



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

THE ASSEMBLY assembled in the Assembly Chamber, Shillong at 11 a.m. on Monday the 18th, March 1940.

*Present*

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 95 members.

## **QUESTIONS AND ANSWERS**

### **STARRED QUESTIONS**

(to which oral answers were given)

**Newspaper article re "Rukminimohon Madhya Ingrezi Vidyalaya"**

**Maulavi MABARAK ALI** asked :

\*188. Will Government be pleased to state—

- (a) Whether their attention has been drawn to the article under the heading "Rukminimohon Madhya Ingrezi Vidyalaya" published in "The Janashakti" dated the 8th November 1939 ?
- (b) Whether the said school was started about 14 years back ?
- (c) Why no grant-in-aid has been given to it ?
- (d) Whether Government propose to consider its case and give sufficient grants to it immediately ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

188. (a)—Yes.

(b)—Yes.

(c)—No grant could yet be given for want of funds.

(d)—Yes, if and when funds permit.

**Maulavi MABARAK ALI**: Is it a fact that many newly started schools have already received grants-in-aid ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: Yes.

**Maulavi MABARAK ALI**: Will Government consider the case of this school in allotting grants from the current year's Budget ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: I shall try to provide this school with some grant because it has been in existence for the last 14 years.

**Babu DAKSHINA RANJAN GUPTA CHAUDHURI**: Are Government aware that no grant has been made either by the Local Board or by the Government to any of the Middle English schools in the South Sylhet Subdivision ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: How does that question arise ?

### Staff of the Weaving Department

**Maulavi ABDUR RAHMAN** asked :

\*189. Will Government be pleased to lay on the table a statement showing the names of the Officers of the Weaving Department from Weaving Inspectors down to Weaving Demonstrators with their home districts and dates of appointments (both temporary or permanent) ?

\*190. Will Government be pleased to state—

(a) The principle on which Weaving Demonstrators are appointed to permanent posts ?

(b) Whether Government recruit Weaving Demonstrators to permanent posts from among the temporary incumbents according to seniority ?

(c) If not, why not ?

\*191. Will Government be pleased to state separately—

(a) The number of passed students of the Gauhati Weaving School and the Sylhet Technical (Weaving Section) School who have been provided since 1930 ?

(b) Whether it is a fact that the syllabus in both the institutions is the same ?

(c) Whether it is a fact that in 1936, the Government promised to recruit Weaving Demonstrators from among the passed students of the Sylhet Technical School ?

(d) If so, whether it is a fact that Government did not recruit a single passed pupil of the Sylhet School this year and that some 3 or 4 recruitments have been made this year ?

\*192. Will Government be pleased to state the postings of the Weaving Demonstrators who have been recruited this year, stating their native districts ?

\*193. Will Government be pleased to state the number of Assam Valley Mussalmans and that of the Surma Valley Mussalmans in the Department separately ?

\*194. (a) Do Government propose to consider the advisability of recruiting Mussalmans from each Valley according to population basis ?

(b) If not, why not ?

**The Hon'ble Miss MAVIS DUNN** replied :

189.—A statement is laid on the table.

### Statement referred to in reply to starred question No. 189

#### LIST OF OFFICERS OF THE WEAVING DEPARTMENT WITH THEIR DATE OF APPOINTMENT

Serial No.	Name	Designation	Date of appointment	Home district
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#### WEAVING ASSISTANTS

1	Srijut Raman Behari Nath	Weaving Assistant, Sylhet Party.	25-10-1920	Sylhet.
2	Maulavi Golam Rasul Lasker.	Weaving Assistant, Cachar Party.	7-11-1921	Cachar.



Serial No.	Name	Designation	Date of appointment	Home district
3	Srijut Nila Kanta Dutta..	Weaving Assistant, Upper Assam Party.	7-11-1921	Sibsagar.
4	Srijut Prabhat Ch. Das	Weaving Assistant, Lo- wer Assam Party.	7-11-1921	Goalpara.

## WEAVING DEMONSTRATORS (SYLHET PARTY)

1	Babu Sitangshu Bhusan De.	Weaving Demonstrator, Sunamganj.	11-7-1928 20-8-1928	Sylhet.
2	Maulavi Md. Khalilullah	Weaving Demonstrator, Sylhet.	21-8-1928	Sylhet.
3	Maulavi Md. Habib Ali..	Weaving Demonstrator, Maulvibazar.	7-4-1930	Cachar.
4	Srijut Narendra Nath Goswami.	Weaving Demonstrator, Habiganj.	31-7-1922	Sibsagar.
5	Srijut Bipin Chandra Das	Weaving Demonstrator, Karimganj.	12-10-1935	Kamrup.
6	Srijut Mahesh Saikia.	Ch... Weaving Demonstrator, Sheola.	1-8-39	Kamrup.

## WEAVING DEMONSTRATORS (CACHAR PARTY)

7	Maulavi Farman Ali Bar- bhuya.	Weaving Demonstrator, Hailakandi.	5-7-1925	Cachar.
8	Maulavi Tasibur Rahman Chaudhury.	Weaving Demonstrator, Sonai.	23-9-1936	Sylhet.
9	Babu Mukta Chand Sinha	Weaving Demonstrator, Silchar.	7-11-1921	Sylhet.
10	Babu Ramesh Ch. Chowdhury.	Weaving Demonstrator, Barkhola.	4-7-1925	Cachar.
11	Babu Surendra Chandra Dhar.	Weaving Demonstrator, Shillong.	21-7-1922	Cachar.
12	Mr. Benzamin K. Sangma	Weaving Demonstrator, Haflong, (temporary).	1-6-1937	Garo Hills.

## WEAVING DEMONSTRATORS (UPPER ASSAM PARTY)

13	Srijut Hariprasad Barka- kati.	Weaving Demonstrator, Bihpuria.	7-11-1921	Kamrup.
14	Srijut Thanuram Vaisya..	Weaving Demonstrator, Roha.	1-7-1925	Kamrup.
15	Maulavi Islamuddin Ah- med.	Weaving Demonstrator, Dibrugarh.	26-8-1928	Kamrup.
16	Srijut Rajani Kanta Bora	Weaving Demonstrator, Dergaon.	23-11-1921	Kamrup.
17	Syed Abdul Khaleque ..	Weaving Demonstrator, Kampur.	26-8-1928	Sibsagar.



Serial No.	Name	Designation	Date of appointment	Home district
18	Srijut Janjeswar Dale ..	Weaving Demonstrator, Majuli.	4-8-1939	Lakhimpur.
19	Srijut Krishna Goswami.	Ch. Weaving Demonstrator, Gaurisagar.	19-1-1929	Kamrup.

## WEAVING DEMONSTRATORS (LOWER ASSAM PARTY)

20	Srijut Ramesh Barua.	Ch. Weaving Demonstrator, Dudnai.	7-7-1925	Kamrup.
21	Srijut Jogendra Nath Das	Weaving Demonstrator, Barpeta.	29-8-1928	Goalpara.
22	Srijut Nabin Chandra Sarma.	Weaving Demonstrator, Nalbari.	15-8-1935	Kamrup.
23	Maulavi Abdul Waheb ..	Weaving Demonstrator, Kokrajhar.	29-6-1937	Goalpara.
24	Maulavi Semiruddin Ahmed.	Weaving Demonstrator, Nalbari.	15-8-1939	Sibsagar.
25	Maulavi Mahibuddin Ahmed.	Weaving Demonstrator, Mangaldai.	14-12-1924	Sibsagar.
26	Maulavi Md. Golap Ali	Weaving Demonstrator, Tezpur.	1-7-1925	Kamrup.
27	Srijut Rabi Ram Brahma	Weaving Demonstrator, Tura.	9-7-1938	Goalpara.

