sir, on behalf of the Hon'ble Minister for Co-operative ?

Government have drawn up a scheme for increasing the staff of the Co-operative Department with a view to placing such banks as are not working satisfactorily, in charge of Government officials and on that behalf, a supplementary demand has been placed before the House this Session.

Maulavi ABDUR RAHMAN: May I know, Sir, whether Government are giving any finance to these banks ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the Registrar, Co-operative Societies, has reported that once these banks are managed properly by Government staff, there may not be any need for financial aid. But in case, the question of monetary help to some of these banks comes up, the matter will be dealt with then.

Maulavi ABDUR RAHMAN: Sir, is it not a fact that in the last Budget Session, provision was made for financing the Central Banks ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, for the Provincial Bank and for some Central Banks there was some provision made.

Maulavi ABDUR RAHMAN: May I know whether any money has been given to any of the banks from that provision ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure, Sir, I cannot give that answer off-hand.

Maulavi ABDUR RAHMAN: If it has not been done by this time, will Government please consider financing the really needy banks with the money provided in the budget ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The suggestion will be taken into consideration, Sir.

The Hon'ble Miss MAVIS DUNN replied :

(c)—No.

(d)—Does not arise.

103. (a)—83.

(b)—The question is vague as the word "Since" does not indicate any particular date. The number of societies affiliated to the Habiganj Co-operative Bank which are under liquidation at present is 28.

Reid Bridge on the Kolong river

Maulavi MUHAMMAD AMIRUDDIN asked :

104. Will Government be pleased to state—

(a) If it is a fact that the Reid Bridge on the Kolong river has not been repaired ?

(b) If it is a fact that the Bridge for a long time has been so constructed as not to allow plying of carts, carriages or vehicles without being interrupted at the gateways ? If so, why ?

(c) If Government is aware that the traffic through this bridge is a source of constant troubles and inconveniences to the public at large ?

(d) If so, whether Government propose to hold an enquiry into the matter and sanction the re-construction and re-modelling of the said bridge ?

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

104. (a) No. It is reported that the bridge has been repaired from time to time since its construction.

(b) It is reported that the bridge is narrow and that traffic cannot pass in both directions simultaneously.

(c) No inconvenience except that suggested in the preceding answer is reported.

(d) The reconstruction of the bridge is under consideration, but it is not known if funds will be available. No additional enquiry seems necessary.

Political Prisoners

Babu KARUNA SINDHU ROY asked :

105. Has the attention of Government been drawn to a correspondence under the head-line " ভেদন অভিভূতাই দুই এক পাতা " made by Babu Tarapada Bhattacharyya, who was a " B " Division political prisoner in the Silchar Jail, published in the " Saptak ", dated the 25th June, 1941 making an allegation that under orders of the Superintendent of that Jail he was made to leave his slippers outside when on a particular day during his imprisonment he was asked to appear before the Superintendent in his office ?

106. Will Government be pleased to state—

(a) Whether slippers and sandals are supplied by the Government to " B " Division prisoners in Assam Jails ?

(b) If so, whether such prisoners are required to leave their slippers or sandals outside when they are taken to the room of a Jail Superintendent ?

(c) Do Government propose to make enquiries about the allegations made in the " Saptak " as referred to above, and take necessary steps if they are found true ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

105.—Government have seen the article.

106. (a)—Yes.

(b)—No : but a person under medical examination has to remove his shoes or sandals for the purpose.

(c)—The Superintendent of the Silchar Jail has no knowledge of the alleged incident. If the hon. member will state the facts and take responsibility for them, an enquiry will be made.

Mr. ARUN KUMAR CHANDA : Sir, is it a fact that even the request for a cup of tea from this political prisoner was not entertained by the Superintendent of Jail ?

The Hon'ble the SPEAKER : I think, it is almost a new question. Does it arise from the answer ?

Mr. ARUN KUMAR CHANDA : Evidently, Sir.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Sir, I would make an enquiry on that point.

Mr. ARUN KUMAR CHANDA : The answer to question No.106(c) is "The Superintendent of the Sylhet Jail has no knowledge of the alleged incident."..... Has the reply to this question been supplied by the Superintendent of that Jail, Sir?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Sir, I have already said that the Superintendent of the Sylhet Jail has no knowledge of the alleged incident. If the hon. member will take the responsibility for that, an enquiry will be made. I take it, since the hon. member has put a question in the House that he takes responsibility and on that basis an enquiry will be made.

Mr. ARUN KUMAR CHANDA : I take the entire responsibility, Sir.

Number of Kanungoes and Mandals in Nowgong district

Maulavi MUHAMMAD AMIRUDDIN asked :

107. Will Government be pleased to state

- (a) The number of Kanungoes and Mandals in each Circle of the district of Nowgong?
- (b) How many of them are for the Colonisation Scheme?
- (c) How many more will be appointed for the Development Scheme?
- (d) How many of them are immigrants (including those from East Bengal, Sylhet and Cachar)?
- (e) Whether the appointment of such recorders has been made on communal basis or on the proportional basis of population of the district, viz., on the basis of Assamese and non-Assamese?
- (f) Whether considerations will be given in the case of future selections and appointments of Mandals and Kanungoes to the claims of the immigrants, including candidates from Sylhet and Cachar?
- (g) Whether the system of examination for the selection of such Mandals in the districts of Nowgong, Darrang, Kamrup and Lakhimpur will be relaxed in the case of immigrants on special consideration of their backwardness and under-representation till their quota on the proportionate population basis is availed of and whether a separate percentage will be set apart for the immigrants and district officers instructed accordingly?
- (h) Whether the Colonisation Scheme absolutely deals with the immigrant Colonists and if so, why immigrant Mandals were not selected or appointed for the purpose?
- (i) Whether Government will consider the desirability of giving special consideration in the Test Examination, Selection, final Survey Examination and appointment of immigrant candidates as Mandals and Kanungoes and issue instructions to the District Officers concerned accordingly?
- (j) Whether immigrants will be given any scope in the Development Scheme so far as appointments of Mandals and Kanungoes are concerned?
- (k) When and by whom will such appointments be made and whether the claims of the immigrants and candidates from amongst the Sylheti and Cacharee people locally appearing will be taken into any account?

- (f) If not, why not ?
 (m) Whether due instructions will be issued immediately to the concerning authorities for consideration of the claims of the immigrant candidates to such appointments ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

107. (a) The following is the number of Kanungoes and Mandals in each circle of the district of Nowgong :—

Sadar Circle	2	Supervisor Kanungoes and 35 Mandals
Roha "	3	" " 46 "
Dhing "	2	" " 35 "
Kampur "	3	" " 32 "
Samaguri "	2	" " 29 "

(b)—There is a separate staff of 1 Supervisor Kanungo and 3 Mandals for the Colonisation Scheme.

(c). There is a proposal to appoint 1 Supervisor Kanungo and 3 Mandals for the Development Scheme on a temporary basis.

(d). There are altogether 11 immigrant Muslims and one immigrant Hindu Manipuri namely, 1 Supervisor Kanungo from Mymensing, 9 Mandals from Mymensing, 1 Mandal from Cachar and 1 Mandal from Manipur.

(e)—The appointments are made on the communal basis in accordance with the present policy of Government on the basis of population of the district. The same rule is followed in all districts. It may be noted that it is impossible to determine accurately the number of persons in the district who are native, domiciled or merely resident.

(f) —Yes ; whenever suitable qualified candidates are available, their cases will be considered along with those other Muslims in accordance with the communal percentage laid down.

(g)—No. It would be impossible to maintain efficiency if the existing system should be relaxed and a deterioration in the standard admitted.

(h)—The original Colonisation Scheme was intended to deal with any one who took up land on payment of the prescribed premium in the specified area. In actual fact the immigrants are the only colonists at present. Under the Development Scheme, however colonists of all classes may be expected. Initially qualified immigrant candidates were appointed as Mandals under the Colonisation Scheme but they got themselves transferred to the circle staff in order to have permanent lots.

(i) to (m)—As already stated, Government do not propose to lower the standard prescribed for Mandals nor do they propose to sub-divide for purpose of communal representation classes of Muslims into Assam Valley, Surma Valley and Immigrant Muslims. New appointments will be filled having regard to communal representation and the qualifications of applicants. At present 22 posts in the district Land Records staff, namely, 2 Supervisor Kanungoes and 20 Mandals are held by men from the Muslim community, all of whom are duly qualified. Government do not propose to issue further instructions.

Settlement of lands in the development areas in Nowgong district

Babu KARUNA SINDHU ROY asked :

108. Will Government be pleased to state

- (a) Whether the Secretary to the Government of Assam in the Revenue Department informed Sarafat Ali Choudhury and others of Majigram, P.O. Kakura, district Sylhet, in his letter No. Sectt 1779-4963-R, dated the 17th September 1941, to apply for lands in the development areas?
- (b) Whether the aforesaid applicants went to Nowgong and applied for lands in the development areas of that district?
- (c) Whether they were given hopes by the Colonisation Officer concerned and were asked to wait?
- (d) Whether they were informed after about a month that no lands were available for them?
- (e) Whether they are stranded now at Nowgong?
- (f) Whether the Hon'ble Minister in-charge of Revenue Department has received letter No.816, dated the 3rd November 1941, from Babu Karuna Sindhu Roy, M.L.A., forwarding a letter of Sarafat Ali Choudhury?
- (g) If so, will Government be pleased to state whether attention of Government has been drawn to the following statement in the aforesaid letter of Sarafat Ali Choudhury about the helpless state of persons who went to Nowgong:—

“আমরা এই দারুণ শীতে আসানের বাস ভালুকের মুখে অনুব্রত হারা হয়ে গাছ-তলায় পড়ে আছি। আমাদের দারুণ দুঃখ দুর্দশা অবহেলা ও লাঞ্চিত জীবনের প্রতি মুখ তুলে দেখবার কেউ নাই। আমরা পলে পলে শুধু মৃত্যুর অপেক্ষা করছি,..... আমরা গবর্ণমেন্ট হতে আশ্রয় পাইয়াই গাড়ী ভাড়ার অভাবে পায়ে হাটিয়া আসাম আসিয়া দারুণ শীতে গাছতলায় সর্বহারা অবস্থায় পড়ে আছি।”

- (h) Do Government propose to take immediate steps to relieve them from distress and to reconsider their case for allotment of lands in any development areas?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

108. (a)—Yes.
- (b), (c) & (e)—Government have no information.
- (d)—A copy of a letter to this effect from the Deputy Commissioner, Nowgong, was forwarded to Government by Mr. B. N. Mookherjee.
- (f)—Yes.
- (g)—Yes.

(d) —Government already, on receipt of a representation from Mr. Mookerjee accompanying the letter referred to in (d) above, have directed the Deputy Commissioner to take these applications into consideration in settling lands in the Development Area.

Khan Bahadur Maulavi MAHMUD ALI: Sir, it is replied that the matter is under consideration i.e., these applications for settling lands in the development area is under consideration. Will Government please state when this elastic consideration will be finished?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have not got any idea, Sir. As I have replied, we have directed the Deputy Commissioner to take these applications into consideration and the process of settling lands in the development area is now in force.

Khan Bahadur Maulavi MAHMUD ALI: In consideration of the circumstances and trouble of the people, will Government please take this up very soon, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It has already been taken in hand, Sir.

Plying of stage-carriage on the roads of the South Sylhet subdivision

Babu LALIT MOHAN KAR asked :

109. Will Government be pleased to state road by road separately—

- (a) The number of permits granted this year (1941) to ply stage-carriage on the roads of the South Sylhet subdivision?
- (b) The number of Hindus who have got such permits on the said roads?
- (c) The number of Muslims who have got permits on the said roads?
- (d) The number of old permit holders to whom permits have been refused this year on the said roads? (Hindus and Muslims to be shown separately)
- (e) The number of new applicants to whom permits have been granted on the said roads? (Hindus and Muslims to be shown separately)
- (f) The number of new applicants to whom permits have been refused on the said roads? (Hindus and Muslims to be shown separately)
- (g) Whether the authorities were guided by communal consideration in granting and refusing permits this year?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied ?

109. (a), (b), (c), (d), (e), & (f)—A statement is given below :

Routes	(a)	(b)	(c)	(d)		(e)		(f)	
				Hindus	Muslims	Hindus	Muslims	Hindus	Muslims
1. Kulaura-Maulvi-bazar.	20	10	10	3	..	..	7	14	5
2. Maulvibazar-Srimangal.	13*	5	7	1	..	1	2	7	9
3. Maulvibazar-Shamshernagar.	4	2	2	..	..	..	2	1	2
4. Shamshernagar-Kailashar.	2	1	1	..	..	..	..	..	..
5. Kulaura-Juri-Fultala.	14†	6	6	..	..	1	1	10	3
6. Sylhet-Sherpur-Maulvibazar. (which is partly in South Sylhet sub-division).	32	17	15	2	..	1	2	60	43

* One Asad Bakt Chaudhury of Srimangal holds 2 permits in that route.
† One Irman Ali Dewan of Juri holds 3 permits in that route.

(g)—No.

Sylhet Medical School

Babu LALIT MOHAN KAR asked :

110. Will Government be pleased to state whether they propose to take steps for starting the medical school at Sylhet from the next financial year ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

110.—The matter is still under consideration.

Babu BIPIN BEHARI DAS: When the consideration stage will come to an end, Sir ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: All that I can say, Sir, is that Government is trying to take action in accordance with what was stated by the Hon'ble Premier in the last Budget Session.

Babu RABINDRA NATH ADITYA: At what stage of consideration it is now pending, Sir?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I do not know what he means by "what stage", Sir. Government is considering this matter. This much I can say that it is in some stage.

Maulavi ABDUR RAHMAN: May I know, Sir, since the statement made by the Hon'ble Premier in the last Budget Session in connection with a cut motion whether any progress has been made by the Hon'ble Minister-in-charge?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Certainly, Sir.

Maulavi ABDUR RAHMAN: May I know what progress has been made by this time?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Government is considering various aspects of this matter and the matter is still under consideration.

Maulavi ABDUR RAHMAN: May I know whether the Hon'ble Minister remembers what he stated in connection with the cut motion with regard to the starting of the Medical School?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I do not know what he is referring to, Sir?

Maulavi ABDUR RAHMAN: May I remind him, Sir, whether the Hon'ble Minister stated something like that that if private houses were available and if private gentlemen helped him in the matter of finding out accommodation for students, the school would be started as early as possible.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: It is in the proceedings, Sir.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister take it as correct that it was the statement he made on the floor of the House?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I do not know, Sir, whether these are the exact wordings but these may carry the sense.

Maulavi ABDUR RAHMAN: Did the Hon'ble Minister go to Sylhet and enquire of any private gentleman as to whether any private houses would be available for the purpose of accommodating the students?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: That question comes in later on, Sir. First of all, we are to consider how the school is to be started and the question of hostel comes later.

Maulavi ABDUR RAHMAN: Is it not a fact that during the last Budget session, the Hon'ble Minister in charge of Medical insisted that for want of accommodation for students the school was not started earlier. Was it not one of the foremost points for which he urged?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This may be one of the reasons, Sir.

Mr. BAIDYANATH MOOKERJEE: May I request the Hon'ble Premier to make a statement regarding this, because I think that he is in a better position to reply to these questions. During his last visit to Sylhet, I took him to the proposed Medical School Hostels, and I hope that he will kindly make a statement so that all these supplementaries may be stopped.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I quite realise, Sir, the anxiety of hon. members from Sylhet about starting of this Medical School. I stated in reply to the cut motion that there were various difficulties, one of them being the absence of a hospital. Now, to build a new hospital in these days of high prices of iron and steel will be very expensive. Therefore, I throw out a suggestion whether the existing buildings meant for accommodating the students, i.e., the hostel blocks, could be converted into hospital, and the local gentry make arrangements for accommodating the students. I asked the then Inspector General of Civil Hospitals, Col. Phipson, to go and inspect and give me a report. His report was against starting of the School; he also said that these hostel blocks could not be converted into a hospital. After Col. Phipson retired, I sent the officiating Inspector General, Colonel Hesterlow, to inspect again and submit a report. His report was also to the effect that the conversion would be very expensive, and, at the same time, very unsatisfactory as hospital. Thereafter, while I was at Sylhet on the 19th of last month, my hon. friend Mr. Mookerjee took me to see those hostel blocks; the Civil Surgeon Dr. Guha as well as my hon. friend Srijut Brajendra Narayan Chaudhuri, who was some time the Deputy Leader of the Congress Party in the previous Council, also accompanied us. We looked into those blocks, and I formed my own impression. I heard the objections of the Medical Department how the patients would be inconvenienced if those three-seated rooms, meant for accommodation of students, are converted to a hospital. I have carried with me my own impression, and I have asked the Hon'ble Medical Minister to look further into the question in the light, if possible, of converting at least five of those blocks for hospital purposes, and thereafter to see whether the school can be started. That is how the matter stands now.

Mr. ARUN KUMAR CHANDA: Will the Hon'ble Minister in charge of Medical please state how far the stage of consideration has progressed since the time he himself filed a cut motion to censure Government for not starting the medical school and his own taking over of the Medical portfolio?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I could not follow the hon. member. Did he say that I moved a cut motion for not starting the medical school? I never moved any cut motion for that purpose.

The Hon'ble the SPEAKER: The Hon'ble Premier has stated all the facts, and after that I don't think all these questions are necessary.

Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Premier be pleased to state whether Government are aware that the All-India Medical Council is against medical schools, and they say that all medical schools should be raised to the standard of colleges?

The Hon'ble the SPEAKER: I remember the other day answers were given to this and similar questions?

Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Premier please state whether he is aware of the resolution of the All-India Medical Council that after 1947 they will not recognise the Licentiate qualification?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have considered every factor and I request my hon. friends to remember just two principles. Roughly speaking, we have got now over 200 people in the cadre of the Junior Medical Service and only about 50 in the Provincial Medical Service. If the recommendation of the All-India Medical

Council is to be accepted by this Government, the result will be that ultimately the subordinate medical service have to be manned thereafter by people with higher qualifications; the cost will be enormous in that case, which this province will not be able to bear. After all, the recommendations of the All-India Medical Council were there, but very few provinces have followed them. We have considered the whole matter carefully, and I am afraid, Sir, in the immediate future there is no possibility of raising our medical education to the collegiate standard.

Srijut GAURI KANTA TALUKDAR: Is it not a fact that the Governments of Madras, Bombay, U. P. and Punjab have accepted proposals of the Medical Council and have acted accordingly?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They may have, but will my hon. friend also consider their annual incomes?

Complaint for non-receipt of replies to certain questions

Mr. NABA KUMAR DUTTA: Sir, I sent some questions about two months ago asking for replies within the first three days of the Session. To-day is the third day, but the questions have not come up as yet. May I enquire when can I expect replies to those questions?

The Hon'ble the SPEAKER: Very well, I will look into the matter and draw the attention of the Government to the urgency of the questions.

Adjournment motion for banning of public meetings in the districts of Sylhet and Cachar and Dibrugarh subdivision

Srijut GOPINATH BARDOLOI: Before other business is taken up, I desire to elicit certain information from the Hon'ble Premier, regarding release of political prisoners about which we are informed by the Associated Press agent this morning.

The Hon'ble the SPEAKER: Let me first finish the adjournment motions.

Babu RABINDRA NATH ADITYA: Sir, I beg leave of the House to move: "That this Assembly do now adjourn to discuss a definite matter of urgent public importance namely the situation arising in the districts of Sylhet and Cachar and Dibrugarh subdivision due to the continued repetition of the Government order banning all public meetings and assemblies." I tabled a similar motion in the last November Session of the Assembly by which I drew the attention of Government to the difficulties experienced by the public of Sylhet and Cachar due to the promulgation of this ban. We thought that the discussion on the floor of the House then would have some sobering effect on the Government and they would not see their way to repeat the ban after that. But quite contrary to our expectations, we find that the bans are being repeated after every six months. Sir, the main ground on which the Hon'ble Premier stood on the last occasion was that there were some notorious Kishan Sahbaits in the district of Sylhet who were fomenting agrarian discontent, and it was for penalising those people that it was necessary to ban meetings and assemblies. But since then almost all the notable leaders of the Kishan Sabha have either been home-interned or put in jail or certain restrictions have been put on the movements of those whom Government consider undesirables. And, Sir, it is no argument that for their fault the entire public of the districts of Sylhet and Cachar and the

subdivision of Dibrugarh should be penalised. The entire public life in those places has been throttled, and, therefore, it is an urgent matter, and I beg leave of the House to move the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, this matter was moved in the shape of an adjournment motion in the last session of the Assembly as well. Now, instead of improving, the political situation in the province as well as outside has become worse. As a matter of fact, the international situation has so deteriorated that defensive measures had to be taken in the North-Eastern Frontier. Therefore, the question of Dibrugarh, from the point of view of political agitation, has become more acute.

As regards Sylhet and Cachar, in spite of the fact that Government have been taking every precautionary measure, we have reports that a number of people impregnated with subversive motives and ideas from Bengal have been making a happy hunting ground in the districts of Sylhet and Cachar. *(Laughter)*.

Therefore, Sir, Government have been compelled to continue the action taken under the Defence of India Rules. This is not an urgent matter and it has already been previously discussed. I therefore oppose this adjournment motion.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: May I, Sir, make an observation on this motion? I submit that this adjournment motion is neither definite nor urgent in the sense the terms are used in the rule.

The Hon'ble the SPEAKER: May I enquire of the hon. mover to say whether any meeting was held between last November and this time?

Babu RABINDRA NATH ADITYA: There were certain meetings, Sir, to be held between last November and this time, but there is the ban that the meetings are to be held with the permission of the Deputy Commissioner.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: As I said, Sir, the matter must be definite and of recent occurrence and the motion must have reference to a specific matter. The meaning of these terms is not to be understood in the ordinary Dictionary meaning but it is purely in a technical sense. In support of my contention I should like to read the ruling of the Hon'ble President of the Central Legislative Assembly. On page 20 of "A Selection from the Decision from the Chair—1921-30" it is written—"On the 14th July, 1930, Maulavi Mohammad Shafee Daoodi sought to move the adjournment of the Assembly to discuss the continuation of repressive measures in the North-West Frontier Province". Objection was taken that the matter proposed to be discussed was neither definite nor urgent. The President agreeing ruled as follows: "**** But Hon'ble Members know that motions for adjournment of the House can only be allowed for the purpose of discussing a definite matter of urgent public importance. Such a motion must be restricted to a single specific matter of recent occurrence and must be of an urgent nature. It has been pointed out that there were certain matters of recent occurrence which came to the notice of the Hon'ble Maulavi Mohammed Shafee Daoodi on the morning of Saturday. Notice of this motion was handed over to me on the afternoon of Saturday. So, it is clear that the Hon'ble Member was in possession of these specific facts on the morning of Saturday before....."

The Hon'ble the SPEAKER: That is another matter.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: What I want to say is that in this particular motion for adjournment no specific matter has been referred to.

Then again, Sir, it is stated "It is obvious that the motion, as it has been framed, is not definite, nor does it relate to a single specific matter of recent occurrence."

Now, Sir, it is further stated. "A matter to be 'definite', 'urgent' and 'of public importance' in the sense in which these terms are used in the Standing Order, must have arisen suddenly in the manner of an emergency. Now the political situation to which these notices refer has arisen over a series of weeks, indeed one might say, over a series of months; and it would make no material difference to the discussion whether it were taken to-day, to-morrow, next week or even next month. At all events, it is not of sufficient urgency, to demand the interruption of the ordinary business of the Assembly in order that a debate may take place to-day. On all these grounds, therefore, the notices given are not in order. I hope the House will not misunderstand me when I say, that the matter is not urgent. Upon the political urgency of the matter the Chair has not pronounced, but in respect of the technical use of the word "urgent" in the rule, there is no doubt whatever in my mind that these motions do not satisfy that requirement."

Then, Sir, with regard to the general practice for moving adjournment motions, I should like to quote—"Motions for adjournment are meant for obtaining an immediate debate on grave and serious matters, which cannot otherwise be immediately and effectively dealt with, and the very object of such motions will be lost if they are permitted to assume the character of an ordinary course of action of every day occurrence. The formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has during the nineteenth century been gradually but steadily discouraged by the rules of the House."

With regard to this motion, I submit, Sir, that the matter is neither definite nor urgent in the sense the terms are used.

Babu RABINDRA NATH ADITYA: So far as I understood from the Hon'ble Minister, in the case referred to by him, there is a positive act namely repression. But here is a negative act of Government namely the "ban".

The Hon'ble the SPEAKER: But the hon. member says that meetings are held from time to time.

Babu RABINDRA NATH ADITYA: It is up to Government to permit a meeting to be held. So, the right of the public has been curtailed.

The Hon'ble the SPEAKER: What does the hon. member mean by "ban"?

Babu RABINDRA NATH ADITYA: It means restriction on holding public meetings.

The Hon'ble the SPEAKER: I don't think it is an absolute ban.

Babu RABINDRA NATH ADITYA: But all meetings are banned unless the Government is pleased to remove it in particular cases.

The Hon'ble the SPEAKER: Was any important public meeting banned in the past?

Babu RABINDRA NATH ADITYA: Every meeting is banned, but of course, I do not say that the ban was never lifted by Government. The ban is there all the time, though not unremovable. Therefore, I say it is a continued repetition of ban on meetings. Recently, Sir, this matter has been brought to a crisis. Perhaps many of the hon. members know that permission was refused to hold a condolence meeting at Sylhet on the demise of our great poet Dr. Rabindranath Tagore.

The Hon'ble the SPEAKER: Was it refused?

Babu RABINDRA NATH ADITYA : Permission was refused to hold the meeting on the day it was to be held. How absurd it is, Sir, that one is to wait for 3 days before he gets permission from the Deputy Commissioner to hold a condolence meeting on the death of a great man like Dr. Tagore? The people in the subdivisions are still more handicapped and even if we submit our petition for permission 7 days in advance we do not get the permission in time.

So, this is a serious thing. Normal expression of public life has been hampered at every step and unless this ban is lifted there can be no legitimate and normal activities in the districts of Sylhet and Cachar.

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

Babu RABINDRA NATH ADITYA : Yes, Sir.

The Hon'ble the SPEAKER : I have heard the hon. member who has given notice of this motion and also the Hon'ble the Premier and the Hon'ble Maulavi Abdul Matin Chaudhuri and I do not think that his motion raises a question on a matter of urgent public importance. As the wording of the motion stands, it has been too widely stated. It appears to be so even from what the hon. member has said. Therefore it lacks definiteness. It ought to have specifically mentioned the instances where meetings were prohibited. I quite appreciate the grievances of the public, but under the rules I am quite helpless, because there is no definiteness in the motion which can be discussed by means of an adjournment motion. Therefore I rule this motion out of order.

I call upon Babu Rabindra Nath Aditya to ask for leave to move his next adjournment motion.

Adjournment motion for internment of political workers under hard restrictions without making provision for their maintenance

Babu RABINDRA NATH ADITYA : I beg, leave of the House to move, Sir: "That this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely the orders issued against political workers by the Government for their internment under hard restrictions without making any provisions for their maintenance."

Sir, this morning we have seen from the replies to certain questions that a large number of political workers have been home-interned and placed under restrictions. Sir, it is known to every man living under a civilised Government that movement of any man is never restricted without a proper trial. But if there is an exception under certain emergency, Government would always give necessary facilities for those people who are placed under such restrictions, for their maintenance. But here, curiously enough, most of the workers whose freedom has been curtailed to a considerable extent are denied the right of living. Recently one of the political workers, Babu Amiya Sindhu Roy, who was externed from Shillong and has been compelled to live in his home district, went on hungerstrike, as no allowance was granted to him. Secondly, another Babu Kriti Bhusan Chaudhury, as a protest, violated Government's internment order and courted imprisonment because he was granted an allowance of Rs.12 a month which was quite insufficient to meet the expenses of his medical treatment and other necessities of life. He sent a petition to Government for the redress of his grievances but it was of no avail. Similarly, another worker in Karimganj, Mr. Jajneswar Das got an offer from some bank on a salary of Rs. 75 but he had to refuse that post as certain restrictions quite incompatible with

his service career were placed on him. He also applied to Government for certain allowances but that was refused. Similarly, all these persons who could have earned an income had there been no restrictions on their movements, are being handicapped for want of money. Some of them have got their families, others have got their expenses of medical treatment and Government is denying everything to them. It is a serious matter and the question has grown in importance greatly, because of late, soon after the last session of the Assembly, a good many workers had been placed under similar restrictions without any compensation being granted to them. Therefore it is an urgent and definite matter of public importance and as such, I beg leave of the House to move this motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am sorry that I have got to oppose this motion on three grounds. One is that this is not of urgent public importance in as much as some of these orders for externment were passed even before the last session of the Assembly and my hon. friend, did not seek an opportunity of bringing this motion at that time.

My next objection is that, Sir, almost every one of them, has been restricted to his own district and sometimes in his own home village. Some of them are living in the bosom of their families and for those persons who said that they had become burdens on their families and wanted some allowances for their maintenance, Government enquired very thoroughly into their conditions and finally fixed Rs. 12 as a sufficient amount as their allowance.

My hon. friend mentioned the case of Babu Amiya Sindhu Roy. This gentleman, who is personally known to me as he was a resident of Shillong and who is the brother of our colleague Srijut Karuna Sindhu Roy, saw me thrice on my last tour at Sylhet. That was on the 17th as well as on the 19th. He discussed with me his case and I told him that he should better place all the materials of his income while at Shillong, that is before the externment order was passed on him, and that I would very carefully consider his case. But he did not send me any such material to decide, but instead sent me a letter saying that he was determined to resort to hungerstrike and probably he has started hungerstrike, as my hon. friend says. There was no denial on the part of Government to grant allowance to those, whom in the interest or the exigency of public, they had to intern not in any way inconvenienced and they were restricted in their home districts. Those persons, who applied for maintenances, and proved their cases, were provided with the same.

The Hon'ble the SPEAKER: In how many cases maintenance allowances have been given.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Three have already been given maintenance allowances and the case of one gentleman is still pending. Of these three gentlemen one Mr. Kriti Bhusan Chaudhury—I come to know for the first time—protested against the inadequacy of the allowance.

Babu RABINDRA NATH ADITYA: Does the Hon'ble Premier know that this Kriti Bhusan Chaudhury has developed tuberculosis and was refused admission into the local Civil Hospital by the Civil Surgeon?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry to hear that, Sir. We have no information of this. If my hon. friend will give me details, I will have him examined by the Civil Surgeon of Sylhet.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Premier kindly enquire whether there is already a report from the Civil Surgeon of Sylhet regarding this internec Srijut Kirti Bhushan Chaudhury?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not got any report from the Medical Department. When I get a report, I shall enquire if any thing can be done.

The Hon'ble the SPEAKER: We are discussing the adjournment motion. That does not arise at all. The question is whether any allowance was given or not?

Mr. BAIDYANATH MOOKERJEE: My point Sir, is.....

The Hon'ble the SPEAKER: The hon. member can put questions on any other day in regard to the matter about which he is anxious to speak. Has hon. Mr. Aditya got anything more to say?

Babu RABINDRA NATH ADITYA: The reply given by the Hon'ble Premier is not at all satisfactory. He said that the statement.....

The Hon'ble the SPEAKER: The question is whether any allowance was granted or not. It seems that the statement that allowances are not being granted is not accurate.

Babu RABINDRA NATH ADITYA: It is not for me, Sir, to say whether it is correct or not.

The Hon'ble the SPEAKER: Certainly it is for the hon. member to say. When he undertakes to table a motion, he must have definite information.

Babu RABINDRANATH ADITYA: Whatever information there is at the disposal of the Government it is for the Government to enlighten us.

The Hon'ble the SPEAKER: No, it is for the hon. member to furnish the information when he undertakes to table an adjournment motion. He must have quite definite information before moving an adjournment motion.

Does he press his motion having heard what the Hon'ble Premier has said. (*Voice: No, no.*)

Babu RABINDRANATH ADITYA: Of course, Sir, the statement given by the Hon'ble Premier has not been quite convincing. As I have already said only three persons have been granted a poor consolation allowance. I have already said that every one knows, a man cannot live with Rs.12 a month, when the price of daily necessities have gone up so high. A man must have an attendant to look after him who should be given his wages, etc.; so I say, Sir, this allowance is quite inadequate.

The Hon'ble the SPEAKER: This is also starting a discussion.

Babu RABINDRA NATH ADITYA: No, Sir, I am only giving my reasons as the reply given by the Hon'ble Premier is quite unconvincing.

The Hon'ble the SPEAKER: But it is convincing so far as the present question to be decided stands.

Babu RABINDRA NATH ADITYA: Any way it is now revealed that three persons have been granted some allowance, but it was not known to the mover at the time. However, I find there are certain irregularities or vagueness in the.....

The Hon'ble the SPEAKER: It is not desirable that the hon. member should say that such and such a thing was or is not known to him. Having tabled an adjournment motion to say "I don't know all facts" is not very satisfactory.

Babu RABINDRA NATH ADITYA: It may be so for the member not knowing it. When these informations were not published in the Gazette

the member living in one part of the province is not expected to know the condition of all the political prisoners in the province. But it does not take away the merit of my case when a large number have not got any allowance.

The Hon'ble the SPEAKER: The question is whether allowances were or were not given in certain cases. If it is sure that allowances have been allowed in some cases, terms of the motion would lack definiteness.

Babu RABINDRA NATH ADITYA: My information was that no allowance was given to the prisoners. But whatever it may be as there is some formal defect in the motion, the Hon'ble Premier wants to take some advantage and I have no alternative but to withdraw it.

The Hon'ble the SPEAKER: The motion is not being pressed. Babu Rabindra Nath Aditya, his next motion.

Babu RABINDRA NATH ADITYA: No Sir, I do not like to move my motion.⁴

The Hon'ble the SPEAKER: Srijut Purna Chandra Sarma.

Srijut PURNA CHANDRA SARMA: I am not moving my first motion.⁵

Adjournment motion for the inadequacy of famine relief granted by Government in the district of Nowgong

Srijut PURNA CHANDRA SARMA: Sir, I beg leave to move:

"This Assembly do now adjourn to discuss a definite matter of urgent public importance of recent occurrence to wit, the famine condition of ryots in the district of Nowgong and the inadequacy of relief granted by the Government."

Sir, it has been admitted, while some questions were discussed by the Government. That there is some distress in the district of Nowgong is not doubted and the district officers including all the subordinate officers have also reported. The Government have also received resolutions of public meetings that there is some distress and famine condition in the district. Some relief has been given which is not at all sufficient to meet the needs of the situation. Now, Sir, I understand that the relief given by the Government is only 7 thousand for two circles which are most affected and where many people are starving. I know personally that there are several cases in which people have to go to other parts of the district begging for alms to feed their families. The sum of Rs.7,000 distributed in the two circles, Sir, was so very insignificant that it had not been able to satisfy the needs of even the infirm or the orphans. And, therefore, Sir, when I find that relief is very urgent I have brought this motion before the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, this matter cannot really form the subject matter of an adjournment motion. The real question is whether the relief given is adequate or inadequate. Now, according to the report of the local officers, whatever they asked as necessary for relief measures the Government have

* Babu Rabindra Nath Aditya to move:—

That this Assembly do now adjourn to discuss a definite matter of urgent public importance to wit the situation arising out of the Government decision for constructing a Tuberculosis Clinic inside the Civil Hospital compound of the Shillong town.