## JUTE WEAVING PARTY

1	Srijut Nabin Chandra Dauka.	Jute Weaving Demonstrator (temporary).	1-7-1925	Kamrup.
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## DEVELOPMENT SCHEMES

1	Maulavi Gazi Noor Mohammed.	Dyeing Supervisor, Assam.	15-11-1935	Tippera.
2	Maulavi Habibuddin Ahmed.	Calico Printing Instructor.	(T)W.D. 13-8-1935 (C.P.I.) 23-8-1939	Sibsagar.
3	Maulavi Md. Suleman Ali.	Dyeing Operator, Assam.	4-10-1939	Sibsagar.
4	Srijut Hem Chandra Saikia.	Printing Operator, Assam.	2-11-1936	Darrang.
5	Srijut Hukum Sonwal.	Travelling Canvasser, Assam Valley, Gauhati.	19-3-1938	Lakhimpur.
6	Maulavi A.S. Md. Sultan	Travelling Canvasser, Surma Valley, Karimganj.	24-4-1936	Sylhet.
7	Babu Kandarpa Mohan Chowdhury.	Manager, Br. Emporium, Karimganj.	30-9-1935	Sylhet.
8	Babu Behari Charan Nath.	Salesman, Br. Emporium, Karimganj.	23-7-1935	Sylhet.
9	Srijut Dhajendra Narayan Medhi.	Co-operative Weaving Inspector, Assam Valley.	23-6-1927	Goalpara.
10	Maulavi Masman Ali Barbhuya.	Co-operative Weaving Inspector, Surma Valley.	15-8-1922	Cachar.

**The Hon'ble Miss MAVIS DUNN** replied :

190. (a)—The posts of permanent Weaving Demonstrators are filled up by the best qualified candidates having due regard to representation of various communities.

(b)—Seniority is not the only criterion for recruitment to permanent posts. Efficiency is also taken into consideration in all cases.

(c)—Does not arise.

191. (a)—Government Weaving Institute, Gauhati ... 13

Surma Valley Technical School, Sylhet ... 3

(b)—Yes.

(c)—Yes. Government have agreed to consider the claims of passed students of the Surma Valley Technical School, Weaving Section, when vacancies occur.

(d)—Yes. Out of the 3 persons appointed during 1938-39, one belongs to the 'Scheduled caste', one to the 'Tribal class' and the remaining one is an Assam Valley Muslim, who was appointed in the vacancy caused by the death of a Muslim Weaving Demonstrator from Assam Valley. There was no candidate from the under-represented communities, viz., 'Tribal class' or 'Scheduled Caste' amongst the passed students of the Surma Valley Technical School, Sylhet.

192.—

	No.		Home district		Where posted
(1)	1	...	Sibsagar	...	Majuli.
(2)	1	...	"	...	Garó Hills.
(3)	1	...	Kamrup	...	Karimganj.

**Maulavi ABDUR RAHMAN** : May I know why no recruitment was made from the Sylhet District ?

**The Hon'ble Miss MAVIS DUNN** : The answer is contained in reply to 191(d).

**The Hon'ble Miss MAVIS DUNN** replied :

193.—Assam Valley Muslims ... 8

Surma Valley Muslims ... 7

194. (a)—No.

(b)—Under the existing orders no distinction is made between Muslims of the Assam Valley and those of the Surma Valley.

**Re Speeches delivered by League Members to encourage the immigrants to enter into the Reserves, Lines and closed villages**

**Srijut GHANASHYAM DAS** asked :

\*195. Is it a fact that meetings were held at villages—Palhaji, Koyemari, Bhokuamari, Charcharia and in many other villages in the Barpetta subdivision where speeches were delivered by the League Members to encourage the immigrants to enter into the Reserves, Lines and closed villages by thousands ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

195.—The Government have no information but are making enquiries.



**Srijut PURNA CHANDRA SARMA :** Are Government aware that some of these people have confessed before the Magistrate that they were so instigated by the Muslim League members ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** No.

**Srijut PURNA CHANDRA SARMA :** Were any statements of confession made before the Magistrate ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Government are not aware of that.

**Srijut PURNA CHANDRA SARMA :** Will Government kindly make an inquiry ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Yes, an enquiry will be made.

(Starred question No. 196 standing in the name of Rev. L. Gatphoh was not put and answered as the questioner was absent)

### Publication of advertisements made by the Assam Public Service Commission in the Newspapers

**Mr. NABA KUMAR DUTTA** asked :

\*197. Are Government aware that advertisements made by the Assam Public Service Commission for Government posts appear successively in three issues of the *Assam Gazette* whereas these advertisements appear in one single issue of the newspapers of the province to which such advertisements are sent ?

\*198. Are Government aware that as a result of this advertisement in one single issue of the newspapers, candidates do not get full knowledge of posts available for them ?

\*199. Do Government propose to advertise in three successive issues of the newspapers such advertisements in the interest of public service ?

\*200. Do Government, for that purpose, propose to place more money at the disposal of the Public Service Commission for such advertisements ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

197.—Yes.

198.—Government do not believe that the existence of vacancies goes unknown. They have received no complaints on this point.

199.—Government propose to consider the whole question and evolve general principles.

200.—Government will consider the suggestion, if finances allow, and more expenditure is found necessary on a proper review of the present practice.

### Newspaper article *re* allegations against the Superintendent of Assam Government Press

**Maulavi JAHANUDDIN AHMED** asked :

\*201. (a) Are Government aware of various allegations against the present Superintendent of Assam Government Press published in the *Sylhet Chronicle* of the 4th September 1939 under the caption "Darkness below the Lamp" and "Serious allegations against Press Superintendent" ?



(b) If the reply to the above question is in the affirmative, what actions do Government propose to take against such an officer ?

\*202. (a) Is it a fact that the Retrenchment Committee is unanimous in their opinion for retrenching the post of the Superintendent of Press ?

(b) If so, when Government propose to give effect to the abolition of this post ?

(c) If not, why not ?

\*203. Will Government be pleased to state whether the post of the Superintendent of Government Press is a special post or a provincial post ?

\*204. (a) Are Government aware of constant allegations and series of resolutions against the Superintendent of Government Press by the Assam Government Press Industrial Employees' Association ?

(b) If so, what action has been taken against this officer ?

(c) If not, why not ?

\*205. Is it a fact that the Superintendent of Press strongly protested against the formation of an Association amongst the employees of the Government Press on the plea that the majority of the employees are not in favour of an Association but in favour of forming a Work Committee ?

\*206. Is it a fact that Government ultimately had to decide the matter by a secret ballot ?

\*207. Will Government be pleased to state—

(a) Whether they receive certain memorials from the Press employees from time to time for harassing them by the Press Superintendent ?

(b) If so, what action do Government propose to take against the officer concerned ?

\*208. Will Government be pleased to state the general educational qualification of the present Superintendent of the Government Press after duly verifying his certificates in original ?

\*209. Is it a fact that in all other Government Presses in India the distributors in the Press are in the rank of inferior service and those of the compositors in the rank of superior service ?

\*210. Will Government be pleased to state when the posts of the Distributors were abolished in the Assam Government Press and how the works of those Distributors are now carried on ?

\*211. (a) Is it a fact that the compositors of the Assam Government Press submitted memorials to Government times without number, for forcing them, by the Superintendent to do the double functions of Distributor and Compositor ?

(b) If so, what action do Government propose to take against the officer concerned for utilising the superior Government servants for works meant for inferior servants ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

201. (a)—Government have seen these articles.

(b)—Government enquired into the allegations and found that they had no substance deserving any sort of action.

†**Maulavi JAHANUDDIN AHMED** : May I know who is that officer who made the inquiry ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : I want notice of that question. I do not know exactly which officer enquired into that.

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

†**Maulavi MUHAMMAD AMJAD ALI:** Is it not a fact that the Hon'ble Minister-in-charge visited the Government Press and enquired into these allegations ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I visited the Government Press not in this connection but in order to find out whether there is room for the location of the office of the Association for which the Association applied.

**Maulavi MUHAMMAD AMJAD ALI:** May I know whether any other Hon'ble Minister accompanied the Hon'ble Minister-in-charge?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I do not remember.

†**Maulavi JAHANUDDIN AHMED:** May I request the Hon'ble Minister to enquire personally into these allegations ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I shall consider that suggestion.

†**Mr. NABA KUMAR DUTTA:** Is it not a fact that the Hon'ble Mr. Chaudhuri made some allegations against this officer before 1937 when he was not a Minister ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** How does it arise ?