† Srijut Purna Chandra Sarma to move:—

This Assembly do now adjourn to discuss a definite matter of urgent public importance of recent occurrence to wit, the Land Development Scheme initiated in the district of Nowgong by the Resolution of the Government of Assam published in Page 978 of the *Assam Gazette* of July 30, 1941 and the subsequent Notification No.5178-R of 18th October 1941.

provided. I mentioned the other day that Government paid Rs.7,000 but actually it is Rs.9,000 for gratuitous relief. The then Deputy Commissioner Mr. Goswami reported like this: "from what I have been able to gather so far, the Kapali is now subsiding and this rise is not abnormal, but as the *bas* crops were sown late, owing to the delay in the first showers of the rainy season the young plants are likely to be damaged specially in the lowlying areas. I am waiting for the detailed enquiry reports from the Sub-Deputy Collectors who incidentally have not reported any "serious" flood yet. No report has been received from either the Sub-Deputy Collector Kampur or the local mauzadars as regards a flood in the Jamuna nor have the *ryots* submitted any petition either. I am having an enquiry made and shall submit a further report in due course".

Pursuant to this report Rs 9,000 was sanctioned for gratuitous relief in the affected areas and as suggested by the Deputy Commissioner, coercive measures for collection of revenue in that area was stayed till the end of September.

Next I find that another sum of Rs.7,000 was given which was on the 5th November 1941. In the circumstances explained by the present Deputy Commissioner, Government sanctioned Rs.7,000 for gratuitous relief in the district.

This item was not known to me when I replied the other day. So, Sir, the total amount sent for gratuitous relief to Nowgong was Rs.16,000.

It will be seen that we have immediately provided the sums that were asked for by the local authorities. And therefore, Government cannot be censured by this motion.

The Hon'ble the SPEAKER: Are Government taking further steps?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If the local officers ask for further relief, we will provide for it.

Srijut PURNA CHANDRA SARMA: Will Government make enquiries just now whether any more relief is necessary?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is an adjournment motion and therefore, I am unable to say all I would like to say. If I am to explain, the former report that I quoted was from Mr. Satyadas Goswami. And there is the latest report from the Deputy Commissioner Mr. Mehta. This was received after the floods and similar nature were received here simultaneously direct from the *ryots* of various Mouzas of the sadr and Samaguri circles which have also been enquired into. It appears from the reports of the Sub-Deputy Collectors concerned that some of the *ryots* are really in great distress about their food supplies.

The outturn of paddy was also much below the average of the year before last. Owing to want of rain in March and April and excessive rains in May last the *ryots* could not sow *Ahu*."

Ultimately he says "I am inclined to think that if Rs.7,000 be sanctioned as gratuitous relief, the present difficulties may be tided over for the present till at least these people get their first harvest in December next."

This report came in November and we immediately sanctioned Rs.7,000 as asked for.

So far we are dependent upon the reports of the local officers and if they say that further relief is necessary Government will surely consider.

Therefore, Sir, I say that this is not a matter on which Government should be censured because they have readily sanctioned all that has been asked for by the local officers.

Srijut PURNA CHANDRA SARMA: I am satisfied so far as the Government is concerned. But as regards the Deputy Commissioner, will Government please enquire again whether any further relief is necessary?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, Sir, we shall ask the Deputy Commissioner.

(The adjournment motion was not pressed.)

Adjournment motion for harrassment of *raiyls* by the Mauzadars in the district of Nowgong

Srijut PURNA CHANDRA SARMA: I beg leave to move:

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance of recent occurrence to wit, the harrassment of *ryots* by the mouzadars in the district of Nowgong by attachment and proclamation by sale of lands and other properties for arrears of revenue—due to the pressure of the Government on the Mauzadars to pay up the arrears by 30th November on penalty of forfeiture of their mouzas".

Sir, only about a week ago some mouzadars came to me and I heard from some people also that some mouzadars have had to put to sale all the properties belonging to the patta-holders for arrears of revenue. Now, Sir, as it has been stated in my previous motion and as it has been admitted by Government themselves, there has been great distress in that district and the people are not in a position to have even two meals, not to speak of their being able to pay up their arrears. In these circumstances, if these people are harrassed by putting their lands and their property to sale for arrears of revenue, how difficult it would be for them, to pay up their arrears could easily be understood by the members of the House. My position is this. Unless these orders are withdrawn or unless the sale cases are withdrawn, these properties will be sold and they will have no other relief and nothing left for their livelihood. That is why I have given notice of this motion to ask the Government to withdraw these orders and give sufficient time and also remit the arrears of rent due by these distressed people.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, this is yet another matter in which we have been guided by the report of the local officer, the Deputy Commissioner. This censure motion wants the Government to stay its hands from realising their contractual dues from the mouzadars. Every hon. member knows that the mouzadars are contractors with Government who have undertaken to pay up the total rent roll whether received from the *ryots* or not by the 30th June every year and for which they are reimbursed by a commission of ten per cent. upto the first ten thousand rupees and 5 per cent. for the remainder. The relationship between the mouzadars and the Government are contractual. Yet in the present instance all the mouzadars were given time to pay their dues by the end of last month, that is 30th November instead of 30th June. It, therefore goes without saying that Government instead of being harsh, have shown every consideration to the mouzadars in view of the circumstances prevailing in some of the mouzas. A petition was received from our learned Deputy Speaker Mr. Amiruddin which the Government sent to the Deputy Commissioner for enquiry and report. The Deputy Commissioner has reported that although distress warrants were issued against defaulting mouzadars yet no legal action consequent upon the attachment of the property of the mouzadars was taken. He has also stated that he has granted time till the 30th of November to all

defaulting mouzadars and steps will be taken in strict accordance with the rules against such mouzadars if they fail to satisfy the demand then. The Commissioner has also stated in his letter of the 18th November 1941, that "There was no abnormal calamity in the district during the last year. Those narrated in the representation are common to all districts and to all years. In the badly affected localities the Deputy Commissioner has already taken steps to give relief to the needy *ryots*. So there is not much substance in the representation. On the other hand, the percentage of collection in the district, being 81, is the lowest in the valley and I support the Deputy Commissioner in his proposal to take suitable steps against the mouzadars who fail to satisfy their demands within the time allowed". Then he says that the Deputy Commissioner "can be trusted to use his discretion as to who should be pressed to pay and who not and a general order suspending payment of revenue as asked for by the petitioner is not justified and will, I am sure, seriously affect collections".

So, Sir, it will be seen that we have not issued any instructions. On the other hand when a representation was received, we immediately sent it to the Deputy Commissioner asking him for reports and I have told the House what those reports are. As a matter of fact every possible consideration had been shown. In view of the reports received, it would be well to leave the matter to the discretion of the Deputy Commissioner who has been very sympathetic in not pursuing further action although properties have been attached, and although the contractual period for payment was 30th June 1941 it was extended by him to 30th November 1941. And even now in those areas where people have been affected and where gratuitous relief has been given, the learned Deputy Commissioner will see that the Mouzadars are not harassed. I do not think there is any question for a general order for suspension of land revenue.

Srijut PURNA CHANDRA SARMA: In view of the assurance given that due consideration would be given to the affected arrears, I like to withdraw my motion.

Adjournment motion for constituting the "Naringgiri Forest" as a Government Reserved Forest

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I beg leave of the House to move:

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance and recent occurrence regarding orders passed by the Government to constitute the 'Naringgiri Forest' as a Government Reserved Forest."

The Hon'ble the SPEAKER: The hon. member will please state the facts very briefly.

Mr. JOBANG D. MARAK: Sir, this is a very simple matter and does not require a lengthy explanation. "Naringgiri Forest" is in the Garo Hills. This land belongs to a particular Mahari and it is a private property. If this "Naringgiri Forest" is constituted as a Government forest, it would mean confiscating a private property by the Government and this action of the Government will entail great hardship on the owner. I don't know if the Government has issued any notice to the owner nor do I know if they have ascertained the number of houses and population in that area which comprises more than 8,000 *bighas* or so.

The Hon'ble the SPEAKER: If the hon. member is not in a position to give certain facts he should not have come forward with this motion.

Mr. JOBANG D. MARAK: The Deputy Commissioner has been appointed as the Settlement Officer and the Divisional Forest Officer as his Assistant. I can inform the

The Hon'ble Srijut RUPNATH BRAHMA: May I know from the hon. member what is the source of his information?

Mr. JOBANG D. MARAK: Sir, I can inform the House that the whole population of the district of Garo Hills stand against this action of the Government and I have been asked by the people of my constituency to protest against this. So I have moved this adjournment motion for discussion of this question.

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, this is not at all an urgent matter of public importance at this stage. Government have not issued any definite final order for constituting that portion of the Garo Hills as a reserved forest. We have simply announced the intention of the Government to reserve that portion. The mover of this adjournment motion has not pointed out what is the definite source of his information. But for the information of the hon. members I may say that we have issued in the Gazette, a notification dated the 11th August 1941, whereby we have simply announced the intention of the Government to reserve that portion. But there is no final order from the Government to constitute that reserve. By that notification we have appointed the local Deputy Commissioner as a Forest Settlement Officer to enquire into and determine the existence and nature of different rights of different people and the hon. member and the people whom he represents will have sufficient opportunity to bring forward their different rights and interests with regard to that portion of the forest to the notice of that officer.

Now as regards the object of the Government for constituting that portion as reserved forest, I may say for the information of the hon. members that the forest condition in the Garo Hills is not at all good and is gradually deteriorating. The other day in connection with another adjournment motion, hon. friend Mr. Blennerhassett laid great stress on the importance of preservation of reserved forest, and I am glad that it has been realised by the prominent representatives of the people specially by the hon. members of the European group that time has come when Government should take up some definite measures for preservation of these forests and if possible to extend the reserved areas by creating more reserves.

Khan Bahadur Maulavi KERAMAT ALI: I think, at this stage a lengthy speech is not necessary.

The Hon'ble Srijut RUPNATH BRAHMA: I am only giving out the intention of the Government in this matter.

The Hon'ble the SPEAKER: That is quite sufficient.

Mr. JOBANG D. MARAK: The Hon'ble Minister has said that no definite order has been passed. But I say it has been definitely passed. In the Gazette of 11th August 1941, page 1038, Part II, Notification No. 4077-G.J., dated the 11th August, it is published like this—

“In exercise of the power conferred by section 5 of the Assam Forest Regulation, 1891 (VII of 1891), the Governor hereby declares that it is hereto annexed”.

This clearly shows that action has already been taken. The officers have already been appointed and they are now to begin the work. So I say this matter is not only urgent, it is most urgent because the Deputy Commissioner has been appointed as the Settlement Officer and the Divisional Forest Officer as his Assistant and they are going to proceed immediately to enquire and report on this matter and it is of public importance. The whole population of the district is affected. It is urgent, Sir, because it has to be proceeded immediately. It is of recent occurrence and going to occur in future. So, Sir, this may be accepted.

The Hon'ble the SPEAKER: Does not the hon. member belong to the Government Party?

Mr. JOBANG D. MARAK: Yes, Sir, I belong to the Government Party, but I must protect the interest of my constituency and so I am bound to move this motion, Sir, but I am not censuring the Ministry. I am simply expressing my views because this will be very painful and the consequential effects will be very serious for the whole of Garo Hills.

The Hon'ble the SPEAKER: Does the hon. member really want to censure the Government?

Mr. JOBANG D. MARAK: Yes, Sir, I want to censure them for this action.

The Hon'ble the SPEAKER: Then am I to take it that the hon. member wants to press his motion?

Mr. JOBANG D. MARAK: Yes, Sir.

The Hon'ble the SPEAKER: Having heard the hon. the mover and the Hon'ble Minister-in-charge I do not think that it is a matter of urgent public importance of recent occurrence. The motion is out of order.

Adjournment motion for sudden rise of royalty on forest produce in the Garo Hills

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I beg leave to move: "That this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, viz., the sudden rise of royalty on forest produce from annas two to annas six per one hundred Tarai bamboos in the Garo Hills."

Sir, I do not know, if Government has ordered but this rate has been raised very recently. Some people came to me and complained about this sudden rise and.....

Khan Bahadur Maulavi KERAMAT ALI: On a point of information, Sir. If the hon. member himself does not know the fact, how can he move the adjournment motion?

Mr. JOBANG D. MARAK: The matter, Sir, is of urgent public importance and of recent occurrence because the incident took place very recently. I have some documentary evidence, Sir.

The Hon'ble the SPEAKER: I think the hon. member has realised what Khan Bahadur Keramat Ali said.

Mr. JOBANG D. MARAK: I could not follow him, Sir.

The Hon'ble the SPEAKER: He has said that the hon. member himself being not in possession of facts has come forward with an adjournment motion. It is a simple point that he has raised. The hon. member began by saying "I do not know".

Mr. JOBANG D. MARAK: No Sir. I know the fact.

Why the Government raised this royalty from annas two to annas six suddenly? When I approached the Divisional Forest Officer in his office he said this would be stopped in future and he did actually send a wire but we did not know what would be the result. So, Sir, this is of public importance because many people are complaining about this sudden rise from annas two to annas six.

The Hon'ble the SPEAKER: Let me hear the Hon'ble Minister.

The Hon'ble Srijat RUPNATH BRAHMA: Mr. Speaker, Sir, with regard to this motion also I do not think that this matter should be discussed as an adjournment motion. He could have brought this matter to the notice of Government instead of bringing in an adjournment motion. But I may tell the hon. member that so far as my information goes I am not aware if there was an increase. I made an enquiry in the office. The office also could not say whether there was any increase. Any way, I am ready to make an enquiry into it.

Mr. JOBANG D. MARAK: But what about the people who have already paid?

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

Mr. JOBANG D. MARAK: Yes, Sir, because people are being harassed with this enhancement of rate and this is probably going on throughout the district. I do not think whether it is only in Tura locality but I think it is going on in the whole district. I do not know what is going on in different offices and different bazars. This refers to Tura Beat Office only.

The Hon'ble the SPEAKER: Having heard the hon. member and the Hon'ble Minister-in-charge, I do not think this is a matter of urgent public importance...

Mr. JOBANG D. MARAK: It is of very urgent importance to public, Sir, because higher rates are being realised illegally without consulting the Forest Manual. It is a very important and very urgent matter, Sir.

The Hon'ble the SPEAKER: I quite appreciate the grievances of the hon. member but under the rules I cannot decide otherwise than what I have done. So I rule that this motion is out of order.

Adjournment motion in connection with the administration of justice in the Garo Hills

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I beg leave to move:

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence in connection with the present General Administration of Justice, etc., in the Garo Hills."

The Hon'ble the SPEAKER: Are not these wordings very wide—"the present General Administration of justice". There is nothing definite and it is not of recent occurrence.

Mr. JOBANG D. MARAK: It is of recent occurrence Sir, because the administration in Garo Hills.....

The Hon'ble the SPEAKER: But the hon. member is to show that it is a definite matter of urgent public importance.

Mr. JOBANG D. MARAK : People are complaining for non-acceptance of written petition upto now. This is going on even now. Lots of people came to my house and asked me to move Government so that their petitions may be accepted in the Tura Court.

The Hon'ble the SPEAKER : Was the incidence brought to the notice of Government ?

Mr. JOBANG D. MARAK : So I am bringing this to the notice of Government by means of this adjournment motion. It was brought to their notice repeatedly, Sir and also in a conference. I submitted a joint application, Sir with about 11 members or so of the conference to consider the question of coming into the jurisdiction of the Honourable High Court of the Partially Excluded Areas, Assam, and it was considered and the conclusion was that it should be made optional. This is one, Sir and there are many other things.

The Hon'ble the SPEAKER : I think this is of importance but my difficulty is that the hon. member does not mention the incidents.

Mr. JOBANG D. MARAK : That is due to my misunderstanding, Sir because I thought that I should be allowed to move this motion and in discussion I could bring out many facts and difficulties. But now I am undone because you are not allowing me, Sir. So I am helpless, Sir.

The Hon'ble the SPEAKER : I think this will do. I have heard the hon. member who has tabled this motion. It appears to me that this motion is stated in very wide terms ; it lacks definiteness and it does not also seem to be a matter of urgent public importance. I therefore rule the motion out of order.

Babu Nirendra Nath Dev's motion* stands barred.

Adjournment motion in connection with the conducting of the last Census operations in Assam

Srijut SIDDHI NATH SARMA : Mr. Speaker, Sir, I beg leave of the House to move. "That this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the arbitrary action of the Assam Government in so conducting and manipulating the last Census operations as to conceal the correct figures of the followers of different religions."

Sir, in the *Assam Gazette* of 6th August 1941, at page 991 we find "the population figures as found according to the 1941 Census are published by Government of Assam for general information pending final approval and publication by the Government of India"

After publication of those figures, the House meets for the first time during this Session, and, therefore it is a matter of recent occurrence. We are also told in the same Gazette notification "the basis of classification has been changed this time from religion to community and hence comparison with previous figures without taking that fact into consideration will be misleading". But this, the classification on the basis of community, has been done behind the back of the people, this fact was not mentioned to the people at the time of enumeration.

The Hon'ble the SPEAKER : But the hon. member has to show how this Government is responsible for this.

* Babu NIRENDRA NATH DEV to move: This House do now adjourn to discuss a definite matter of urgent public importance, namely, the occurrence of deaths of Yachin Ulla of village Jatrapasha, Police Station Baniachong, and of Bidur Dhuli of village Kalirkuna, Police Station Kulaura, caused by starvation due to the failure of the Government to render adequate relief to the flood stricken people of Sylhet District.

Srijut SIDDHI NATH SARMA: This has resulted in the rise and fall in population of different communities or religions and there was wide-spread agitation in the press and platform, but the Government was silent on this matter, except for the issue of a Press Note dated the 26th August 1941 which had very little bearing on the issue raised in the discussions. Now, the Government may say that the India Government is responsible for this action, but I shall show presently that Assam Government is responsible for the same.

The Hon'ble the SPEAKER: What is the basis?

Srijut SIDDHI NATH SARMA: I will show, Sir. Now, the classification, compilation and sorting depend upon the classification given in Appendix II, Race, Tribe and Caste in the Assam Census Hand Book, Part II—Final, pages 15 and 16. This classification was done by the Assam Government, and this has been admitted by Mr. Marar in a letter issued to a District Officer in-charge of Census.

The Hon'ble the SPEAKER: How could the hon. member get a copy of that letter?

Srijut SIDDHI NATH SARMA: I got a copy of it, Sir. "The classification given in Appendix II was at the instance of the Assam Government" said Mr. Marar in his letter dated the 24th March 1941 referred to above. From the Handbook it will appear, column 3 of the specimen card, is filled up with reference to question 3 i.e., Race, Tribe or Caste and column 4 with reference to question 4, i.e., Religion. Census cards were filled up according to these instructions. Sorting and compilation for communities were made only by referring to question 3 above. Reference should have been made to column 4 to find out actual figures of different faiths even for community table specially for Hindu and Muslim as well as for Tribals. Now, how this was manipulated by the Government of Assam I shall explain. Under section 17 of Act XXIV of 1939, the Government of India is to frame rules for enumeration, sorting, compilation, etc. Sir, the rules for sorting and compilation are as follow:—

The Hon'ble the SPEAKER: Who made these rules?

Srijut SIDDHI NATH SARMA: Government of India.

Sir, this is the rule for sorting: "the sorting in case of Hindu and Mussalman communities should be done with reference to question 3 and to question 4"

The Hon'ble the SPEAKER: What are question 3 and question 4?

Srijut SIDDHI NATH SARMA: Question 3 refers to Race, Tribe or Caste and question 4 refers to religion of a person. In sorting and compilation this instruction should have been followed; reference should have been made to column 3 and column 4 of the Census Card even for finding figures on community basis for Hindus, Mussalmans and Tribals. But instead of following this instruction Mr. Marar, the Census Superintendent at the instance of the Government, issued a circular to the Deputy Commissioners and Subdivisional Officers in Assam, paragraph 5 of which reads thus: "the basis for community is answer to question 3, but generally the communities are unavoidably mixed up and where community cannot be ascertained in answer to question 3, answer to question 4 will be the basis; e.g., if a Kachari has not in answer to question 3 mentioned that he is a Kachari, and is returned under question 4 as Hindu, Muslim or Christian, he will be shown as Hindu, Muslim or Christian as the case may be, but if he is returned as a Kachari against question 3 he will be entered such irrespective of his religion".

So, Sir, this instruction is quite contrary to the instruction given by the India Government. So the fall in Census figures for different religions, viz., Hindus, Christians, Buddhists, etc., is due to this wrong instruction of Mr. Marar, the Census Superintendent, at the instance of this Government.

The Hon'ble the SPEAKER : Does Mr. Marar admit that this was done under the instruction of this Government ?

Srijut SIDDHI NATH SARMA : It is understood that as he is the Superintendent of Census of the Assam Government, he must have done so under the instruction of the Government of Assam ; this is quite apparent. So, Sir, this is a matter of very great public importance in the sense that there is a rise of figures in one or two particular cases and there is a fall in other cases.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir. I rise to oppose this adjournment motion on two grounds. Firstly, this is a matter which does not concern the Local Government, and therefore this motion can not be supported. My learned friend says that Mr. Marar was appointed Census Superintendent of this province by the Assam Government, and therefore, his action was due to the instruction given by the Assam Government. Here he is perfectly wrong, as the Census Superintendent was directly under the Government of India and not under the Assam Government. Even his salary was paid by the Government of India.

Srijut SIDDHI NATH SARMA : Who appointed him ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The Government of India appointed him and every action that he did was under the instruction of the Central Government. Therefore, the Assam Government is not responsible for his action. In reply to a question day before yesterday I said that in the 1941 Census every one was returned under the religion to which he himself professed to belong. Let it be understood that there are however communities who professing different religions has been converted into a separate entity under the constitution for the purpose of franchise. Tabulation was done under the instructions of the Government of India and this Government had absolutely no hand in the matter. I repudiate the suggestion that the Assam Government did something to reduce the number of population of the majority community.

My hon. friend has stated that there had been various protests ; yes, we received various protests after the publication of the figures. There was no special instruction from the Government of Assam regarding classification ; it was done under the instruction of the Government of India as in the last census.

The Hon'ble the SPEAKER : Was the Assam Government responsible for appointing the Census Superintendent ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The Government of India asked us whether we could spare an officer for the Census operations ; and at our suggestion Mr. Marar was appointed as Census Superintendent for the province. Even his salary was paid for the period by the Central Government. He was not at all under the Assam Government.

Srijut SIDDHI NATH SARMA : Sir, Mr. Marar admitted that this instruction and the classification given in Appendix II were added at the instance of the Assam Government.

The Hon'ble the SPEAKER : What was the sentence ?

Srijut SIDDHI NATH SARMA : I read the letter dated the 24th March 1941, an extract only.—“You are right. Only the broad division of Hindus (scheduled and others) Muslim, etc., are necessary as per imperial

tables. The classification given in Appendix II was at the instance of the Assam Government. They have however decided not to have those details (by valley tabulated now (they can get it in time if they want) but instead to take out the Ahoms separately".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The only order that the Government of Assam gave him was that the number of population of the Ahom community is required separately.

Srijut GOPINATH BARDOLOI: Is it or is it not a fact that the Local Government particularly the Assam Government was asked by the Government of India to give such figures as regards this matter as the Provincial Government liked?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. There was no such general order.

Srijut GOPINATH BARDOLOI: May I say that when I was the Premier I myself had the letter to that effect from the Government of India, and took up the main file as Premier of the province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In that case my hon. friend ought to have raised the point last year and not now.

Srijut SIDDHI NATH SARMA: The file is with the Hon'ble Premier. We have been informed by the Chief Secretary yesterday that all these letters have been given to the Hon'ble Premier.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got the file with me.

Srijut SIDDHI NATH SARMA: May I read out the letter, Sir?

The Hon'ble the SPEAKER: As the motion stands, I should suggest to the hon. mover to make some verbal changes in the motion. As it stands, the wording is not very happy—This motion is: "that this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the arbitrary action of the Assam Government in so conducting and manipulating the last Census operations as to conceal the correct figures of the followers of different religions". I suggest substitution of "as to conceal" by "with the result that" and addition of "stand concealed" at the end.

Srijut SIDDHI NATH SARMA: I have no objection, Sir.

The Hon'ble the SPEAKER: Now, with regard to the motion, it appears that there is a strong feeling in the country, and from the answers to the questions which were asked on the first day of this session, it also appears that the classification has not been done properly and also the sorting of figures was not properly carried out. Now, what has been said by the hon. member who has tabled this motion, it appears that there is an apprehension in the country from certain documents to which the hon. member asking for leave to move the motion has referred that this Government had been responsible with regard to classification and sorting of census figures.

It also appears from the Census Act that this Government had a right to appoint persons as census officers to take the census and to aid in carrying out all census operations even in specified local areas. And it is also a fact that census operations were carried out by the officers of this Government. Therefore, I think that this motion raises a matter of urgent public importance and considering the public grievances I would hold that this motion is in order. This motion will also give an opportunity to Government to place their case more fully so that the House may be in a position to judge whether after considering the facts that may be placed before it Government should be censured or not. So I allow this motion to be discussed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This Government is not at all responsible for the census operation, Sir.

The Hon'ble the SPEAKER: The Hon'ble Premier will have opportunity to reply when the motion will come for discussion. The motion to be moved is:—

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the arbitrary action of the Assam Government in conducting and manipulating the last census operations with the result that the correct figures of the followers of different religions stand concealed."

Has the hon. member the leave of the House to move his motion.

(Then more than twenty members rose in their seats and the Hon'ble Speaker declared that the leave of the House for moving the motion was granted and that the motion would be taken up at 3 p. m.)

(Adjournment Motion No. 13* standing in the name of Srijut Rajendra Nath Barua was withdrawn and the other adjournment motions stood over for the 6th December, 1941.)

Enquiry *Re* release of political prisoners in Assam

Srijut GOPINATH BARDOLOI: Sir, I like to make a query. This morning a gentleman of the Associated Press told me that he received a telephonic communication from Calcutta to the effect that the political prisoners had been released under a Government of India communique issued this morning, and that Pandit Jawaharlal Nehru and 120 prisoners of Bombay have also been released.

The House can naturally realize our anxiety about the release of those prisoners, particularly members of this House, who are now in Jail. I wanted to know from the Hon'ble Premier whether any intimation to this effect has been received by this Government from the Government of India this morning. I think, the Hon'ble Premier will now be in a position to tell us whether there is any truth about this fact and if so, whether he will take immediate steps to see to the release of the prisoners, particularly of the members of this House who can be expected to take part in the deliberation of the Assembly if they are released immediately.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the Hon'ble the Leader of the Opposition did me the courtesy this morning by telephoning that he has received from the Associated Press this news about the release of the political prisoners. Immediately, I Sir, took action to find out whether the Assam Government had received any such order from the Government of India and in the morning I was told that no such orders have been received by this Government.

Then, again, Sir, just before coming to the House, I sent my Private Secretary to the Chief Secretary to enquire whether by that time any such message had arrived. Till 11-30 a. m. no such orders had been received by the Assam Government from the Government of India. I need hardly say that if such an order is received by this Government, it will be carried out.

*Srijut RAJENDRA NATH BARUA to move:—

13. That the Assembly do now adjourn to discuss a matter of urgent public importance, to wit, the great dissatisfaction caused in the minds of the public for the failure of the Government in not moving the Central Government to obtain necessary instructions for republishing the Census figures on the basis of religions.

The Assam Agricultural Income-tax (Amendment) Bill, 1941.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to introduce the Assam Agricultural Income-tax (Amendment) Bill, 1941.

Srijut SARVESWAR BARUA : On a point of information, Sir. The copy of the Bill which the Hon'ble Premier is going to introduce, was not available to us 7 days before this introduction. For myself, I have not received any copy as yet, Sir.

The Hon'ble the SPEAKER : I think, this objection may be raised when the next stage of the Bill comes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, from the memorandum of the Secretary, Legislative Assembly, I find that this Bill was sent to each of the members on the 25th November 1941, and my submission to you, Sir, is that the Bill has been in the hands of the Hon'ble Ministers for the requisite period as required under our Rules.

The Bill has been previously published and from the Statement of Objects and Reasons, hon. members will find the necessity for this amending Bill.

The Assam Agricultural Income tax Act of 1939 was passed when my hon. friends of the Opposition were in power. But before the rules could be framed and published for public criticism, that Government resigned and framing of the complete rules was left to this Government. When the rules were framed and published, there was various criticisms not only from the public but also from those who were vitally interested therein. Certain objections were found to be valid and Government thought that it would be better to put on the statute an amending Bill so that the rights and liabilities of the assesses may very well be defined. In the parent Act.....

The Hon'ble the SPEAKER : Is not the Hon'ble Premier going to move the Bill for reference to a Select Committee ?

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

The Hon'ble the SPEAKER : The objection has been raised under proviso (2) of rule 56 on the ground that copies of the Bill were not available to the hon. members within 7 days from this date. It is a fact that the Assembly Office got the copies on the 25th and on the same day copies were despatched to the hon. members ; but it cannot be presumed that all the members received the copies in time. In view of the fact that we have got also other Government days on which this motion can be moved, I do not see that any purpose will be served if these objections prevail. It is only a motion for reference to the Select Committee and that motion can be moved on any day. So having regard to that fact, I exercise my discretion under proviso (2) to rule 56 and allow the motion to be moved.

Adjournment

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

After lunch

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, as I have been stating before the interval.....

The Hon'ble the SPEAKER : I think the motion may be made as the Bill has been introduced and no speech is necessary.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
I have already done that, Sir ; I have moved for introduction.

The Hon'ble the SPEAKER : Then the next motion may be made.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
I beg to move that the Assam Agricultural Income-Tax (Amendment) Bill, 1941 be referred to a Select Committee. In drawing up the list of names of members who would constitute the Select Committee, I am in this handicap that the hon. Leader of the Opposition has not yet told me definitely whether he has decided if his group should be in the Select committee. I approached him this morning for his reply. Without knowing from him, I shall be in a difficult position in framing the personnel of the Select Committee.

The Hon'ble the SPEAKER : But the Hon'ble Prime Minister may name those who have agreed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, as this Bill concerns chiefly the tea industry and also our Zemindar class, I have drawn up the personnel for the Select Committee so as to include those interests concerned. Also I have tried to add some members who will be able to look into this matter from a detached point of view. I propose that the Select Committee should consist of—

(1) Mr. A. Whittaker and (2) Mr. N. Dawson, from the European Tea Planters.

Both my hon. friends who represent the Indian Tea Industry, that is to say, (3) Mr. Naba Kumar Dutta and (4) Mr. Baidyanath Mookerjee, and the following hon. members, namely,—

(5) Maulavi Muhammad Amjad Ali,

(6) Maulavi Abdul Bari Chaudhuri,

(7) Srijiut Jogendra Narayan Mandal, and

(8) The Mover (*i.e.*, myself, being the Minister-in-charge).

This makes in all eight. But I had kept two seats open for the members of the Congress group and until I know their mind, I am not in a position to mention their names. Out of these eight members, four will constitute the quorum and I propose that the Select Committee should submit its report by the 31st January 1942.

Sir, as I was saying earlier, I shall briefly explain the principles which have been adopted in this amending Bill.

It has been said that this was an Act of 1939 only and there was no need for an amendment so soon. But, Sir, as I have mentioned before the interval, while the rules were published for criticism we received various criticisms which showed the defects that were in the Act as passed. Notably, Sir, the Act does not definitely lay down the rights and liabilities of the assessee and the relief he is entitled to. Therefore, we have inserted in this amending Bill a provision to give a determinate definition of "agricultural income" which is the basis of taxation.

We have also tried to regulate how refunds are to be given. As regards refunds, the parent Act simply said that refunds shall be allowable under this Act; but the circumstances under which refunds would be allowable were left to rules. The right to refund is one of the fundamental rights of the assessee and, therefore, the present amending Bill seeks to provide for it in the Act itself just as it is done in the Central Income Tax Act and also in the Bengal Agricultural Income Tax Bill which is now before their Legislature. The original Act did not also provided for

realisation of taxation after the partition of a Hindu undivided family. This has now been provided for so that there may be no doubt whatsoever as to the method of realisation of the Agriculture Income Tax under these contingencies. Then the amending Bill seeks to provide, without in any way disturbing the structural design of the parent Act, how best to secure the highest results from the Act.

As regards refund, it has been provided in this Bill that at the time of refunds, the world-income of the assessee shall be taken into consideration. I think, Sir, I should explain it by a concrete example how the province will benefit if at the time of calculating the refund the whole income of the assessee is to be taken into account. Let us take a hypothetical case. A tea estate makes a profit of one lakh of rupees—60 per cent. of which will be liable to the Assam Agriculture Income-tax. But there are again, let us take a hypothetical case, 12 share-holders who will get dividend, and the dividend earned by one is Rs. 5,000. Now this assessee may claim a refund on the basis saying that the tea estate itself has been taxed at the maximum rate. Let us again take a hypothetical case, say that the tea estate has paid 30 pies in the rupee for that one lakh. Now the share-holder who gets a dividend of Rs. 5,000 may claim a refund on the ground that if he was to pay the tax direct on that amount of Rs. 5,000 he would have paid only 6 pies in the rupee. So he would be entitled to a refund of the difference i.e. 24 pies in the rupee. That is according to the present Act. But under this Bill, what we want to say to the assessee is that although you may have received Rs. 5,000 as your share of dividend from the tea estate, you may have other incomes from other investments. Let us again take a hypothetical case, say the assessee's world-income, i.e., the income beyond his dividend from the tea estate is Rs. 10,000. What we want to provide by this amending Bill, is that instead of claiming the difference between the highest rate of one lakh and five thousand dividend this assessee will be told that you can only get a difference between the rates for a lac and 15 thousand. That is, the rate for agricultural income-tax will be calculated on Rs. 15,000. Let us again take a hypothetical case, that is, that the rate for Rs. 15,000 is 10 pies in the rupee. Under the present Act the refund allowable would be at the rate of 24 pies in the rupee whereas under the provision of this Bill the refund will be only 14 pies in the rupee.

Therefore, Sir, I think that this provision instead of in any way frittering away the collection from this Act, will safeguard the interest of this province much better.

(Here the Hon'ble Speaker vacated the Chair and the Deputy Speaker occupied it).

Then, Sir, this Bill also seeks to give what is known as 'dominion relief' to the assessee. There is an apprehension as far as I know that by this means as much as half the total collection will be taken away. There is also a good answer to that argument. Now in order to amplify why I say that from dominion relief there will be no loss to the provincial exchequer, I will give the following example. Again taking a hypothetical example, an assessee is taxed on an income of say Rs. 5,000 both in the United Kingdom and in Assam. He pays the United Kingdom income-tax at 6 annas in the rupee and the Assam tax at ten pies in the rupee. Therefore, there is double taxation, and he can obtain in England relief up to half the United Kingdom rate, i.e., 3 annas. The Assam rate being less than the rate of relief available in England, he will recover the entire Assam rate there and cannot claim any refund in Assam. Should the rate in England

be drawn at the rate of relief that is less than the Assam rate, he can recover the difference in Assam. Supposing the rate of taxation is reduced to 4 annas in England, the rate of relief there will be only 2 annas. This being lower than the Assam rate of two annas six pies, he can claim the difference of six pies in Assam. If the difference between the rate of relief in England and the rate of Assam tax is higher than 50 per cent, then he cannot claim relief up to 50 per cent, and the Assam rate being lower, the relief must be claimed in England. It cannot be claimed here.