**Mr. NABA KUMAR DUTTA:** Does the Hon'ble Minister hold the same view now ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** This is of recent occurrence and has nothing to do with that.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

202. (a)—The recommendations of the Retrenchment Committee on the expenditure under the head of the Government Press will be examined by the present Government after the Assembly Session.

(b) and (c)—Do not arise.

203.—A specialist post.

204. (a)—Government have received advance copies of certain resolutions which will be examined when received through the proper channel.

(b) and (c)—Do not arise.

†**Maulavi JAHANUDDIN AHMED:** May I inform the Government that the copies were sent through the proper channel but the Superintendent of the Press refused to forward it to Government ?

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



†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Sir, I shall inquire into this. When any advance copy is sent to me, generally I always ask that the file should be sent to me as early as possible.

†**Maulavi JAHANUDDIN AHMED:** Sir, may I inform the Government that the Superintendent of the Press has refused to forward the resolutions to Government which were sent by the Secretary of the Association?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Sir, I shall enquire if this is a fact.

†**Maulavi MUHAMMAD AMJAD ALI:** Sir, with regard to question No. 204(a), may I know what proper channel is necessary? Should it come through the Superintendent of the Press?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Yes, it should come through the Superintendent of the Press.

†**Maulavi MUHAMMAD AMJAD ALI:** May we know what action Government will take for his refusal to forward it to Government?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** The Superintendent will have to send it to Government.

†**Maulavi JAHANUDDIN AHMED:** Sir, will Government find out the reasons as to why the Superintendent did not send it to Government?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Sir, the petitioner should not be prejudiced in any way because, as I have received advanced copies I have already asked the office to expedite the sending of petition as early as possible.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

205.—No. The Superintendent had propounded the idea of having a Works Committee, as is established in the Government of India Presses and in many highly organised industrial institutions. Such a committee can function usefully whether there is or is not a Trade Union.

†**Maulavi JAHANUDDIN AHMED:** May I know, Sir, which was formed earlier—whether the Trade Union or the Works Committee?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I want notice of that question, Sir, because the Works Committee and the Trade Union were established before my time.

†**Maulavi JAHANUDDIN AHMED:** May I inform the Government that the Trade Union was formed earlier and the Works Committee was established later?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I have no reason to doubt the statement of the hon. member.



**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

206.—Government directed the taking of a secret ballot on the question whether there should be a Works Committee.

†**Maulavi JAHANUDDIN AHMED** : May I know, Sir, why Government allowed this secret ballot method to be taken ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : Sir, the hon. member ought to know the value of secret ballot and possibly that was the reason why Government asked that secret ballot should be taken.

†**Maulavi JAHANUDDIN AHMED** : Sir, my question is that why Government directed that secret ballot should be taken. There must be disagreement between these two—the Trade Union and the Works Committee.

**The Hon'ble the SPEAKER** : The hon. member is arguing the question.

†**Maulavi JAHANUDDIN AHMED** : I want, Sir, to know why secret ballot was allowed ?

†**The Hon'ble the SPEAKER** : The Hon'ble Minister has already replied that the hon. member ought to know the value of secret ballot.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

207. (a)—Government from time to time receive complaints of grievance, which sometimes allege such harassment.

(b)—Each complaint will be decided on its merits and Government will take such action as they deem fit.

†**Babu RABINDRA NATH ADITYA** : What do Government understand by the question "whether they received certain memorials from the Press employees from time to time for harassing them by the Press Superintendent"?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : Does this question need my reply, Sir ?

**The Hon'ble the SPEAKER** : Government has understood the question and the reply has been given.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

208.—The Superintendent left the general for a technical line of education shortly after admission to the Collegiate Course, as Government understand. He therefore holds no certificate for the Collegiate Course.

†**Maulavi JAHANUDDIN AHMED** : May I know, Sir, whether the Superintendent has got any certificate ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : Sir, my information is that he passed the Matriculation Examination only.

†**Maulavi JAHANUDDIN AHMED** : May I know, Sir, whether he produced the Matriculation certificate to the Government ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : He might have produced when he was originally appointed.

†**Maulavi JAHANUDDIN AHMED** : May I have a copy of the certificate Sir ?

†**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : I will enquire about this. I may tell the hon. members that he had certificate for Intermediate course and I wanted to see the certificate but the certificate was not locally available and on inquiry I came to know that the gentleman did not actually pass the Intermediate course.

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

†**Mr. NABA KUMAR DATTA**: Sir, Government just now said that this post is for a specialist. May I enquire what special qualification is necessary for a man to hold the post of the Superintendent?

**The Hon'ble the SPEAKER**: That question does not arise.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied:

209.—Yes.

210.—The Distributors' posts were abolished from the 1st April 1937 as a measure of economy and the distribution work so far as it is still necessary is shared by the Compositors, the bulk being done by the ten juniormost men.

211. (a)—Government have had various representations which are under consideration.

(b)—The question is not understood. The Superintendent has only carried out the orders of Government.

### UNSTARRED QUESTIONS

(to which answers were laid on the table)

#### Settlement of waste land in Nowgong district with the immigrants

**Babu BALARAM SIRCAR** asked:

186. (a) Are Government aware of the fact that some 48 families of the scheduled caste immigrants from Sylhet are living in the village of Bharakuri pargana in the district of Nowgong under the Police Station Chamkuri?

(b) If so, are Government aware that out of these 48 families, about 36 families are landless?

187. Are Government aware of the fact that on the southern side of this village a vast waste land has been kept reserved by the Government under Dags Nos. 10, 12, 13, 14, 15, 16, 18, 22, 23, 24 and 25 in Chalchal Mauza, Ahamordoba No. 482?

188. Are Government aware that the landless people mentioned in Question No.186 (b) above applied for the settlement of some plots from those above mentioned Dags in the month of January 1938 and sometimes after also?

189. (a) Is it a fact that Government now propose to settle the reserved land mentioned in question No.187 above?

(b) If so, do Government propose to settle the Dags Nos. 10, 12, 13, 14, 15, 16, 18, 22, 23, 24 and 25 to those landless applicants mentioned in question No.186 (b) above who applied previously and have applied recently also?

†Speech not corrected by the hon. member.



**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

186. (a)—Yes.

(b)—Only about 26 families are reported to be landless.

**Babu BIPIN BEHARI DAS** : Sir, with regard to question No. 186(b), the reply is that only about 26 families are reported to be landless. Do Government propose to settle lands with those landless people ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** : The problem of the landless people is a big one and the Government are trying to find out some solution.

**Babu BIPIN BEHARI DAS** : May I know, Sir, when it will be considered.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** : It will be considered very soon.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

187.—Yes. The area is 414 bighas, 1 katha and 12 lessas.

188.—Yes. Some people applied for settlement of some of the lands in these Dags. The grazing ground cannot however be thrown open for settlement in the interest of the local people, until the whole question of throwing open for settlement, reserves in excess of requirements is settled.

189. (a)—There is no such proposal.

(b)—The question does not arise.

### **Double collection of grazing tax from the Nepali graziers of "Company-Tapu" and Kajiranga game reserves in the districts of Darrang and Nowgong**

**Srijut MAHADEV SARMA** asked :

190. Are Government aware of the double collection of grazing tax from the Nepali graziers of "Company-Tapu" and 'Kajiranga' game reserves in the districts of Darrang and Nowgong ?

191. Are Government aware of orders of externment issued by district authorities of Darrang against one Bombahadur Karki, a grazier of Bihaguri mauza and several other graziers ?

192. Are Government aware that the representations of the Nepali graziers of Darrang and Nowgong as regards this harassments by double taxation have been neglected by the district authorities ?

193. (a) Did Government receive any representation from those graziers ?

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

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

190.—Graziers of "Company-Tapu" take out grazing permits from the Kaziranga Game sanctuary authority for some of their cattle for some period of the year ; but as the graziers with their *khutis* live within the Darrang district, they are assessed to grazing tax by the grazing staff of the



district on refusal by the graziers to show permits. The matter is however receiving careful consideration of the local officers to make out a workable solution of the situation. Concealed cattle are also liable to double taxation under the Rules.

191.—Owing to overcrowding of graziers in the professional grazing reserves notices have been issued to the habitual defaulters of grazing tax to leave Darrang district.

**Srijut MAHADEV SARMA :** Are Government aware that these graziers on whom notices have been served to leave the district are in the same grazing reserves for the last 20 years, if not more ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** May be, Sir.

**Srijut MAHADEV SARMA :** In view of that these graziers are there for the last 20 years, will Government be pleased to take action so that they may be allowed to remain there at least for one year more ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** The report is that they are the habitual defaulters and therefore they have been served with notices for eviction.

**Srijut MAHADEV SARMA :** Is it a fact that these defaulters had to pay double tax under the grazing rules ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Government are not aware of that, Sir.

**Srijut MAHADEV SARMA :** Is it not a fact that the defaulters had to pay double tax under the grazing rules ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Government are not aware of that.

**Srijut MAHADEV SARMA :** Is it not a fact that they have to pay penalty if they default in paying their grazing dues ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Yes, Sir.

**Srijut MAHADEV SARMA :** Do Government consider it desirable that they should be asked to vacate over and above paying the penalties ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** They have been asked to vacate the place in the interest of the other graziers there as there is over crowding.

**Srijut MAHADEV SARMA :** What was the time allowed to them to leave the district ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** The notice was issued on the 30th November, 1939 and they were asked to leave the district by the 1st March, 1940.

**Srijut MAHADEV SARMA :** May I know under what provision the order of externment was issued and under whose sanction ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** It was issued for efficient administration of the district.

**Srijut MAHADEV SARMA :** Are there no other grazing reserves in the district so that they may be allowed to avail themselves of those reserves ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** There may be some other reserves, but the Deputy Commissioner thought that they should go out from the district as they are habitual defaulters.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

192.—No. As stated in the reply to question No.191 above, the matter is receiving careful consideration of the local officers. It is reported that care is always taken to cancel such double assessment, if any, after due enquiries which however often take time and steps have already been taken to regularise matters in this respect to the advantage of all concerned. In Nowgong district alone, an assessment of tax and penalty to the extent of Rs. 5,142 has been cancelled very recently after verification.

193. (a)—Government received a representation from the graziers of "Company Tapu".

(b)—It was forwarded to the Commissioner of Divisions for immediate disposal as he has the general control and revisionary powers in all matters relating to grazing.

**Srijut MAHADEV SARMA** : In view of the hardship of these graziers, will Government consider the order passed by the Deputy Commissioner and allow them to remain in the district ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** : The last representation of these graziers has been sent to the Commissioner for report and the matter will be considered on receipt of the said report.

**Total number of Muhammadan Deputy Inspectors of Schools in the Assam Valley Districts for the years 1915, 1930 and 1940**

**Khan Bahadur Maulavi KERAMAT ALI** asked :

194. Will Government be pleased to state—

(a) The total number of Muhammadan Deputy Inspectors of Schools in the Assam Valley Districts in the years 1915, 1930 and 1940 respectively ?

(b) Whether it is a fact that a representation has been submitted from Nowgong for special Muhammadan Deputy Inspector of Schools ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

194. (a)—1915	...	...	...	...	4
1930	...	...	...	...	3
1940	...	...	...	...	3

(b)—No such representation has been received.

**Raj Commercial College, Karimganj**

**Babu RABINDRA NATH ADITYA** asked :

195. (a) Are Government aware that the Raj Commercial College, Karimganj, is importing commercial educations in typewriting, shorthand, accountancy, telegraphy, etc., to the unemployed youths ?

(b) Is it a fact that many boys having passed from that institution received employments in banks, private firms and under the Railway authorities ?

(c) Is it a fact that the said institution has applied for Government recognition and a grant-in-aid ?

(d) If so, do Government propose to consider the questions of acceding to their prayer ?



**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

195. (a)—Yes, except telegraphy.

(b)—Government have no information.

(c)—Yes.

(d)—The question is pending the visit of the College by the Director of Public Instruction.

**Babu RABINDRA NATH ADITYA** : Will Government be pleased to see that the recognition and grant-in-aid are sanctioned at an early date, say within the next financial year ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : That will depend, Sir, on the report which I receive from the Director of Public Instruction.

**Babu RABINDRA NATH ADITYA** : What I intended was that the matter should be disposed of at an early date.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : I shall see to that.

#### **Number of High Madrassa passed students serving in the Public Health Department and District Offices in Sylhet**

**Maulavi ASHRAFUDDIN MD. CHAUDHURY** asked :

196. Will Government be pleased to state—

(a) The number of High Madrassa passed students serving in the Public Health Department, Assam, in the clerical and Vaccination Inspecting staff ?

(b) The number of High Madrassa passed students serving in the Office of the Deputy Commissioner, Sylhet, the District Judge, Sylhet, the Superintendent of Police, Sylhet and the Inspector of Schools, Surma Valley and Hill Division ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

196. (a)—Nil.

(b)—None in the offices of the District Judge, Superintendent of Police and the Inspector of Schools at Sylhet. As for the office of the Deputy Commissioner, Sylhet, in the absence of any record showing the educational qualifications of clerks employed in the past it is not possible to say if any such candidate was appointed.

**\*Srijut PURNA CHANDRA SARMA** : May I know, Sir, what is the standard of English taught in the High English Madrassa ?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Does it arise, Sir ? Anyhow I may answer that it is the standard of the Matriculation Examination.

**\*Maulavi ABDUR RAHMAN** : Do Government consider that the High Madrassa passed boys are fit for clerkships in the offices of the Superintendent of Police, Deputy Commissioner, District Judge and the Public Works Department ?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : They are considered equivalent to Matriculates and the Government circular is already there.



**\*Maulavi ABDUR RAHMAN :** Will Government give further instructions to the authorities that in future such candidates should be given preference ?

**\*Maulavi ASHRAFUDDIN MD. CHAUDHURY :** May I know, Sir, the date of the circular which, it appears, is more honoured in the breach than in the observance ?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** The question is full of innuendoes.

### **Payment of fees to Sub-Registrars on commission basis**

**Babu KARUNA SINDHU ROY** asked :

197. Is it a fact that a sum of Rs.85 is paid to the Sub-Registrars in rural offices for registration of every 125 documents ?

198. Is it a fact that the Sub-Registrars have to pay house rent, salary of a clerk, remuneration of extra copyists and furniture, etc., from this sum of Rs.85 ?

199. Is it a fact that the copying fees realised from the parties are taken away by Government along with Registration fees ?

200. Is it a fact that the copyists are to be paid a fixed amount per every page of the documents ?

**The Hon'ble Miss MAVIS DUNN** replied :

197. The question apparently refers to Sub-Registrars appointed on the commission basis and the reply is that they are paid on a sliding scale. When the number of documents exceeds 80 but does not exceed 125 in a month, the amount paid is Rs.70 and when it exceeds 125 but does not exceed 170, a sum of Rs. 85 is paid. For further details the hon. member's attention is drawn to rule 50(5) at page 132 of the Registration Manual.

198.—Yes.

**Babu KARUNA SINDHU ROY :** Do Government know that when there are documents having a considerable number of folios, the Sub-Registrars get almost nothing after paying the remuneration of copyists, salary of clerk, pay of peon and house rent, etc.

**The Hon'ble Miss MAVIS DUNN :** We have no information with regard to that.

**Babu KARUNA SINDHU ROY :** Will Government please enquire ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Will it not be going too far, Sir, namely to enquire into the budget of the Sub-Registrar ?

**The Hon'ble Miss MAVIS DUNN** replied :

199.—Yes.

200.—Government have no information as to how the copyists entertained by the commissioned Sub-Registrars are paid.

**Surma Valley Technical School, Sylhet**

**Babu KARUNA SINDHU ROY** asked :

201. (a) Is it a fact that at present certificates are issued to students who pass the final Examination from the Surma Valley Technical School, Sylhet ?

(b) If so, do Government propose to issue Diplomas instead of certificate ?

(c) Do Government propose to open Tanning and Survey classes in the Surma Valley Technical School, Sylhet ?

(d) Do Government propose also to consider the possibility of opening a class for teaching electricity in the aforesaid Technical School ?

**The Hon'ble Miss MAVIS DUNN** replied :

201. (a)—Yes

(b)—No.

(c)—No.