Now, Sir, we all know the rate of taxation in England and it need not tax any one's imagination if I say that for a number of years, even after the war, the rate of taxation in England cannot come down, for they have got a heavy rehabilitating programme which needs considerable amount of money. Now, Sir, the Agricultural Income-tax Department of Assam had calculated what will be the total amount of refunds under the present Act.

It was calculated that about 6 lakhs of rupees shall have to be paid in refunds without taking into consideration the world income of the assessee.

I must say to the credit of the great tea industry, the representatives of which organization met on a deputation upon me and the Hon'ble Finance Minister, that when we placed before them that the realisation from the tax may be reduced, they cheerfully agreed to reduce the scale of refunds, if in any two years running it is found to be more than 20 per cent. This has been embodied in the present Bill. So, Sir, instead of there being any chance of losing money, according to this Bill, there is definite gain to the province. We have got the guarantee from the great European tea industry that in no year, although according to the present calculations the total refunds will be in the neighbourhood of 22½ per cent, should the refunds exceed 20 per cent of the total amount realised.

Then I have already shown that by submitting to the world basis of income, the province is bound to gain and for some years to come there is no fear of having to pay anything out of this income by way of relief for double taxation.

Sir, having provided these two fundamental principles of taxation and refunds, we have provided certain procedure to guard against evasion of taxes and consequent loss of revenue, that is, we have provided a machinery for assessment and collection of taxes in case of succession and in case of partition of Hindu undivided families. Then we have also provided that if any Indian Ruling Prince has got a Zemindary in Assam, he should pay or he should be made liable to pay the Agricultural Income-tax like any other Zemindar of the province. Those who hail from Sylhet know that a neighbouring Prince has got extensive Zemindary in that district, but so long we could not tax that and that Zemindar was going scot free.

Sir, this Bill, therefore, according to my opinion, is an advance on the previous one and all those factors which are necessary for a definite laying down of the rights and liabilities of the subject have been put down there.

Then we have also provided necessary provisions for appeals in which are known as the "best judgment cases." I think it will be better if I explain what is known as the "best judgment cases". If a person who has been notified that he should submit a return of his agricultural income by a certain date and if he fails to submit the return either at all or in time, then according to the present Act it is left to the discretion of the assessing officer to assess any amount as the tax of that person. In such a case according to the parent Act, there was no provision for appeal because nobody should be allowed to take advantage of his own laches, but we think, Sir, there may be very valid and good reasons for not being able to furnish the return

within the limited period given to him. Therefore, he should not be debarred from contesting the assessment, although it has been made according to the best judgment of the Assessing Department. From all these things which I have laid before the House, it will be apparent that the present Bill seeks to reduce the quantum of refund, seeks to lessen the amount of refund because now the world income is taken into account, seeks to place the Prince and the ordinary landlord into the same category and seeks to provide a machinery for realisation of the highest income under this Act without leaving any loop-hole to anyone to avoid the taxation. I, therefore, Sir, commend my motion for the acceptance of the House.

The DEPUTY SPEAKER: Motion moved:

"That the Assam Agricultural Income-tax (Amendment) Bill, 1941 be referred to a Select Committee consisting of the following members, viz.:—

- (1) Mr. A. Whittaker,
- (2) Mr. N. Dawson,
- (3) Mr. Naba Kumar Dutta,
- (4) Mr. Baidynath Mookerjee,
- (5) Maulavi Muhammad Amjad Ali,
- (6) Maulavi Abdul Bari Chaudhury,
- (7) Srijut Jogendra Narayan Mandal and
- (8) The Hon'ble Minister-in-charge.

Four members to form a quorum and that the Select Committee should submit its report by the 31st January 1942."

In connection with this I would let this House know that the Hon'ble Premier has already desired that if the Congress Group will so please to send their nominees as well for inclusion in the Select Committee, it would be up to them to select 2 of their nominees in the course of the debate. If this is not done, the Select Committee will consist of the members that I have named.

Babu RABINDRA NATH ADITYA: On a point of order, Sir.

This Bill is out of order on two grounds. The first ground is that in the statement of objects and reasons it has been definitely laid down that "This Bill accordingly provides, without in any way disturbing the structural design of the Act for the determination of 'agricultural income' and 'total agricultural income', clarifies (mark the word 'clarifies') the position with regard to refunds and makes a necessary provision for appeal", etc. The object of the Bill is to clarify the position with regard to refund as if the rules that are now in existence are not clear and for the further clarification of those rules this amendment has become necessary. But an entirely new thing in the shape of Dominion relief has been introduced in the body of the amending Bill. Sir, if I remember aright, that matter was moved by way of an amendment at the time of the passing of the original Bill by the hon. Mr. Clayton; but after a thorough discussion into the merits and demerits of the proposal it was rejected by the House. Now that being the position, the rules were framed accordingly and the question of Dominion relief was left aside; but it seems, a new and important matter affecting vitally the question of agricultural income tax has been incorporated into the body of the amending Bill although the statement of objects and reasons do not disclose anything about that. Therefore, the Bill is clearly and entirely out of the tune with the statement of objects and reasons, and, as such, this Bill is entirely out of order.

Secondly, this Bill intends to give Dominion relief to the sterling companies. Now that claim of Dominion relief is based on sections 111 and 113 of the Government of India Act. That is a reciprocal relief

under certain agreement between the Dominions and the United Kingdom, and so it has been laid down in section 111 (of which 113 is a counterpart) that exactly the same relief which the United Kingdom gives to the Dominion, the Dominion will be entitled to give to the people of the United Kingdom. Here unless the Hon'ble Minister can show that the relief which they are going to give to the sterling companies is also equally available for the people of Assam from the United Kingdom then alone it could have been in order. But so far as I know, of course we have not seen the United Kingdom Finance Act of which reference has been made. (It is not available in the Library), there is no understanding whatever between this province, or this country and the United Kingdom so far as the question of agricultural income-tax is concerned, and, therefore, giving Dominion relief is out of order with reference to sections 111 and 113 of the Government of India Act.

The Hon'ble Maulavi SAIYID SIR MUHAMMAD SAADULLA : Sir, I am sorry to say that neither of the contentions of my hon. friend has got any substance. In the first place, the Statement of Objects and Reasons succinctly places before the public why this amending Bill is necessary. If there be any omission—and I do not admit that there has been any omission—that cannot nullify the provisions of the Bill itself. Now, I say there are no omissions because I have merely stated, Sir, that the Bill “clarifies the position with regard to refunds and makes a necessary provision for appeal in what are known as best judgment cases”. The term “Dominion relief” is not mentioned there, but in my speech I have clearly stated the case for Dominion relief; I have also given concrete examples.

As regards the next point that Dominion relief cannot be granted without reciprocity with the Government of the United Kingdom, I need only say that the Bill is being referred to the Select Committee; my friend can come to the Select Committee and if he thinks he can carry the Select Committee in his contention he can gain his object. My hon. friend next said that at the time of passing of the original Act, the question of Dominion relief was discussed and negatived by the House. From that he deduces that this House is not competent to reopen that question. If this is so, then the amending of any Bill will be impossible. The argument that because the House passed a Bill once in some form, it cannot make any amendment subsequently, has got no foundation. Therefore, I say both these points are without any substance.

Babu RABINDRA NATH ADITYA : May I add a word, Sir? The Hon'ble Premier has not been able to reply to the argument that this Bill infringes sections 111 and 113 of the Government of India Act. So far as I could understand him, he said that we would have an opportunity of discussing this matter in the Select Committee. Sir, I have never heard such a reply with regard to a point of order raised on the floor of the House. The Hon'ble Premier has to show that the Bill is in order; if he cannot satisfy the House that this Bill does not in any way infringe the provisions of the Government of India Act, certainly he has no right to put this Bill for the consideration of this Hon'ble House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I would only add to this subsequent peroration of my hon. friend that we have consulted our legal experts who are of opinion that the Bill does not infringe the provisions of the Government of India Act.

The DEPUTY SPEAKER: The point of order raised is, to my mind, a point which can easily be thrashed out in course of discussion that may arise in the Select Committee. I see no reason why the valuable time of the House should be wasted by frivolous points of order like this. I would therefore like to rule this point as out of order and ask the House to resume the debate.

Srijut DEBESWAR SARMAH: On a point of information, Sir. Proposed sections 39A (1) (a), (c) and (d), and 39B (2) and (3) in clause 31 at pages 13 and 14 are not understandable. We request the Chair to enlighten us as to the implications of these provisions. It is an elementary principle of law that a statute should be clearly worded and it should be unambiguously understandable. If a Bill does not fulfil these conditions, it is out of order and is liable to be thrown out. Therefore, I seek enlightenment from the Chair.

The DEPUTY SPEAKER: The hon members will have ample time to make additions and alterations. I do not therefore see any reason why the time of the House should be wasted.

Srijut DEBESWAR SARMAH: I submit with due respect that the Chair is using a word from a privileged position which he is not entitled to use. Every hon. member knows the value of his time as any other. I did not understand the meaning of certain provisions and I asked the Chair to enlighten me on them. Instead of doing that, the Chair is undermining the dignity of this House by saying that the time was being wasted. The Hon'ble Deputy Speaker ought to know his position. I do not know whether he himself understands the meaning of those clauses.

A voice.—The hon. member is questioning the ruling of the Chair.

Srijut DEBESWAR SARMAH: No, every hon. member should see that the dignity of the House is maintained. Is there any sense in saying over and over again that the members are wasting the time of the House? The Deputy Speaker ought to know and act better.

Babu RABINDRA NATH ADITYA: Secondly, Sir, I want to know how my point of order was frivolous. I do not know in what sense the Chair used the word.

The DEPUTY SPEAKER: As I find there will be ample time for the hon. members, who are included in the Select Committee, for a thorough discussion of all possible points that may arise, I think at this initial stage time should not be wasted.

Srijut DEBESWAR SARMAH: I beseech you, Sir, to go through the clauses I have referred to. I have raised a point of order that these provisions are not understandable. You will kindly read them and try to explain the meaning. If they are not understandable, I submit, Sir, that the Bill is liable to be thrown out, it will not go to the Select Committee. I think I understand ordinary English as good as other Indian members of this House.

Khan Bahadur Maulavi KERAMAT ALI: Is it for the Chair to explain the meaning of certain provisions of a Bill?

Srijut DEBESWAR SARMAH: The Chair can ask the Hon'ble Premier to explain.

Mr. A. WHITTAKER: I think the hon. questioner would find that the proposed sections, which he refers for enlightenment, follow fairly closely the Central Income-tax Act, and as that Act is used in day to day intercourse by all business communities, I think, it must be assumed that to the people for whom they are intended to apply, they are intelligible.

Srijut DEBESWAR SARMAH: I definitely disagree. Here is the Central Act (showing a copy); it is not as involved as the present one.

Srijut PURNA CHANDRA SARMA: Moreover it does not concern the tea industry only. It also concerns us, the lawyers, who have to defend cases arising out of it. We must understand the law.

Babu RABINDRA NATH ADITYA: I would submit, Sir, that it is not the Select Committee but your honour—*(laughter)* who should give a decision now. So, I would request you, Sir, to think over the question during your leisure period at night and give your ruling to-morrow.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I explain the points of order, Sir? Some hon. members have raised points of order. The first point of order has been raised by my hon. friend Babu Rabindra Nath Aditya whom I publicly congratulate for his very fine business acumen. His point is that there was no reciprocity between Assam and the United Kingdom and, therefore, the Bill infringes the provisions of sections 111 and 113. Now, Assam has got no separate existence as an independent State with which the United Kingdom can come into some sort of reciprocal legislation. But there is reciprocity between the Government of India and the United Kingdom. We think, Sir, that Assam being a component part of India, there will be reciprocity between Assam and the United Kingdom through the Government of India. Therefore, Sir, I said that we had had legal opinion and we find that there was no infringement of the provisions of the Constitution Act.

Another point has been raised by Srijut Debeswar Sarma. He thinks that the language of certain provisions in the Bill is too involved and he wants to throw out the Bill at this stage.

Srijut DEBESWAR SARMAH: I sought enlightenment, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am glad for this admission, Sir. My friend sought enlightenment as regards the wording of these provisions that have been placed before the House. It is a well known principle that if there is any drafting defect in any Bill, then on that point alone a Bill cannot be thrown out. When the Bill is referred to the Select Committee, it is for the Select Committee to make the meaning perfectly clear if there be any ambiguity. Now I have already moved that the Bill be referred to the Select Committee; it will be their duty to thoroughly clear the drafting defects, if any. Therefore, Sir, you were perfectly clear in giving the ruling that the point of order of Srijut Debeswar Sarma could be left to the Select Committee.

Babu RABINDRA NATH ADITYA: With regard to the question of reciprocity, if there is an agreement between the United Kingdom and the Central Government, then it is a Central income-tax. But there is no reciprocity between this Government and the Central Government with regard to Agricultural income-tax. Therefore, it is clear that the Bill is out of order.

The DEPUTY SPEAKER: The arguments for and against the points of order have thrown some light on the understanding of both the parties amending Bill is being referred to the Select Committee, there will be ample opportunity for the hon. members included in it to have a thorough discussion of the Bill and also to make alterations and additions or redrafting of it, if necessary, exactly to suit the conditions of the province of Assam in respect of tea industry. I therefore find that the Bill is in order and that it should not be any longer discussed here but referred to the Select Committee.

Srijut PURNA CHANDRA SARMA: I find it very very difficult to understand one particular clause—sub-section (2) of proposed section 39B in clause 31. I would like if the Hon'ble Premier would explain it before I decide to vote for referring the Bill to the Select Committee.

The DEPUTY SPEAKER: I have already told the hon. members not to enter into any elaborate discussion of the Bill here at this stage.

Srijut PURNA CHANDRA SARMA: I am not a member of the Select Committee, but as a member of this House, I am entitled to know what is the meaning of the section.

Mr. A. WHITTAKER: May I volunteer to give an explanation to the best of my knowledge of the clause which is causing so much difficulty? May I again quote the example of two rates of taxation? At the present moment, the United Kingdom income-tax rate is annas eight in the rupee or 10 shillings in the pound. At the present moment, the rate of agricultural income-tax in Assam is two annas six pies. Therefore, if I am an assessee in Assam and also an assessee in the United Kingdom, I pay first of all two and a half annas as agricultural income-tax in Assam and eight annas United Kingdom income-tax in London. I therefore pay a total of ten and a half annas in the rupee. Now, under proposed section 39B(2) I am entitled to a relief of the smaller of these two taxes. I am entitled therefore to a relief of the Assam tax of annas two and a half annas. This is the important point. I must secure that relief not from Assam, but from the United Kingdom. I am entitled to secure a relief from the United Kingdom up to a total of half of the United Kingdom rate. I am, therefore, entitled to secure relief from the United Kingdom of half the rate of eight annas, *viz.*, four annas. Therefore, since the United Kingdom could give me relief up to a total of annas four as I have already paid double taxation, the whole relief of $2\frac{1}{2}$ annas comes at present from the United Kingdom and no charge whatsoever is incurred in Assam. That, Sir, if I may say so, is likely to be the position for many years to come. There is little danger of the rates of taxation in Assam or in India in any way, approaching the penal rate of taxation in the United Kingdom—not only during the war period when taxation is at the penal rate but also during the post-war reconstruction period and during post-war period when a vast amount of war debt will have to be paid for by taxation. I submit, Sir, there is no early prospect, in my opinion, of the burden of Dominion income-tax relief falling on the province of Assam.

I trust, Sir, that I have explained it as clearly as is possible for a layman. With regard to the point raised by my hon. friend Srijut Debeswar Sarmah, with due respect, I venture to say that Chapter VII of the Indian Income-tax Act, sections 48-50(a), is as difficult or more so than anything in the Assam Agricultural Income-tax Act.

Srijut PURNA CHANDRA SARMA: There is one difficulty as yet.

Mr. Whittaker's explanation does not cover this. Here I find that:

“relief under the provisions of section 27 of the United Kingdom Finance Act, 1920, is less than the Assam rate of tax charged in respect of that part of his income, he shall be entitled to a refund of a sum calculated on that part of his income at a rate equal to the difference between the Assam rate of tax or the appropriate rate of United Kingdom income-tax”. He does not say that it is equal to the difference; he says that the relief of the province would be to the extent of half of what the rate in England prevails. Here it is said that it is equal to the difference,

Mr. A. WHITTAKER: The maximum of the refund that can be claimed is equal to half the tax in the country in which that refund is claimed. Therefore, the maximum amount of refund that can be claimed from the United Kingdom is half of eight annas, e.g., four annas. But since the amount of four annas is greater than two and half annas, which I pay here in Assam, it devolves on the United Kingdom to pay me back the whole of the Assam tax.

Babu RABINDRA NATH ADITYA: On a point of order, Sir. About proposed section 39B, sub-section (2) reference has been made to 'United Kingdom Finance Act, 1920', but in sub-section (3), the expression "Appropriate rate of United Kingdom Income-tax" has the meaning assigned to that expression in section 27 of the United Kingdom Finance Act, 1927. Two Acts have been referred in the same clause. I want to know whether this is a printing mistake or which is the correct Act. One must have been repealed by the other.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Finance Act is an Annual Act and therefore both Acts are correct.