(d)—Government have approved of the revised curriculum which provides for training in electricity but they have not as yet appointed any staff and the question will be considered in due course.

**Babu KARUNA SINDHU ROY**: With reference to (b), may I know, Sir, why diplomas are not issued in place of certificates ?

**The Hon'ble Miss MAVIS DUNN**: Because the standard is not high enough, Sir.

**Mr. ARUN KUMAR CHANDA**: Why is the answer to question (c) in the negative, Sir ?

**The Hon'ble Miss MAVIS DUNN**: We have no scheme for that as yet, Sir.

**Mr. ARUN KUMAR CHANDA**: Do Government realise that the opening of the tanning and survey classes would add to the usefulness of the institution ?

**The Hon'ble Miss MAVIS DUNN**: Yes, Sir.

**Re dispute between the landlords of Bhatipara and their tenants  
and Bhatipara Bil-looting cases**

**Babu KARUNA SINDHU ROY** asked :

202. Is it a fact that the Hon'ble Premier with the Hon'ble Revenue Minister and the Hon'ble Minister-in-charge of Local Self-Government Department recently went to Sunamganj for the purpose of effecting a compromise between the landlords of Bhatipara and their tenants ?

203. Will Government be pleased to state—

(a) If there was any compromise made ?

(b) If so, will Government be pleased to state how far it has developed ?

(c) Is it a fact that there was a question of sending two Magistrates to enquire and suggest the final proposals for a compromise ?

(d) If so, will Government be pleased to state if any Magistrates have since been sent ?



204. (a) Is it a fact that a section of the Armed Police has been sent to Bhatipara ?

(b) If so, why ?

(c) Is it a fact that these Forces have been requisitioned by the landlords for protecting their fishery mahals from being looted by the tenants ?

205. (a) Will Government be pleased to state the number of Bil-looting cases in the Bhatipara area from December 1939 upto the present time ?

(b) Are Government aware that a case of Bil-looting instituted by the landlords in the dry season last year, was dismissed in the Sunamganj Court ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

202.—The two Hon'ble Ministers went to Sunamganj to study the agrarian movement and to hear the views of the landlords and tenants. They received a deputation of land holders and discussed the demands of the tenants with representatives of them in which one proprietor of Bhatipara was present.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI** : Is it also part of the function of the Minister for Local Self-Government to deal with agrarian affairs ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : As the responsibility of the Ministers is joint, I think, Sir, it is the duty of every Minister to try and settle if there be any dispute between a landlord and tenant.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI** : Was there any special reason for that ?

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

**Mr. ARUN KUMAR CHANDA** : Is it true, Sir, that the agrarian problem is no agrarian problem but relates to title of certain lands ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : It is really an agrarian dispute regarding certain *Abwabs*. The question of encroachment came in as a subsidiary one, during discussion.

**Maulavi ABDUR RAHMAN** : Is it a fact that one hon. member of this House is involved in such a dispute ?

**The Hon'ble the SPEAKER** : That does not arise.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

203. (a) & (b)—The Hon'ble Ministers did not go there to effect any compromise. They, however, advised after hearing both sides that the dispute be settled. They have no knowledge how the matter stands at present.

**Babu KARUNA SINDHU ROY** : Has the Hon'ble Minister received a letter from the Secretary, Betal Krishak Samity, posted from Sunamganj in the first week of February ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I have not received that.

**Babu KARUNA SINDHU ROY** : Will the Hon'ble Premier enquire ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I will enquire ; may be the letter is with my Hon'ble friend, the Revenue Minister, if it was addressed to him.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

(c)&(d)—There was no question of sending two Magistrates for effecting a compromise. The representatives of tenants stated that the landlord, had encroached upon their holdings and have converted parts of their lands into fisheries by bunding. This was denied by the proprietor present. The Hon'ble Ministers enquired if the parties will accept a finding by a Magistrate who will enquire locally. The landlord expressed his willingness to abide by such a finding, while the tenants' representatives expressed inability to commit without consulting their association, but intimated that will be done and the result communicated to Government. Up till now, no such communication has reached Government from the tenants and so no Magistrate has been deputed.

204. (a)—Not in the present financial year, so far as Government are aware. An enquiry has been made.

(b)&(c)—Do not arise.

205. (a)&(b)—Information is not available, but particulars have been asked for from the Superintendent of Police, Sylhet.

**Number of clerks in the Upper Division Grade in the office of  
the Deputy Commissioner, Sylhet**

**Maulavi ABDUL BARI CHAUDHURY** asked :

205. Will Government be pleased to state—

(a) The number of clerks in each grade of the Upper Division under the Deputy Commissioner, Sylhet ?

(b) How many of them are Hindus, and how many are Muham-madans ?

(c) How these posts are filled up ?

(d) Do Government propose to make direct recruitment to these posts for making up the communal percentage ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

206. (a)—The hon. member is referred to the reply given to a similar question (unstarred question No.63) asked by Maulavi Ashrafuddin Md. Chaudhuri at this session of the Assembly.

(b)—Three of the 11 clerks in the superior grade and 4 of the 17 in the Upper Division are Muslims.

(c)—These posts are filled by promotion from the clerks of the district amalgamated establishment on the basis of seniority and merit, provided the candidates can provide the security required in respect of ten of the posts on account of the financial responsibilities they carry.

(d)—The question how far communal inequalities in the upper grades of Government services could be removed by modification of the promotion system with direct appointments is engaging attention.



**Procedure followed by Magistrates in the matter of granting bail**

**Maulavi ABDUR RAHMAN** asked :

207. Will Government be pleased to state—

- (a) The procedure now-a-days followed by the Magistrates in the matter of bail in police cases ?
- (b) Whether they insist on a report from the police regarding the fitness of the surety ?

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

207. (a)—The procedure adopted generally follows that required by the provisions of the Criminal Procedure Code. In some Courts it is apparently the practice to have the proposals for bail scrutinised in the Court Office. Government are having the proper procedure brought to the notice of the courts.

(b)—No. Government have ascertained that generally the Magistrates exercise their judicial discretion. An opportunity has of course to be given to the Court Office to challenge a surety.

**Maulavi MUHAMMAD AMJAD ALI:** With regard to (b) the answer is that "Government have ascertained that generally the Magistrates exercise their judicial discretion .....". Are we to understand that the Magistrates accept the surety themselves ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Yes, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** If the Court does not accept the security how it works ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** The Court office is consulted and the Magistrate accepts it.

**Maulavi MUHAMMAD AMJAD ALI:** Which happens earlier, the latter part namely the challenging of the security or its acceptance by the Magistrate ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Generally before accepting the bail bond the Magistrate consults the Court office.

**Maulavi ABDUR RAHMAN:** Is it a fact that the Magistrate calls for a report from police as to the fitness of the surety ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Sometimes it may be so, Sir.

**Maulavi ABDUR RAHMAN:** Is it not generally done ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** No, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** Is it not with consultation of the Court office that the Magistrate exercises his discretion ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** As to the fitness of the surety he sometimes consults it, but not in all cases.

**Maulavi ABDUR RAHMAN:** Is it a fact that, if the Police does not certify as to the fitness of the bailer, the Magistrate generally refuses the bail bond ?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I do not think it is a fact. To ascertain the fitness of a bailer or surety is a judicial act and the Magistrate acts in his discretion.



**Maulavi ABDUR RAHMAN:** May I tell the Hon'ble Minister that the Magistrate has the sole authority in accepting a bail bond?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** He exercises his judicial discretion.

**Maulavi MUHAMMAD AMJAD ALI:** In case it is found that the bail bond is accepted by the Court office, will Government revise it?

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** The answer is already there, Sir.

**The Assam Money Lenders' (Amendment) Bill, 1937**

**The Hon'ble the SPEAKER:** From what I told the House the other day, the hon. members know that time being available after the question hour to-day the amendments to the Assam Money Lenders' (Amendment) Bill, 1937, made by the Assam Legislative Council will be taken into consideration for the purpose of ascertaining the opinion of this House as to whether those amendments are agreed to by this House.

Now, we have got only half an hour at our disposal. If this matter can be finished within that time, then I am ready to place this matter before the House. Is there any chance of this matter being finished within half an hour?