Mr. A. WHITTAKER: May I explain, Sir? The explanation for this apparent discrepancy quoted by my friend Babu Rabindra Nath Aditya will be found in section 49 of the Income-tax Act of 1922. As regards meaning of the expression "appropriate rate of United Kingdom Income-tax", it has the meaning assigned to that expression under section 27 of the Finance Act, 1920, as amended by the Finance Act, 1927, and the references in the margin to the Central Government Act are exactly the same references as are quoted here. I think it must be clear to Mr. Aditya.

Babu KAMINI KUMAR SEN: Well, Sir, as my hon. friend Mr. Whittaker has explained, may I know what will be the position if that particular section 39B(2) is passed in this House?

Supposing for argument's sake that this House accepts that particular provision as it is, then what will be the effect on the example already cited?

Mr. A. WHITTAKER: The effect on the example, I have already cited, Sir, is that I have to go for the relief to the United Kingdom and at present only the United Kingdom can give me that relief; I can get no relief whatever from Assam. I pay my Assam Tax, I pay my United Kingdom Tax, and owing to the fact that the United Kingdom scale of taxation is so much higher than the scale of taxation in Assam—and it will be higher than any scale of taxation that is likely to prevail in Assam—that relief for many years to come will have to be given to me entirely from the United Kingdom.

Babu KAMINI KUMAR SEN: Sir, my point has not been properly understood. I want to know what will be the position if Assam passes that particular section; whether Assam will have to give any refund on the strength of that particular section?

Mr. A. WHITTAKER: Sir, I trust, my point will be clear. If Assam passes this clause as it is, relief cannot possibly be paid by the Assam Government until the scale of taxation in the Central Government Act and in Assam too is much nearer the scale of taxation in the United Kingdom than it is at present.

Srijut GAURI KANTA TALUKDAR: If this Bill be passed into law there will be about 6 lakhs of rupees which will have to be refunded by this Government.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I said, Sir, that under the present Act, the Act passed by my hon. friends' Government, refunds calculated by the Assam Agricultural Income tax Department may amount to more than rupees six lakhs.

Srijut DEBESWAR SARMAH: On what basis, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the basis that the income of a company has been assessed at a higher rate. When it is divided into dividends, the assessee gets smaller portion and then he says that he has been charged at a higher rate when his rate is so and so and then he pleads for a refund of the difference between the two rates. That is the basis of refund.

But under the provisions that I have made in this Bill, the assessee at the time of claiming a refund shall have not only to show his agricultural income but also his world income and that the basis of refund will be calculated between the difference of total world income *plus* agricultural income and the income at which he has been charged at the hand of the company. Therefore this provision is better and probably there will be less refund than Rs.6 lakhs, if this Bill is passed.

Srijut KRISHNA NATH SARMAH: I want to know whether with out passing this Bill in this House they can claim it.

Mr. A. WHITTAKER: Sir, if I had been allowed to make the speech which I intended to make, I hope I should have answered clearly all the questions asked by my hon. friends.

The whole policy which the members of this group wish to urge on the Government of Assam is that the structure of the Central Income-tax Act and the Provincial Income-tax Act shall be the same, and therefore, though the relief in the United Kingdom is automatic, since the Central Act also provides for reciprocity, we submit, Sir, that to maintain the identity of structure of these two Provincial and Central systems of taxation reciprocity should be provided also in the Provincial Act.

Possibly, I can make the position clear next day.

Adjournment Motion in connection with the Conducting of last Census Operations in Assam.

The Deputy SPEAKER: Srijut Sidhi Nath Sarma may move his adjournment motion now.

Srijut SIDDHI NATH SARMA: I beg, Sir, to move: "That this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the arbitrary action of the Assam Government in so conducting and manipulating the last census operations with the result that the correct figures of the followers of different religions stand concealed".

Sir, we were repeatedly told by the Government in the past in their press note dated the 26th August 1941 and on the floor of this House in reply to questions interpellated on the first two days and this morning as well, that this Government have no responsibility in this matter and that they are merely carrying out the directions of the India Government; but this was not the fact. As a matter of fact the entire responsibility lies with this Government from beginning to end. I shall place all the facts before this House for consideration. They have manipulated the census operations in such a way that they rightly deserve the censure of this House. Sir, the Census Act of 1939, in section 2 there is a provision that the Provincial Government may appoint persons as Census Officers to take, or aid in, or supervise the taking of

census within the census areas. Sub-section (4) of section 2 provides that the Provincial Government may delegate to such authority, as it thinks fit, the power of appointing Census Officers conferred by sub-section (2). So, Sir, they have actually appointed officers to conduct the census operations under these sections. They have carried out the provision of this Act and actually appointed officers to conduct the census operation. Now, in the Census of India—Assam Census I and Book, Part II—Final—printed at the Assam Government Press and published by Mr. K. W. P. Marar, I.C.S., Superintendent of Census Operations, Assam, the classification in Appendix II at pages 15 and 16 of the Hand Book was done by the Assam Government. This was admitted in the letter dated the 24th March 1941 of Mr. Marar, the Census Superintendent, Assam, addressed to the Subordinate Census Officers at Gauhati. I am reading from a copy of that letter. It says, “You are right. Only the broad division of Hindus (Scheduled and others) Muslims, etc., are necessary as per imperial tables. The classification given in Appendix II was at the instance of the Assam Government. They have, however, decided not to have those details (by valley) tabulated now (they can get it any time they want) but instead to take out the Ahom figures separately.” So Sir, this Appendix II of the Census Hand Book referred above was prepared at the instance of the Assam Government. Now the Census Cards—a specimen of which was given at page 6 of the Census of India, 1941, Assam Census Hand Book, Part II—Final—were filled up according to classifications given in Appendix II of the said Hand Book. Question No. (3) was put to fill up column 3 of the Census Card at the time of enumeration according to the following instruction: The instruction is this—in the case of Hindus write the caste, name as given and in the case of Muslim write “Muslim” only. In brackets write the number or letter of the class as per list given in Appendix II. This Appendix II, Sir, was prepared at the instance of the Assam Government. So Sir, when the Enumerators filled up column 3, they filled up according to the instructions contained in Appendix II which was prepared by the Assam Government. If you refer to Appendix II, you will find the number of the classification, Sir, as follows:— (1) Assam Valley Hindus; (2) Assam Valley Muslims; (3) Surma Valley Hindus; (4) Surma Valley Muslims; (5) Scheduled castes; (6) Tribal people, Hills; (7) Tribal people, Plains; (8) European and Anglo-Indian; (10) amended as (9), ‘any person belonging to the following tribes, each being indicated by a distinct letter found mainly among tea garden or *ex-tea* garden population (a) Gonds, (b) Mundas, (c) Khonds, (d) Oraons, (e) Santhals. So, Sir, the Enumerators while filling up the Census Cards put the number there according to the number given in the classification in Appendix II for different communities or religion. The question, that, in which class or community a person enumerated will be placed, was not put to the person so enumerated at the time of enumeration. It was done behind his back. The Enumerator will put the number in the Census Card as indicated in Appendix II or according to the instruction given in the said Appendix II.

Now, after enumeration, *i.e.*, after filling up of the cards before sorting and compilation, the Census Superintendent, Assam, Mr. Marar, issued instructions to the subordinate officers in-charge of census of different districts contrary to the instructions given by the Government of India in their book for “Sorting and compilation instructions”. I am reading the whole portion of the instructions given by the Government of India at page 9 of the said book for sorting and compilation. This is the instruction, Sir, “paragraph 25, sorting for Tables XIII and I to V.—More than one Superintendent has written to me about the treatment of primitive tribes in the tables and I have given a wealth of literature ranging from a declaration that all primitive tribes are Hindus to something very nearly at the other pole of affirmation.

In our enumeration we hold fast to the principle that we ask two questions and receive the answers. In tabulation we take these answers and present them in tables. I wished Superintendents to avoid in their tables the use of tendentious and argument provoking terms such as 'Hinduised'. What is meant is clear enough and I have no objection to the term ; but Imperial Tables and other affording anything other than a mere illustrative citation, should avoid such terms in their factual presentation. I wish Superintendents therefore to present the results of question 3 and question 4". So, Sir, "the results of question 3" *i.e.*, race, tribe and caste were given but the results of question 4 were omitted in the Assam Census. In the Press note of the Government of Assam dated the 26th August and to replies to our questions Government admitted that sorting was done under column 3 and they have not sorted the cards with reference to column 4 as directed by the Government of India. Then, Sir, for sorting, instructions follow like this : "Tabulation will follow this time a community, not a religious basis and this will simplify the treatment of the primitive tribes. It is their community we wish to record, *i.e.*, their total number regardless of their religion and these numbers will be drawn from the answers to question 3". These instructions relate to the primitive tribes.

Again it says, "The Superintendent can discuss in their essays their opinion of the degree to which Hinduisation has gone and here they can make use of a comparison of questions of 3 and 4 in regard to the religious associations of primitive tribes and indeed some such discussion based on local knowledge would be both of interest and value. It does not however affect the point that the Imperial Tables will deal with the numbers in the community.

Community sorting will be done as indicated above with reference to question 3 in the slip. The sorting in the case of Hindu and Muslim communities should be done with reference to questions 3 and 4 since only the name of the caste or tribe would have been recorded against question 3".

Now, Sir, "the sorting in the case of Hindu and Muslim communities should be done with reference to questions 3 and 4 since only the name of the caste or tribe would have been recorded against question 3" is very important. These instructions should have been followed in sorting and compilation. These instructions were not followed and Mr. Marar gave instructions contrary to these instructions.

Now, Sir, instructions were given in a circular letter No. Abs.5/3894-3924, dated the 14th March 1941, by Mr. K. W. P. Marar, Superintendent, Census Operations, Assam, to all Deputy Commissioners and Subdivisional Officers (Plains districts). The relevant portion is this. I am referring to paragraph 4, of the circular letter. "Each of the Tribes of Assam mentioned, in items 6 and 7 of Appendix II, of the Census Hand Book, Part II should be separately shown, but no circle will have more than one or two of them. The tea garden tribes mentioned in item 9 of the same Appendix need be shown only collectively".

In paragraph 5 of the same circular letter, it is said, "The basis for community is answer to question 3". This is not correct according to the instructions given by the Census Commissioner, Government of India, for all communities. Then it says, "But religion and community are unavoidably mixed up and where the community cannot be ascertained in answer to question 3, the answer to question 4 will be the basis, *e.g.*, if a Kachari has not in answer to question 3 mentioned that he is a Kachari but has

returned under question 4 as Hindu, Muslim or Christian, he will be shown as Hindu, Muslim or Christian as the case may be. But if he has returned as a Kachari against question 3, he will be entered as such irrespective of his religion". This portion is very important. That is, if a Kachari has not in answer to question 3 mentioned that he is a Kachari but has returned under question 4 as Hindu, Muslim or Christian, he will be shown as Hindu, Muslim or Christian as the case may be. But if he has returned as a Kachari against question 3, he will be entered as such irrespective of his religion."

These instructions are quite contrary to the instructions given by the Commissioner of Census of the Central Government referred to above.

Then, Sir, further instructions of Government of India are "In the case of primitive tribes the names of the tribes would have been recorded against question 3. A list of tribes in each province should be prepared and supplied to the tabulation offices to facilitate sorting. Where these tribes are concerned it is important to know to what degree they have entered the Christian or other fold. The matter is of widely differing dimensions in the various provinces". These instructions have not been followed in the Assam Census.

As a result of this circular, Sir, the population figures published in August 6, 1941, have shown the variations of different religions or communities. The figures for all communities which was published in the *Amrita Bazar Patrika* on the 7th July 1941, which have not been contradicted by the Government as incorrect, are as follows:

	1931	1941
Hindu...	52 lakhs approximately	45 lakhs approximately.
Muslims	27.8 " "	34.7 " "
Tribals	9.9 " "	28.2 " "
Indian Christians	2.5 "	67 thousand.
Buddhists	15 thousand.	8 "
and so on		

From this it will appear that the Hindus who numbered 52 lakhs in 1931 census have been reduced to 45 lakhs. But the real decrease is much more. In the present census, the average total increase of population in the Province is 18.2 per cent. On the basis of this calculation, the increase in the Hindu population should have been 61.5 lakhs. If this was calculated on the strength of the average increase of population, the figure will come up to 61.5 lacs. Hindus have, therefore, actually decreased by 16.5 lakhs. Instead of any increase of Hindu population there is decrease by nearly 6.6 lakhs of population of 1931 census.

Similarly in the case of Indian Christians whose number was about 2.5 lakhs in 1931 census they have fallen so low as 67 thousand in this census. This number at the rate of an average increase of 18.2 per cent. should have been in the neighbourhood of 3 lacs, leaving aside the newly converted Indian Christians by various Christian Missions during the last ten years. I know, Sir, the Missions claim about 5 lacs of Indian Christians throughout the province.

The Buddhists have also met with the same fate.

In relation to the census figures of 1931, the Hindus in this census show a decrease of 13 per cent., Indian Christians 73 per cent. and Buddhists about 45 per cent. On the other hand, the Muslims have increased by 25 per cent., while the tribals have shown the amazing increase of 175 per cent. in the census.

Tribal population in Assam had been shown in the Assam Census under the heading "Tribes" including tea garden labour population and not under different categories according to religion as to how many were Hindus, how many Christians, how many Buddhists and so on. This unhappy result was due to interference of the Assam Government.

The fall of population in case of Hindus, Indian Christians and Buddhists are not due to abnormal circumstances such as famine, pestilences and wars. This amazing rise of population in case of tribes also is not due to mass conversion to tribal faith from some other faiths. These variations cannot be explained away or reconciled. So this has given rise to a country-wide agitation, both in press, and platform as well as by all sections of people including the tribal with the exception of Muslims. Protests were lodged before the Assam Government as well as before the Government of India that these figures cannot be accepted as correct and true unless and until they are resorted and recounted on the basis of real entries in the Census Cards under the supervision of a disinterested body.

Protests were made by the Leader of the Congress Assembly Party on behalf of the Congress Party in Assam Assembly, by the President of the Provincial Congress Committee, Assam, by the Hindu Mahasabha and by other associations and also by the tribal people. It is admitted by Government. I shall quote a few instances of protests from the tribal people and ex-tea garden labourers. The *Hindustan Standard* of October 3 published to this effect that, "there is widespread protest by the Kachari tribals and ex-tea garden labourers of Tezpur against their exclusion in the census from the Hindu fold. About one thousand ex-tea garden labourers of Borbil, Naharbari, Thelamara and Bargaon of Tezpur subdivision assembled in a meeting on 17th instant under the presidentship of Shiboo Majhi and adopted a resolution unanimously declaring (1) that they are Hindus, (2) that they had returned themselves as such in this census, (3) that they are surprised to find that they have been separated from the Hindu fold and counted as tribals, and demanding (4) that in view of the fact that the figures published are *prima facie* untrustworthy and in view of the fact that there has been open allegation of mishandling the census by the Assam Government to which the Government have failed to reply satisfactorily, (a) a sifting enquiry be made into the census, (b) the approval be withheld till it is made, (c) and they be counted as Hindus in the census. A similar resolution was adopted by the Kacharis of Kacharigaon (Tezpur) on 20th September in a meeting held under the presidentship of Gopal Chandra Gaonbura. The Kacharis of Gereki Kacharigaon assembled in a meeting under the presidentship of Kalicharan Kachari on 21st September adopted a similar resolution. Similar resolutions were adopted by the villagers of Besseria, Rangapukhuripar and Gatonga. These resolutions have been sent to the Census Commissioner, India, Delhi and the Government of Assam."

The DEPUTY SPEAKER: Order, order. The ordinary time for moving an adjournment motion is 15 minutes. The hon. member has taken 30 minutes. I would ask him to speed up.

Srijut SIDDHI NATH SARMA: I will finish in five minutes. The Government have remained silent over the matter except the barest issue of a press note stating that resorting will cost them a very large amount. The Hon'ble Prime Minister also said that it would be very expensive if the

cards are to be resorted. But I can point out that the expenses will not be very high, because according to the standard of work for sorting given in the instruction book of the Government of India (paragraph 19 at page 7) for sorting on community basis, they are to sort 20,000 slips per day. That is the minimum standard given. The population of Assam according to present census is 1,09,30,388. If one man is to sort the entire slips of 1,09,30,388 it will take 546 days. Now there are 19 subdivisions or we assume that there are 20 census circles; it will take 27 days for 20 sorters, let us assume it for a month. So 20 persons can sort the entire slips within a month. Supposing these 20 sorters are appointed at Rs. 30 per month, that would cost only Rs. 600. And if one checking officer is appointed at Rs. 40 for each circle to supervise the work, that will cost Rs. 800 for a month. That means the total will not exceed in any way more than Rs. 1,500. That will be the cost. It is not much, Sir, and resorting is possible as the census cards are available. Therefore in view of the widespread protests made, in view of manipulations, in view of the misdirection given by the Superintendent of Census Operations directly or indirectly at the instance of this Government as I have shown from the letters, they should be resorted and Ministry deserves censure.

Mr. Deputy SPEAKER: Motion moved:—

“That the Assembly do now adjourn”

The Hon'ble Maulavi Saiyid Sir MUHAMMMAD SAADULLA:

Mr. Deputy Speaker, Sir, I must before I begin my reply thank the Hon'ble the Speaker of this House for correcting the wordings of the original motion so that there could be no imputation of motive to the Government. My hon. friend the mover of this motion either through over-jealousness or through a misapprehension of fact had imputed by his draft adjournment motion a motive to the Government because it is headed by a Muslim in me. The charge was to the fact that this Government headed by a Muslim has taken to manipulation of figures or had ordered tabulation of the census in such a way that the majority number of the Hindus can be dribbled down with a view, if possible, to convert it into a minority. I would say to both my hon. friend, the mover, as also every Hindu member of this House and the public that no such intention was in the mind of the Government at the time when the procedure about the last census was adopted. My hon. friends know full well that the Ministry now-a-days is responsible and is jointly acting. Had there been any such intention in the mind of the Muslim Ministers, there were my other Hindu colleagues as also non-Hindu colleague who could very well check the Government. With these preliminaries, Sir, I would like to detail before the House the procedure about the census operations.