**Maulavi ABDUL BARI CHAUDHURY:** Let us try, Sir.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If this matter be taken up now, it ought to be stopped at 12 noon, Sir.

**The Hon'ble the SPEAKER:** Yes, but we may take it up again on the next day.

These are the amendments which have been made by the Council to the Assam Money Lenders' (Amendment) Bill, 1937 and on which this House will record its verdict

"(1) That in clause 1, sub-clause (2) the words 'and it shall apply to pending suits and appeals be deleted'.

(2) That in clause 2, sub-clauses (1), (2) and (4) be omitted, and in sub-clause (3) after the word 'Bank' the words 'or in any incorporated Bank or Society be added'.

(3) That clause 3 be deleted.

(4) That in clause 4 in the proposed section 8 for the figures '9 $\frac{3}{8}$ ', '12 $\frac{1}{2}$ ', '9 $\frac{3}{8}$ ' and '12 $\frac{1}{2}$ ' the figures '10 $\frac{1}{2}$ ', '15', '10 $\frac{1}{2}$ ' and '15' respectively be substituted.

(5) That in clause 5 the proposed section 9—

(i) In sub-section (1) the words "before or" and "or otherwise" be deleted.

(ii) Proviso (i) be omitted.

(iii) In explanation (ii) the following be substituted:—

'(ii) For the purpose of sub-section (1) of proposed section 9 in respect of usufruct of lands in usufructuary mortgages a loan not exceeding Rs.500 in principal shall be deemed to be fully satisfied on the completion of 9 years from the date of the loan.'

(iv) Sub-section (3) be omitted."

Now I have got notice of amendments to these amendments made by the Legislative Council from Maulavi Abdul Aziz. Analysing these amendments I find that the intention of the hon. member is to disagree with the amendments made by the Assam Legislative Council and to substitute in their places the amendments which have been tabled with the object of restoring the Bill to the form in which it was passed by this House. So, I would call upon the hon. member to move his amendments at once and I think, he would so word his motion as would minimise the necessity of taking up each of the amendments separately.



**Maulavi ABDUL AZIZ:** Mr. Speaker, Sir, I have disagreed with all the amendments made by the Council to the Assam Money Lenders' (Amendment) Bill. I think a motion to this effect will suffice.

I beg to move, Sir, "that this House disagrees with the amendments made by the Assam Legislative Council to the Assam Money Lenders' (Amendment) Bill, 1937 as passed by this House and substitutes in their places the following amendments with a view to restoring the Bill to the form in which it was passed by the House:—

1. That in sub-clause (2) of clause 1, after the words "at once" the words "and it shall apply to pending suits and appeals" shall be added.

2. That in clause 2, the following shall be added as sub-clauses (1) and (2) respectively—

"2. (1) That after the word "person" in sub-section (1) of section 2 of the principal Act, a "comma" and the following words, "Society or Bank either private or registered under the Co-operative Societies Act, 1912, or the Indian Companies Act, 1913" be inserted.

(2) That in sub-section (3) of section 2 of the principal Act, the words "and shall include any bond bearing interest executed in respect of past liabilities" be deleted".

3. That in sub-clause (3) of clause 2 after the words "Post Office Bank" a "full stop" shall be inserted and the subsequent words "or in any incorporated Bank or Society" shall be deleted.

4. That in clause 2, the following shall be added as sub-clause (4):—

"(4) That in the last line of sub-section (3) of section 2 of the principal Act, after the word "and" the following be added, namely—

"also a bond taken for arrears of rent shall be considered to constitute a loan".

5. That the following shall be added as clause 3:—

"3. (1) That in the first line of section 4 of the principal Act, after the word "made" the words "before or" be added—

(2) That the proviso to section 4 of the principal Act be deleted".

6. That in clause 4, in the proposed section 8 for the figures "10½, 15, 10½ and 15" the figures "9¾, 12½, 9¾ and 12½" respectively shall be substituted.

7. That in clause 5, in sub-section (1) of proposed section 9, after the word "made" in the 2nd line, the words "before or" and after the word "Court" in the 5th line the words "or otherwise" shall be added.

8. That in clause 5, in sub-section (1) of proposed section 9, the following shall be added as proviso (i):—

"(i) A Bank advancing money at interest not exceeding 6 per cent. per annum or".

9. That in clause 5, in sub-section (1) of proposed section 9, for Explanation (ii) the following shall be substituted:—

"(ii) For the purpose of sub-section (1) of section 9 in respect of usufruct of lands in usufructuary mortgages a loan not exceeding Rs.500 in principal made before the commencement of this Act, shall be deemed to be fully satisfied on the

completion of 12 years from the date of the loan and on the completion of 9 years of a loan made after the commencement of this Act".

10. That in clause 5, in the proposed section 9, the following shall be added as sub-section (3) of that proposed section :—

"(3) For the purpose of this section parties to or the properties in the subsequent instrument or instruments may be same or different".

**Babu RABINDRA NATH ADITYA:** Sir, is it not necessary that a motion for consideration of the amendments made by the Upper House should be taken up first ?

**The Hon'ble the SPEAKER:** I think the hon. member has forgotten what the House had done the other day ; the motion for consideration was made and accepted by the House.

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

"That this House disagrees with the amendments made by the Assam Legislative Council to the Assam Money Lenders' (Amendment) Bill, 1937, as passed by this House, and substitutes in their places the following amendments with a view to restoring the Bill to the same form in which it was passed by this House :—

1. That in sub-clause (2) of clause 1, after the words "at once" the words "and it shall apply to pending suits and appeals" shall be added.

2. That in clause 2, the following shall be added as sub-clauses (1) and (2) respectively—

"2. (1) That after the word "person" in sub-section (1) of section 2 of the principal Act, a "comma" and the following words, "Society or Bank either private or registered under the Co-operative Societies Act, 1912 or the Indian Companies Act, 1913" be inserted.

(2) That in sub-section (3) of section 2 of the principal Act, the words "and shall include any bond bearing interest executed in respect of past liabilities" be deleted".

3. That in sub-clause (3) of clause 2 after the words "Post Office Bank" a "full stop" shall be inserted and the subsequent words "or in any incorporated Bank or Society" shall be deleted.

4. That in clause 2, the following shall be added as sub-clause (4) :—

"(4) That in the last line of sub-section (3) of section 2 of the principal Act, after the word "and" the following be added, namely—

"also a bond taken for arrears of rent shall be considered to constitute a loan".

5. That the following shall be added as clause 3 :—

"3. (1) That in the first line of section 4 of the principal Act, after the word "made" the words "before or" be added—

(2) That the proviso to section 4 of the principal Act be deleted".

6. That in clause 4, in the proposed section 8 for the figures "10½, 15, 10½ and 15" the figures "9¾, 12½, 9¾ and 12½" respectively shall be substituted.

7. That in clause 5, in sub-section (1) of proposed section 9, after the word "made" in the 2nd line, the words "before or" and after the word "Court" in the 5th line the words "or otherwise" shall be added.



8. That in clause 5, in sub-section (1) of proposed section 9, the following shall be added as proviso (i):—

“(i) A Bank advancing money at interest not exceeding 6 per cent. per annum or”.

9. That in clause 5, in sub-section (1) of proposed section 9, for Explanation (ii) the following shall be substituted:—

“(ii) For the purpose of sub-section (1) of section 9 in respect of usufruct of lands in usufructuary mortgages a loan not exceeding Rs.500 in principal made before the commencement of this Act, shall be deemed to be fully satisfied on the completion of 12 years from the date of the loan and on the completion of 9 years of a loan made after the commencement of this Act”.

10. That in clause 5, in the proposed section 9, the following shall be added as sub-section (3) of that proposed section:—

“(3) For the purpose of this section parties to or the properties in the subsequent instrument or instruments may be same or different”.

**Babu KARUNA SINDHU ROY:** Mr Speaker, Sir, I rise to support the motion moved by my hon. friend Maulavi Abdul Aziz. The Upper Chamber has done a great injustice to our agriculturist debtors by making many amendments which have spoiled the very object of the Bill. I am placing before the hon. members what is the nature of amendments made by the Upper House.