The preliminaries were started long before this Ministry came into existence. My *vis-a-vis* in the Opposition, my friend Srijut Bordoloi, was right when he stated that he had seen certain papers asking this Government's opinion and that was only with a view to gather information as to how the operation should be made.....

Srijut GOPINATH BARDOLAI: If you permit me to say, Sir, there is something more.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will give every fact. I won't conceal anything.

In March 1939, the Central Government asked for the opinion of the Assam Government on the information which the Census Commissioner required. Everyone knows that this Government did not function at that time. He included in the draft census schedule the following questions:—

"5. Religion.

6. Race or community and if belonging to the scheduled caste of the province."

A further enquiry was made in April 1939 at the instance of the Census Commissioner who, as every one knows, is a servant of the Central Government proposing that tabulation of caste and infirmities should be omitted. This Government replied on 5th July 1939 merely observing on this point of caste that there might be general desire to have separate sects and it was later written to the Central Government in September 1939 that some economic enquiries were desirable. During all this period of correspondence, my friends of the Congress Coalition Ministry had been functioning at the helm of the Assam administration. The content of the enquiry schedule was left to be discussed at a conference in Delhi in February 1940. The Census Commissioner raised the question whether community distribution could be based on religious differentiation, e.g., Brahmin, non-Brahmin, and so on. It was generally considered in that conference that this might be misunderstood and lead to difficulties. The representative of another Government, not of Assam, especially, pointed out the need for a specification of tribe so that tribes would not be swallowed up in the term like Hindu. Sir, the Assam representative did not raise this question in the conference, although we were functioning at the time. The Census Commissioner, therefore, proposed 2 questions (1) to bring out race, tribe or caste and (2) to bring out religion, with a view to have figure for communities in some detail. Since this conference in 1940, Sir, we did not hear much because the conference had settled the procedure. The Government of India in April 1941 decided to proceed with a limited tabulation so as to secure broad results bearing on community distribution, population details and village statistics representing generally material for Imperial Table 1 to 5 and 13 to 14 and Provincial Table 1 and 2. Under the instructions of the Census Commissioner, our Census Superintendent issued instructions for sorting on 14th March 1941. Those instructions, a copy of which my hon. friend has got hold of, and which he read distinctly, began with the words—the letter which my hon. friend has quoted (am I correct?) is dated 14th March (*A voice*—Yes). It was from Mr. K.W.P. Marar, Superintendent of Census Operations, to all Deputy Commissioners.

"I have the honour to say that Government of India have decided to postpone the main tabulation but want to have figures by communities for some of the tables, and the Provincial Government's village statistics." There is absolutely no mention however in this letter that the Assam Government gave him any direction.

It was on account of this that my learned friend towards the end of his speech said that the Assam Government might not be directly connected, but they were indirectly responsible.

Srijut SIDDHI NATH SARMA: About Appendix II, they are directly responsible.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They are not at all responsible for community tabulations which were ordered by the Central Government, and which is the main basis of the attack on this Government by my hon. friend.

Sir, earlier in the morning I had stated that the Census Superintendent, though he might have been a Provincial Indian Civil Service Officer, as soon as he was appointed the Superintendent for Census Operations ceased to belong to our cadre or to be under the control of the Provincial

Government. His salary was provided by the Central Government out of the fund for census. He got all his instructions direct from the Central Government through the Commissioner of Census, and it was, I should say, very uncharitable of my hon. friend to suggest that I or the Muslim members of the Cabinet had a hand in manipulating these figures or ordering a tabulation which would result in showing a decrease in the number of Hindu population. Sir, my learned friend has read out that letter *in extenso*, so I would not trouble to read it again. But as Mr. Matar pointed out in that letter, the religion and community are unavoidably mixed up and where the community cannot be ascertained on the answer to race, tribe or caste, it must be based on the answer to religion. Sir, every one knows that the great Hindu and Muslim communities are generally known by their religion, either they belong to the Hindu community or the Muslim community. But the community of tribes who had been enfranchised under the present Constitution Act have different religions; some have stuck to their original religion, some have been converted as Hindus and are known as *Saranias*, some call themselves Buddhists, and some have been converted to Christianity. But any one who has been converted to Islam, he prefers to call himself a Muslim and forget the community. For this reason the Government of India asked the tabulation figures by communities, and, therefore, those tribes who really belong to the tribe or community of tribal people were lumped together into the tabulation for tribals. This has surely resulted, as my hon. friends have pointed out, in a certain number of Hindus and Indian Christians to be included under the figures for tribal people, but has it in any way affected either the strength on the electoral roll or the community percentage for Government services? Taking a hypothetical example, Sir, say that out of these 18 lakhs, shown under tribals, as many as 3 lakhs Hindus have been included; the percentage for Government services may have been lowered thereby for the total Hindus, but those Hindus who belong to the community of tribes, such as Kacharis, Lalungs, Miris, etc., who have been lumped together under the tribals, will have advantage there.....

Srijut SIDDHI NATH SARMA: We do not grudge that.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am glad to hear that. Then, what is the trouble with my Hindu friends who had been agitating both in the press and platform as also in this House about this tabulation, over which this Government had absolutely no hand? Why is this insinuation that the Muslim Ministry has manipulated...

Srijut SIDDHI NATH SARMA: I never uttered "Muslim Ministry".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Well, my hon. friends have got no difficulty as regards the total number of Hindu population shown under different heads. Then why all this agitation, why all this fuss?

Sir, the main point is this: my learned friend placed before the House the figures of 1931 and compared them with 1941 figures. Since 1931 every one knows, the Hindus have been divided into Caste Hindus, and Scheduled Hindus, who have been separately shown. There was a very persistent and cogent agitation from the Ahom community to have a separate tabulation for them. At the insistent request of that community, who were the rulers of the Province till 1826, the time of the advent of the British, I thought it wise to request the Census Superintendent to have separate tabulation for them. Sir, this Ahom community was shown in the 1931 Census as Hindus, the Scheduled Castes were also shown under Hindus. Now the vast Hindu population has been shown into three different categories, Caste Hindus

Scheduled Hindus and some have been included without being shown amongst the tribals. Therefore they do not lose in any way; the total population is there and they do not grudge these Hindus to be included under the tribal if that swells the service percentage of the tribal people; the franchise is in no way made lower for the great Hindu community. The tribes have separate franchise and the fact that the tribes have now been swelled into a big figure, should raise no apprehension in the minds of those gentlemen who profess the Hindu religion.

Sir, my hon. friend has also read from the same circular issued by Mr. Marar, the Census Superintendent, to the Deputy Commissioners and through them to the Census Officers and the Enumerators, where he said, for example, that if a Kachari returns himself only as a Hindu he will be shown as "other Hindus", but if he returns himself as a Kachari he will be shown as belonging to a Kachari tribe. There was absolutely no direction or instruction by the Local Government in this respect. As I have already stated, Sir, it was done under the instruction from the Central Government's Census Commissioner, as a result of the Conference of February 1940.

As I said, Sir, I won't suppress anything. I will state whatever has been done throughout this longdrawn census proceedings. The Bengal Government addressed us in July 1941 pointing out that in view of the limited tabulation undertaken by the Central Government and also of the fact that additional tabulation would have to be paid for in the province, the Bengal Government contemplated compilation of caste figures at provincial expense. They also asked us to fall in line with them, Sir. We decided that we could not afford this. No body would have been wiser or would have derived the benefit if the Hindu community were shown separately among its different castes as the people belonged to Brahmin or Sudra sects.

Babu RABINDRA NATH ADITYA: On a point of information, Sir. May I ask the hon. mover of the motion to refer to the letter of the 24th March, 1941 in which it is alleged that Mr. Marar said that this was done at the instance of the Government of Assam? Will the hon. mover please read out that portion?

Srijut SIDDHI NATH SARMA: The letter is addressed to the Census Superintendent, dated 24th March 1941, Gauhati.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It cannot be the Census Superintendent.

Srijut SIDDHI NATH SARMA: I mean the Charge Superintendent of the district of Kamrup.

"The classification given in Appendix II was at the instance of the Assam Government."

This has affected the whole enumeration compilation, sorting and every thing. Sir, this is the making of the Government of Assam.

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

Srijut SIDDHI NATH SARMA: The classification given in Appendix II was at the instance of the Assam Government, as will appear from the letter addressed to the Charge Superintendent, Gauhati.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry, I cannot find copy of the letter in the Secretariat file.

Srijut SIDDHI NATH SARMA : So, Sir, the classification given in Appendix II was done at the instance of the Assam Government. As this has been done at the instance of the Assam Government, everything else has been done similarly. You cannot take the responsibility and you have no fault. You have not followed the instruction even of the India Government. There has been decrease in the Hindu population and Christian population, owing to wrong sorting at the instance of the Assam Government. The instructions of the India Government are here. Don't you admit, Sir, that there has been a wrong sorting?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My hon. friend says that the classification given in Appendix II was at the instance of the Assam Government. No sane person in the Assam Government would agree that the following tribes, viz., Gonds, Mundas, Khonds, Oraons and Santhals, should be included in the tribal figures. The Assam Government could never lend their approval to have the tea-garden labourers, who have got no right to general franchise, included among the tribal people. They are wage-earners and they can only be returned under the labour constituency. I say, therefore, that the very fact that these people have been asked to be tabulated among the tribal people, clearly shows that this was not the order of the Assam Government.

Srijut SIDDHI NATH SARMA : This has been done ; and you have done it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I shall be the last person to do it. The tribes from the Central Provinces cannot have votes both ways. The very fact that these people will have votes in the Tribal constituency as well as in the Labour constituency clearly shows that this Government is not responsible for issuing those instructions.

Mr. BAIDYANATH MOOKERJEE : This can be rectified now, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am coming to that point.

Sir, sometimes in July 1940, the domiciled community pressed the Government of Assam that they should be separately shown in the next census. That Assam Government took their representation into consideration and in view of the fact that they were also a part of the Hindu Community, we thought of suggesting the following categories for separate enumeration, the Assam Valley Hindus, Surma Valley Hindus, Assam Valley Muslims, Surma Valley Muslims, Schedule Castes, Tribal Hindus, Plains Tribals, Europeans, Anglo-Indians, and Domiciled Hindus.

The domiciled people were included in this table, because they asked for separate share of appointments. The Assam Government came to the conclusion that they cannot find out their total number, because domiciled Hindus include people of Nepal as well as Marwar. Many Hindus have been settling in Assam for a long time while there are others who are just like a floating population who come here in order to do some contract works or service and then go away.

Then, there was also this big task about enumeration. How a question can be determined whether a person is domiciled or not? For 'domicile' has got a technical meaning as laid down in our Executive Manual. The Enumerators could not be supposed to ask those people concerned to produce their domiciled certificates or probably the Enumerators will not be able to judge whether those certificates were genuine or not. Then, there will be the difficulty as regards a person, who was born in another province and who had not taken to the languages and customs of the district where he is enumerated. For all these reasons, Sir, we could not help the domiciled Hindus for a separate enumeration. I am placing all these details, Sir, in order to show how awkward it will be to show the 'Tribal' people, that is Hindu section among the 'Tribal' people, amongst the Hindus once, for the purpose of religion and secondly as 'Tribes' for the purpose of race 'Tribes' and franchise. This could not be done by this Local Government, as this was a matter of tabulation by the Central Government. Therefore, Sir, the result that emerges from all these details that I have placed before the House is that census is entirely a Central matter with which we had no hand whatsoever. Tabulations or the classifications were decided at Delhi sometimes in February 1940 in which this Government had no hand.

And lastly, Sir, if anything has been done by Mr. Marar on his own initiative, he at the time, being not an agent of the Provincial Government, this Government cannot be charged for that. My friends, both Mr. Siddhi Nath Sarma and, by way of interjection, Mr. Mookerjee have suggested that even now this may be remedied by re-sorting. I must thank Mr. Siddhi Nath Sarma for calculating even what amount will be necessary and if I can see my way that this re-enumeration can be done at an expenditure of Rs. 1,500 I will be the first man to request my Hon'ble Colleague, the Finance Minister to find out that money, if Government of India has no objection.

The point that has been raised will be carefully looked into. As a matter of fact this matter was debated on the floor of the Central Assembly and our Assam representative from Sylhet, Mr. Dam, interrogated the Hon'ble Home Member, Sir, Reginald Maxwell. In reply to that question put by Mr. A. M. Dam, Sir Reginald Maxwell is reported to have replied as follows:—

"The protest referred to is based on a misapprehension of facts. In the previous censuses there was a tabulation by religion; in 1941 it is by community. The former tabulation was based on replies to question four, namely, 'race, tribe or caste.' The two tables are not on a comparable basis. It is, therefore, incorrect to say that the number of Hindus or any other community has been reduced, and the question of rectification of the census figures for 1941 does not arise."

This means that the Central Government would not like to reopen the matter of reclassification of the Tribals; but as I said, Sir, if this matter could be done at an expenditure of a sum, say, within Rs. 2,000 in order to remove the misapprehension from the minds of my hon. friends, who, instead of being liberal in their outlook, cannot but have a lurking suspicion that some manipulation has been done by me, I would request for the fund to be provided from the provincial revenues.

Srijut GOPI NATH BARDOLOI* : Mr. Deputy Speaker, Sir, I desire to take part in the deliberations since certain references have been made about me. I want to clear the position.

Before going to clear that position I want to say a few words on the remarks which have been made by the Hon'ble Premier. I feel that he had never argued a worse case than he has done to-day. Following his arguments, I could not actually understand where he was, as his position has been in so far as this census operation is concerned, that the Provincial Government is not at all responsible. He has not only shown that the provinces are not responsible but as a matter of fact he is exercising those responsibilities. In the first place he said that if there was anything wrong in these operations, his colleagues in the non-Muslim part of the Cabinet are there to see to them. I hope he has been able to understand the implication of that statement. It only means that it is a matter in which other Ministers have some say. Then he has just now told us that he has caused the enumeration of the Ahoms separately. He must have also caused enumeration of other communities or groups of persons which will be necessary for the purpose of determining them for provincial tables. He must have got the figures of the Muslims of the Surma Valley and the Muslims of the Assam Valley, he must have the figures of the tribals of the Hills and the Plains. All these figures he must have got for the purpose of determining the representation in service ratio.

It is definitely clear that the Ministry had a certain jurisdiction over census operations. After all what is meant by 'census operations' ; is it not for ascertaining collection of certain figures for the purpose of information of the general public ? I feel that the Ministry required the information of certain ends. They may require them for their own ends. I quite agree. But then the Ministry should also see that there are people who from different standpoints want to get the information as to the strength of population of a particular community and many other things which formed part of investigation in the census operations. Now, it seems to me that the Ministry would satisfy all that is necessary for their own purpose. But they should not definitely interfere with what the public wanted, namely, the information regarding the population of a particular community. Of course, so far as the Muslim community is concerned, it was easy to do it because community and religion went together. But so far as other religions are concerned, I think, it was the imperative duty of the Government to give the exact number of a particular community. My friend, the mover of this motion, has made it perfectly clear that the Government of India gave directions merely to get replies to questions Nos. 3 and 4. There was also a question in which preference could be exercised by a particular member of a particular community. As for example a tribal may call himself a Christian only or may call himself as tribal ; also in each case the directions are there for enumerating collectively. But it seems that all these things were not taken account of when the census was determined. But the explanation given by the Hon'ble Premier was that he was precluded from doing so by the order from the Government of India. He has referred to certain communications ; but what those communications are, we do not know. On the other hand it can be evident from the various circulars of the Superintendent of Census, Assam, to the effect that certain directions were given by the Government to the District Supervisors regarding enumeration—the fact that it was under the direction of the Provincial Government these things were done.

* Speech not corrected by the hon. member.

The Hon'ble Premier now seeks to say merely by looking at Appendix II and referring to certain population that this could not have been done by him. But it is very difficult for me to come to the same conclusion as the Hon'ble Premier did in this matter. I feel, Sir, that directions have been given and that if the directions were followed we should have got the figures for each community. I do not think the Hon'ble Premier could escape the responsibility for this. He could have definitely put down the figures, but he chose not to do so. Then, Sir, he has made reference to me as to how he found no time and I am glad that he read that portion, namely, that religion was one of the information which was sought to be obtained by the Census Commissioner. The question of tribes, as is now made out, was not at all there; so no responsibility can come into this behalf on the Government which had functioned at that time. I, therefore, think, Sir, that the responsibility of this false information, I should call it, lies with the Government and the Government is liable to give explanation to the public in this regard.