The Assam Legislative Council has wronged a large number of the agriculturist debtors of the province by deleting the words “it shall apply to pending suits and appeals”. Innumerable cases of rent suits and money suits are still pending in Civil Courts. The unfortunate debtors and poor rayyats would have got certain relief; but the House of Elders have snatched away the prospect of their getting any relief by deleting the above phrase. The hon. members of this House have to reconsider this and I hope they would agree to reinsert the former provision.

I now come to the second amendment, viz., “that after the word ‘person’ in sub-section (1) of section 2 of the principal Act, a ‘comma’ and the following words ‘Society or Bank either private or registered under the Co-operative Societies Act, 1912 or the Indian Companies Act, 1913’ be inserted”. The Second Chamber has deleted this clause, and done another injustice to the agriculturists by excluding the Bankers and Co-operative Credit Societies as money lenders. The Upper House has also deleted another clause, which was inserted by this House namely, “that in sub-section (3) of section 2 of the principal Act, the words “and shall include any bond bearing interest executed in respect of past liabilities” be deleted. This should not have been done by the Upper House. The new bonds executed for past liabilities should not be included in the definition for loan. The agriculturists will suffer if this amendment made by the Second Chamber remain unaltered.

The Upper Council has raised the maximum rate of interest from  $9\frac{3}{4}$  per cent. for secured loans and  $12\frac{1}{2}$  per cent. for unsecured loans to  $10\frac{1}{2}$  per cent. and 15 per cent. respectively. It is very difficult for the poor debtors to pay such a high rate of interest. So, it is for the hon. members of this House to judge what should be the proper rate of interest.

In the original Bill, it was decided by this House that a money lender can, in no circumstances, recover more than double the principal loan taken before or after the commencement of this Act. But the Upper



House have given verdict that loans made before the commencement of this Act should not come under the purview of this Act. This has frustrated the very purpose of introducing this Bill, and the debtors will not get any relief at all. Innumerable number of debtors will suffer.

The Upper Chamber has also completely frustrated the very object of the Bill by declaring that the usufructuary mortgage made before the commencement of this Act should not be deemed to be satisfied on the completion of 12 years. But, Sir, this is the persistent demand of the peasantry throughout the district of Sylhet. If this provision is excluded, no useful purpose would be served by passing this Bill.

With these few words, Sir, I support the motion moved by hon. Maulavi Abdul Aziz.

**Babu SHIBENDRA CHANDRA BISWAS :** Mr. Speaker, Sir, I also rise to support the motion moved by my hon. friend Maulavi Abdul Aziz.

Sir, when this Bill was first introduced in this House it was passed by an overwhelming majority, and I expect that this time too the House will be unanimous in accepting the motion. Sir, the Upper House has made some amendments to the Bill, but these amendments are not amendments at all, they are so many new provisions. These amendments were meant to nullify the retrospective effect of the Bill, and by so doing the Upper House has tried to do away with the Bill altogether.

Sir, this Bill has already been much delayed, and I hope those hon. members who supported this Bill in the first instance will also now agree to the amendments moved by Maulavi Abdul Aziz, and give relief to the poor debtors who are suffering very much for these last 3 years. People are going to be deprived of their everything, and the poor cultivators are turning into beggars. If an account of these things is taken it will be seen what change has been brought about in these 3 years.

With these few words, Sir, I support the motion moved by my hon. friend Maulavi Abdul Aziz.

**Mr. BAIDYANATH MOOKERJEE :** Mr. Speaker, Sir, I rise to oppose the motion.

I think everyone in this House remembers how very hastily this Bill was originally passed, and what is the result to-day. What was the idea of passing this Bill? I ask all the hon. members to confess honestly whether the idea behind the passing of this Bill has been frustrated or not. Sir, we heard at that time on the floor of this House that by passing this Bill, the poor agriculturists, for whom practically all the members always show so much solicitude by speeches, would be benefited. Sir, I appeal to them to consider very seriously whether by passing this Bill they have done any good either to the poor cultivators or the debtors as a class. Sir, because of the passing of this Bill in this House, credit has become very shy. It is very difficult now-a-days to get loans, and especially for the cultivators. Even if some of them can secure any loan, both the parties—the creditors and the debtors—are compelled to take recourse in most cases—I dare not say in all cases, but I may be allowed to say practically in all cases—to fraudulent transactions. Sir, if a man goes to a creditor for a loan, say for Rs.100, being afraid of this Bill that a creditor cannot claim and obtain more than the interest that has been provided in this Bill, which is undoubtedly very low, the creditor, as a rule, while lending Rs.100, gets Rs.200 written down in the body of the document.....



**Maulavi MUHAMMAD AMJAD ALI:** Personal experience?

**Mr. BAIDYANATH MOOKERJEE:** Sir, I think I should give a fitting reply to my hon. lawyer friend Mr. Amjad Ali. He has passed a remark whether I am speaking from personal experience, or not, but if I am permitted, I may say that I am neither a money-lender nor, by the grace of God, do I go to anybody to borrow money, but if Mr. Amjad Ali speaks from his personal experience the House will judge to which class he really belongs—the creditor or the debtor—in any case I am sorry for him.

Sir, we must not forget, when we want to do some good to any particular class, to consider all the aspects of the matter. Sir, I think I am not behind anybody in this House in the matter of giving relief which is just and equitable in the case of poor cultivators. Sir, I think, I must at first touch upon the point about the clause relating to retrospective effect. Sir, I shall begin first with a ruling of late Sir Ashutosh Mookerjee about this retrospective effect, and then I shall deal with other remarks which were made on the floor of this House by the then leader of the European group, and fortunately for me by the present leader of the European group also, the Hon'ble Mr. Rohini Kumar Chaudhuri and Srijut Gopinath Bardoloi to name only a few. Sir, here is the ruling of the late Sir Ashutosh Mookherjee. He observed in the leading case of Manjuri Bibi *vs.* Akhel Muhammad:—"It is well settled that retrospective laws are *prima facie* of questionable policy and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced for a first time, to deal with future acts and ought not to change the character of past transactions carried on upon the faith of the then existing law. The maxim is familiar to every student of jurisprudence—a new law ought to be prospective and not retrospective in its operation." Sir, I am stating this because had we been a little bit less jealous at the outset in that case we would have been able to provide for some real benefit to the poor people. Happily, however, there is time still at our disposal. (*Hear, hear.*)

What did the Hon'ble Srijut Rohini Kumar Chaudhuri say about this retrospective effect? "One of the amendments which Government proposes to bring and which shall be discussed in due course is that no retrospective effect should be given to this Bill. I submit, Sir, that giving retrospective effect to a Bill of this nature is laying down a rather dangerous principle".

Now, Sir, I shall quote what the hon. Mr. D. B. H. Moore said regarding clause 5, proposed section 9(1). "It appears that this amendment, as tabled, is very similar to the original Bill, and both clauses are, in our view, objectionable in certain points. Under the Act of 1934, the money-lender cannot recover more interest than the principal loaned. But, at the same time it appears, no restriction has been placed upon amicable recoveries. In other words, it is possible for a money-lender to obtain both his interest amicably and interest on the original loan through the Court. Under the new Bill, amicable interest is only recoverable up to the amount of original loan and no further interest can then be claimed. The effect of this, as we see it, will be two-fold. In the first place, a money-lender will be forced to sue for recovery of his debt as soon as the total, both paid and unpaid, amounts to one hundred per cent. Secondly, this legislation will encourage bogus transactions in taking out fresh loans.



In other words, in our view this amendment is going to make long-term loans almost impossible and in many cases where interest only is collected annually, it will affect more particularly the poorer classes of cultivators. We, therefore, feel that this amendment will operate harshly on the borrower and discourage long-term loans, and, therefore, I beg to oppose the amendment....."

(Here the clock struck 12 noon).

**The Hon'ble the SPEAKER:** How long will the hon. member continue?

**Mr. BAIDYANATH MOOKERJEE:** I shall take another 20 minutes.

**The Hon'ble the SPEAKER:** Then this matter will stand over till the 21st March and will be taken after Government business on that date.

### **The Assam Ministers' (Salaries and Allowances) Bill, 1940**

#### *Clause 4*

**The Hon'ble the SPEAKER:** Order, order, now we come to the Assam Ministers' (Salaries and Allowances) Bill, 1940. We have disposed of clause 3 and we now come to clause 4.