Rev. J. J. M. NICHOLS-ROY: Sir, I just want to make a few observations regarding the census figures. I for myself do not feel like blaming the Assam Government, but at the same time it appears somewhat mysterious why the instructions put here in this book, which is called Sorting and Compilation Instructions, have not been followed by the census officers. It is plainly stated here thus:—

“In the case of primitive tribes, the names of the tribes would have been recorded against question 3. A list of tribes in each province should be prepared and supplied to the tabulation offices to facilitate sorting. Where these tribes are concerned it is important to arrive at the tribal strength. But it is also important to know to what degree they have entered the Christian or other fold” (*hear hear*). That instruction has not been followed at all. If it had been followed it would have served both the purposes (1) to know the total strength of the tribes, and (2) to know the number of those of these tribes who have entered the Christian faith or other faiths. That has not been done at all in the census operation. The figures that have been published in the *Assam Gazette* leave out the Christians altogether. But in the religion figures afterwards only 67,000 Christians have been enumerated. There should have been a note to indicate the number of the people from those tribes that have entered the Christian religion. If that had been done, we would know the number of Christians in Assam. So from the standpoint of view of religion therefore, the census figures are useless. I think that there must be another sorting of figures. If the Hon'ble Premier decides upon directing that sorting should be done in this way, that would satisfy public feeling. Speaking from the standpoint of the tribal people, I naturally like to find their figures swelled. But at the same time I want to know how many of them have entered the Christian religion or any other faiths. That is the only point of contention. I think from the point of view of the Hindus also that is the point urged. The Hon'ble Premier said that he would have the figures sorted if it would cost about Rs. 2,000; but why should the question of expenditure be raised? It does not matter, whether it costs two, three, four or five thousand rupees, for if that is done immediately it will satisfy public feeling. After all the census figures must satisfy the public. As a Christian Missionary, I would like to know how many Christians there are in Assam. The census figures should supply this information, but there are no figures. So also is the case with the other religious bodies. From that point of view the census figures here do not give any help and therefore are useless. So, Sir, there must be revision of the figures if it has to satisfy public feeling.

I do not blame the Government for this defect. But the Assam Government understand that they have a responsibility and I hope they will see that these figures are recorded, and recorded correctly. They are responsible for correct figures.

Srijut DEBESWAR SARMAH: The motion has been sufficiently debated and I beg to move for closure, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Only three hon. members have so far taken part in the debate.

The DEPUTY SPEAKER: The debate will go on.

The Hon'ble Srijut RUPNATH BRAHMA: Sir, there has been much talk on this important matter both inside and outside this House. The Hon'ble Premier has made it perfectly clear that this is a Central matter and the Provincial Government has got nothing to do with it. But, however, as the motion has been allowed and as it is being discussed now, I feel that as a representative of the tribal people, I should let the House know the exact feeling of the tribal people on the matter.

Perhaps it is known to the hon. members here that as regards the tribal people of the plains they have their own Tribal League and there is a feeling, and indeed there has been a solemn resolution of that League to the effect that these tribal people should be shown together irrespective of any religion and they feel that unless and until that is done their future is doomed and they will stand nowhere. I have taken my stand to give some reply to the criticisms raised by the hon. mover that there has been much protest somewhere from the tribal people on this matter. But I can tell the hon. members that the existing Tribal League is the only provincial organisation (Mr. Mookerjee: Question) under which all the plains tribal people of the province function.

You all know, Sir, that there are Christians as well Hindus, and Buddhists among them as has already been pointed out by the Hon'ble Premier, and other members. But the condition of these people whether he be a Christian or a Tribal or a Buddhist or a Hindu is all the same. So unless and until they can be shown under one separate category the future of the tribals will be doomed.

Mr. BAIDYANATH MOOKERJEE: Most probably the Hon'ble Minister has some hand, I think, Sir.

The Hon'ble Srijut RUPNATH BRAHMA: I am simply expressing the exact intention of the tribal people to let the House know how they feel on the matter. They are quite in favour of the present classification. I have given the views of the tribal people and I do not like to enter into further discussions on the subject.

Rev. L. GATPHOH: Sir, I feel I must take part in this discussion as representing a group of tribals. One of the objects of the census as has been said by one who spoke earlier is that it is to find out the exact tribal strength. And if I understand rightly, the Hon'ble Leader of the House said, it is the order of the Government of India that the basis of community for the Hindus and Muslims is religion and that the tribal people should be grouped together as a community irrespective of their creed. But I should like to point out that if the wishes of the mover are conceded to then the tribal people will have to be shown as belonging to Hindus, Muslims or Christians. If that is done, that will defeat the object for which the Government of India desired the classification because if those of the tribal people who have embraced Hindu religion were shown in the census figures as Hindus, the Hindus would have the right to demand that they should be added to the strength of the Hindu population and similarly is the

case with the Muslims. So the real strength of the tribal people will then not be known at all. As it was the state of things which prevailed until the last census operations were completed, it gave the world a wrong impression, that is to say, that tribal people in Assam were a dying race or races. But under the classification adopted in the last census, the strength of the tribal people has been brought out. Assam is a peculiar province in India; it is the only province where the small races called tribal are so numerous and it is the only province which the tribal people can look upon as their home. Therefore, I consider it a great boon conferred upon them that the tribal people have been shown in the census as forming one community irrespective of religion. And that exactly expresses the wishes of the tribal people and it is a real redress to their long-standing grievances.

Mr. C. GOLDSMITH: The day before yesterday, in the question hour, I expressed an opinion that the figures given in the last census are defective and incomplete inasmuch as that Christians have been shown at such a low figure! The word 'community' itself cannot be explained, it is a misnomer. When we mean a community, whether religion is to be taken into account or the race, that is a question which very few people will be able to explain.

Now even though the population of Assam is to be enumerated on community basis it can be enumerated on religion basis as well. As has been expressed by my hon. friend, Rev. Nichols-Roy, we do not know how many Christians are there in Assam, and that figure we require for our community and for the public in general.

I may say here that the Provincial Government may not be concerned with the tabulation of the general figures given, but I learn from the Superintendent of the Census Operations in Assam that the required figures are recorded in cards and if the Provincial Government so desire they can find out how many belong to this religion or that religion. And I may also say that since the enumeration was ordered by the Central Government, it is not proper to censure this Government. We are in communication with the Central Government. Our All-India Christian Association has taken up the matter with the Home Member of the Government of India and if somehow the permission is granted by the Central Government to make enumeration by religion as far as the Christians are concerned, I hope the Provincial Government will accede to that and make the enumeration accordingly. Therefore, I do not consider it proper to censure the Provincial Government. At the same time I may ask the Leader of the House to see that if the Central Government so desire that tabulation be made according to religion, the Provincial Government do not stand in the way.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Deputy Speaker, Sir, the various communities affected by the last census operation will be grateful to the hon. mover of this motion for bringing this matter before the House to-day. We must remember that when as many as 32 Hindu members belonging to the group, which is known as the Congress group, decided to abstain from attending the Legislature and taking interest in such a matter as has been discussed in this House to-day, it is but natural to assume that the cause of the Hindus is likely to suffer at times. The result of this afternoon's debate should convince everybody, if anybody is still unconvinced, as to the duty which the great Congress party has to perform inside this Legislature. And although this motion is intended as a motion for censure of the Ministry and more particularly to me and other of my Hindu colleagues (*Voices from the opposition benches:* No, No.), I

welcome this debate more than anybody else. I can assure this House that this matter was never discussed in the Cabinet either formally or informally because presumably there was no occasion to do so. Whether the adverse result has been effected by any order of this Government we have the clearest and most emphatic assurance from the Hon'ble Premier that he has not passed any such order in his capacity as Minister-in-charge of the Home Department. I have no reason to disbelieve that statement and I hope every one in this House will accept that statement as correct because it is an hon. gentleman's assurance on the floor of this House. The only thing which perplexes me is that letter of 24th March 1941 which was read in the House to-day by the mover of the motion. In that letter it was written that this Appendix was added at the instance of the Assam Government.

Now we have the denial of the Assam Government in that respect. How could Mr. Marar make that statement is a subject of enquiry and I have no doubt the Government will hold an inquiry in that line. But difficulties in the enquiry are manifold. For one thing, we do not know whether and from what source this letter or the copy of the letter was obtained by the mover of the adjournment motion. (*A voice*: The same case as in the case of Mr. Bardoloi's letter.) This evidently is not a copy of a letter addressed by Mr. Marar to the District Census Officer. Therefore, in any record in Shillong it is difficult to obtain. Whether any such record exists or not, I do not think my hon. friend can give an assurance. If this document can be traced (*A voice*: At Gauhati), if this document can be traced even at Gauhati, we can take up the enquiry and call upon Mr. Marar to explain how he could give such instruction and how he could say that it was done at the instance of the Government.

Babu RABINDRA NATH ADITYA: Is the Hon'ble Minister speaking for himself or on behalf of the Cabinet?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: You can interpret in any way you like. It won't make any difference.

Then, Sir, I take it that the hon. member who moved the adjournment motion and his supporters are genuinely interested in setting the wrong right to the Hindu community. That their sympathy is genuine for the Hindus, the Christians as well as the Buddhists in this matter and that their interest is not merely to have a censure motion carried but to have the omission rectified. If their intention is to have the omission rectified, then they have got their desire (*A voice*:—No). They have got their desire fulfilled in the sense that if the Government of India does not raise any insurmountable obstacle, all that lies in the power of the Assam Government will be done to have the mistake rectified. (*A voice*:—Premier does not say that.)

When my hon. friend, the mover, mentioned that a sum of Rs.1,500 would do, the Hon'ble Premier said that he was prepared to spend even Rs.2,000 for that purpose. If on the other hand, the hon. mover would say that he mentioned a sum of Rs.1,500 merely as a guess work or merely to strengthen his argument and that as a matter of fact more money will be required, even then I will say that the Government would not be unwilling to incur a reasonable expenditure to have the wrong righted in the interest of the communities affected. That being so, I would request the hon. mover that if he really wants to have the omission rectified, that if he really wants to have the justice done, he should do well to withdraw his motion.....

Srijut GAURI KANTA TALUKDAR: Do we understand, Sir, that, if this adjournment motion is lost the Government will not do justice?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, may I ask my hon. friend Mr. Talukdar to repeat his question?

Srijut GAURI KANTA TALUKDAR: Supposing the hon. mover does not withdraw his motion will not the Government do justice to the claim made by the people? Will not they rectify the wrong that has been committed?

Mr. A. WHITTAKER: Mr. Deputy Speaker, Sir, may we have the question put? With all these negatives in it, it is difficult to understand the questions with all these 'nots' and 'noes'.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Just now, Sir, my friend, Mr. Gaurikanta Talukdar, put in a question. I take it, Sir, that he has a genuine desire to get information. If that is so, although I know that his thirst for information is insatiable, still I will try to answer his question. His question can be broken up into three sub-questions.

First of all whether according to my estimate this adjournment motion will be carried or not. That is the first question. Then what will be the result if the adjournment motion is carried—that is the second sub-question. The third sub-question is even if the adjournment motion is defeated would not the Government take action which has been just now promised? Am I correct, Sir?

Mr. BAIDYANATH MOOKERJEE: No, Sir.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: No. I am asking Mr. Talukdar. I ask him whether I am correct in my analysis.

Srijut GAURI KANTA TALUKDAR: I do not want analysis, but I want that the wrong should be righted.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I hope, Sir, you will have some sympathy for the difficulty in which I have been placed. If I do not understand correctly his question how can I be expected to answer? My friend having put these voluminous questions now desires to resile from it and does not want to give me...

Srijut GAURI KANTA TALUKDAR: Sir, I withdraw my question (*Loud laughter.*)

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Thank you, Sir. But question or no question, Sir, it occurs to me that I must say something on the question which has been raised by my friend Mr. Talukdar. First of all, Sir, I am sure even if the adjournment motion may be defeated, the duty of the Government will be to implement the assurance which has been given (*Hear, hear.*)

Srijut GOPINATH BARDOLOI: On a point of information, Sir. Whether the assurance that has been given by the Hon'ble Education Minister is one on behalf of the entire Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Surely not. (*Laughter.*)

Srijut GOPINATH BARDOLOI: Then, Sir, I request the Hon'ble Deputy Speaker to rule out these remarks as irrelevant when the Hon'ble Premier disowns them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is a misunderstanding, Sir. My hon. friend the Opposition Leader said whether my friend is speaking on behalf of Government as if he is replying to the whole debate. I said no. The assurances which I gave has only been repeated by my friend.

Srijut GOPINATH BARDOLOI: Then there is no necessity of repeating them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Because it was raised; the question was raised by my friend Mr. Gauri Kanta Talukdar.

Srijut DEBESWAR SARMAH: Sir, I will move for a closure. The Hon'ble Education Minister is speaking for more than 15 minutes.

The Deputy SPEAKER: In the midst of such repeated interruptions what can he do?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, I cannot begin my interrupted speech unless I get some assurance from my hon. friends from the opposition benches to give me a kind and patient hearing. After all, Sir, although I am in the Treasury Benches, I have the same right as any other member of this House possesses and that right, the fundamental right, of which we hear so much, is that every one should have liberty of speech. But if for reason or no reason speeches are sought to be interrupted merely because that they bring home truth or some sort of unpleasant sensation in the minds of people, merely for that reason, Sir, there should not be any interruption. When you are in the Chair, Sir, I should get enough and sufficient protection so that I can at least leave the House with this satisfaction that I have been able to say what I had intended to say.

As regards the first...

Mr. ARUN KUMAR CHANDA: That question has been withdrawn.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Why is Mr. Chanda so unkind? Everybody does not possess his gift of fluent expression and ready wit and the capacity to find the very word in the English phraseology which one wants to use.

Now, Sir, what I wanted to say is that I have not enlarged or added to the assurance which has been given by my friend the Hon'ble Premier, in this House.

I think that assurance amounts to this: that whatever lies in the power of Assam Government to do, they will do in order to bring satisfaction to the minds of the aggrieved communities and people. Although this Government, as has been shown, are not responsible for the anomalies to which attention has been drawn, Government will try to do their best in order to obtain justice for all communities. I think that is the assurance given by the Hon'ble Premier, and I, therefore, appeal to the hon. mover of the motion to withdraw his motion under these circumstances.

Mr. JOBANG D. MARAK: Sir, there are two classes of tribal people in Assam, the plains tribal people and the hills tribal people. In the electoral rules, there are separate headings for plains tribal people and hills tribal people, and so I can't understand why the Christians should be included in the general term "tribal people". May I ask the Government whether the Christians can be taken as Hindus? Do the Hindus accept Khasi, Garo, Naga, Lushai, etc., Christians as Hindus? There are many Christians among these tribes. Should they also be taken under the general term "tribal people"? I do not see any reason why the Christians should not be clearly shown, and I quite agree with my hon. friend Mr. Goldsmith and Rev. J. J. M. Nichols-Roy that the Christians in Assam should be shown under a separate entry. It is extremely disappointing to know that

the Christians decreased by 67 per cent in this census. We expected increases; instead of that we find this huge decrease. The franchise question does not come in. So long as we have got separate electorate, we do not care much for that. But we want that the total population of the Christian community in Assam should be clearly shown. I hope Government will see to this and satisfy our Christian community of the Province.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Deputy Speaker, Sir, in summing up this debate I am not trying to apportion blame between the Provincial and Central Government, as some of my hon. friends have tried to do. But I am constrained to point out to my learned friend, the Leader of the Opposition, that his remarks have been the unkindest cut of all.

Srijut GOPINATH BARDOLOI : How ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will show how. He said, Sir, that because the Assam Government asked the Superintendent of Census to show the strength of the Ahom community separately, therefore he judged that the Assam Government had jurisdiction over the census operation. Had this been so, Sir, the recommendations made by my hon. friend throughout 1939, while he was at the helm of the Assam administration, would have been given effect to by the Central Government. Even if I have to repeat what I said earlier, I would again say, for refreshing the memory of the hon. members, that my hon. friend recommended that the schedule should contain the following questions, *viz.*, 1939 at the instance of the Census Commissioner, proposing that tabulation of caste and infirmities should be omitted. This Government, *i.e.*, under the orders of my hon. friend Mr. Bardoloi, replied on the 5th July 1939 merely observing on this point of caste that there might be a general desire to have separate figures of sects, and it was later suggested in September 1939, again under the orders of my hon. friend Mr. Bardoloi, that some economic enquiries were desirable. If this Local Government had any jurisdiction, all those recommendations made under the orders of my hon. friend Mr. Bardoloi would have been accepted by the Central Government. The fact that the Central Government did not give instructions according to those recommendations of the then Premier of Assam clearly shows that the Local Government had no jurisdiction either over the tabulation or the final procedure of the census operations. My friend also said that it was difficult to believe one, whom he as well as other members of the House addresses as the Leader of the House, when he says that the letter was issued by the Census Superintendent without any reference to this Government. That letter, if genuine, may have been couched in a comprehensive manner because of the two or three instructions that I gave him on another matter. Sir, I requested the Superintendent to enumerate the Ahom community separately, and to reject the request of the domiciled community for separate enumeration. So, from these one cannot come to the conclusion that I am speaking what is not true as my hon. friend has said, and that this false information has been arrived at at the instigation of the Provincial Government headed by me. Sir, if any responsible statement had come from the lips of my hon. friend, the Opposition Leader, I would have been the first man to accept that. If everyone respects him and regards him for his veracity, honesty and truth, I submit, Sir, the same regards him should be shown to the Leader of the House as his position in the House should be one of full trust in his words. (*Hear, hear.*)

Sir, I am glad that my hon. friend Mr. Nichols Roy stood up to exonerate the Local Government from all responsibilities. He, having been a Minister of the Assam Government, knew full well that census being a Central subject, we had no hand whatsoever in shaping its policy or in the tabulation that has been done. He has requested that scrutiny or sorting of figures should be done according to religion. This was recommended by my hon. friend Srijut Gopinath Bardoloi to the Central Government while he was the Premier, and the Central Government decided to have the tabulation in another line.

Khan Bahadur Maulavi KERAMAT ALI: The time is up, Sir.

Adjournment

The Assembly was then adjourned till 2 p.m., on Friday the 5th December, 1941.

SHILLONG :

A. K. BARUA,

The 10th January, 1942.

Secretary, Legislative Assembly, Assam.

ASSAM LEGISLATIVE ASSEMBLY
GOVERNMENT OF ASSAM
GOVERNOR OF ASSAM

His Excellency Sir ROBERT NIEL REID, K.G.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.