Now there are four amendments to this clause. One amendment is for the deletion of the clause. Now the hon. member will consider whether this amendment is to be moved having regard to the fact that the amendment to clause 3 which was intended to do away with this clause has been rejected by the House and clause 3 stands as it is. Is this amendment for the deletion going to be moved?

**Babu BALARAM SIRKAR:** On a point of information, Sir. I would like to know the intention of the Hon'ble Premier as regards the Tenancy Bills of Goalpara and Sylhet. These are most important Bills and it is a crying demand of the public to have these Bills passed. We have got a long list of business to be finished to-day and we are now stuck up with the Ministers' Salaries Bill. It is possible that it will take the whole day. So I want to know from the Hon'ble Premier whether he will kindly extend the time of the session.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I do not think the question requires any reply from me. I have already said that it is impossible to extend the session. Hon. members know that the Upper House will be sitting from the 26th March and my presence is required there for piloting Bills passed by this House.

**Babu KARUNA SINDHU ROY:** We may stay on Thursday from 6 to 9 p.m. and do 8 hours' work that day and finish off.

**The Hon'ble the SPEAKER:** Now let us begin with the Bill before the House. If we can dispose of it to-day, it will be possible for us to take up other items of business and I think we may expedite other items in such a way as to take up the two Tenancy Bills as early as possible.

So, I wish to know whether this amendment for deletion of clause 4 is going to be moved.

(After a pause)

Then Babu Dakhsinaranjan Gupta Chaudhuri may move.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** I do not like to move it.\*

\* Babu Dakhsinaranjan Gupta Chaudhuri to move—

That clause 4 shall be deleted.



**The Hon'ble the SPEAKER :** I think, none of the other members who have given notice of amendments to clause 4 will move their amendments.

(After a pause)

The question is that clause 4 stands part of the Bill.

This was adopted.

#### Clause 4-A

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I beg to move :

That after clause 4, the following shall be inserted as new clause 4-A

"4-A. Each Minister shall be entitled to travelling and halting allowances at such rates and upon such conditions as may be determined by rules by the Provincial Government".

This addition has been necessitated by an audit objection that payment of travelling allowance and halting allowance of Hon'ble Ministers are not provided for under the Fundamental Rules and therefore the Government should be clothed with powers to frame rules. This is only a technical matter, Sir.

**Mr. BAIDYANATH MOOKERJEE :** On a point of information from the Hon'ble Premier, may we know whether the Ministers are going to follow the present scale both for travelling and halting allowances? If not, in that case will the Hon'ble Premier please place before the House the increased rates and get the same passed by the House?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I can assure the hon. members that our intention is to keep to the present rates.

**The Hon'ble the SPEAKER :** Am I to take it that there is not going to be any debate on this then?

(After a pause)

The question is :

"That after clause 4, the following shall be inserted as new clause 4-A. :—

"4-A. Each Minister shall be entitled to travelling and halting allowances at such rates and upon such conditions as may be determined by rules by the Provincial Government".

The motion was adopted.

#### Clause 2

**The Hon'ble the SPEAKER :** Let us come to clause 2.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** I beg Sir, to move :

"That in clause 2, for the figures and word '17th November, 1939' the figures and word '1st April 1940' shall be substituted."

Mr. Speaker, Sir, at the beginning, I would appeal to the House to disabuse their minds of party politics. It is not on account of party politics but as my hon. friend Mr. Mookerjee has told us from various rulings and particularly the ruling of the great jurist Sir Ashutosh Mookerjee, and also from the speeches of various hon. members, that there are dangers in retrospective effect being given to a legislation. I rise to make this motion for deletion of the retrospective clause. Sir, when we give retrospect we effect to a particular legislation we take away the value and the respect for a particular law. The basis of society is to respect every law and if we give retrospective effect to our legislation it becomes a hopeless thing and in that case we are in the midst of disorder. When we give retrospective effect to every



legislation we find present transactions and past transactions are upset and it affects the rights and liabilities and duties of the particular sections and of particular communities. Above all, as Sir Ashutosh Mokerjee in his learned discourse has said the intention of law must be prospective and not retrospective.

Coming to this particular legislation, I would request the Hon'ble Premier, as I did the other day, to give us one single instance from his experience in the Calcutta High Court of an Indian law which has been repealed with retrospective effect and a new one substituted in its place. In replying to the Budget debates, the Hon'ble Premier said in his own modest way that he has had some experience of the Calcutta High Court. I hope that with his vast experience in the Calcutta High Court he will give us a single instance.

So far as this Bill is concerned—it is far more dangerous because at the beginning of the Constitution the salaries of Ministers were fixed by His Excellency the Governor and then the Ministers used to draw their salaries under the first Act of the Legislature which had absolutely no retrospective effect. Then the Congress Coalition Government came up and they also framed another Bill but that did not give retrospective effect. But, Sir, to-day we find that Hon'ble Sir Saadulla, coming as the Premier of the Province for the third time, has placed before us a Bill for consideration which gives retrospective effect. If this principle of retrospective effect is to be carried into law, I would remind the House of the danger involved in it. Sir, if the Congress-Coalition Government after coming to office had passed the Bill with retrospective effect from the 1st of April, 1937, what would have happened? The Hon'ble Ministers of the present Saadulla Cabinet and the second Saadulla Cabinet would have been liable for the excess amount they drew from the provincial exchequer. Again if the present Bill is passed with a lesser salary than that is provided by the Act in vogue, then it would not be possible for the Ministers to draw the present salary and they will be liable for the excess amount. So I submit, Sir, that so far as retrospective effect is concerned it is a dangerous thing. Moreover it has a particular danger so far as the particular legislation is concerned. Again it may be argued to obviate the technical difficulty involved in the proviso of sub-section (3) of section 51 of the Government of India Act that the provision as regards retrospective effect has been made. Sub-section (3) of section 51 runs thus:—"The salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor:

Provided that the salary of a Minister shall not be varied during the term of his office". The proviso is clear as my hon. friend Mr. Kamini Kumar Sen remarked the other day that the salaries shall not be varied during the term of a particular Ministry. Even if retrospective effect is given so far as this Bill is concerned, I submit, this Cabinet having once drawn a salary under the rate provided by the present Act, cannot draw a salary less or more than that provided under the present Act and that technical difficulty is not obviated.

Again, Sir, as I said the other day that in the Statement of Objects and Reasons it has been mentioned "The salaries and allowances provided by the Act which it is proposed to repeal, in accordance with the policy of the Congress Party which was then in office, are not sufficient to maintain Ministers in reasonable dignity". The question of dignity has been raised; and may I enquire if the retrospective effect is given, are we to assume that the present Cabinet with Sir Saadulla as the Premier is living in indignity



till the Bill is passed and is it meant to give retrospective dignity to the Cabinet that the retrospective effect has been introduced in this Bill ? (Laughter). Therefore going into the merits of the Bill I appeal to the hon. members to consider what would be the consequences of giving retrospective effect to this Bill because as we have seen in Assam nobody knows what will be the fate of a particular Ministry to-morrow. In that view of the matter, it is all the more dangerous to give retrospective effect ; so I appeal to the hon. members to agree to delete this. I conclude again by citing that remark of Sir Ashutosh that "a legislation should always be prospective and not retrospective".

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

"That in clause 2, for the figures and word '17th November 1939,' the figures and word '1st April 1940' shall be substituted."

**Babu RABINDRA NATH ADITYA :** Sir, about retrospective operation of this clause we have discussed at length during the consideration stage. But it seems that all our arguments were in vain and the caravan of this Cabinet is passing merrily on while we are barking on this side of the House. If the hon. members of the House are oblivious to the danger to which they are lending themselves, then it is certainly useless for us to argue this question any more. But as I find, the clauses expose themselves to legal difficulties as well. Clause 5 says:—"The Assam Ministers' Salaries Act, 1939, is hereby repealed". It means the existing Act will be repealed soon after this Bill receives the assent of the Governor. So until this Act receives the assent of His Excellency the existing law is continuing to be in force and as such the Hon'ble Ministers would be legally entitled to draw their salaries by virtue of the existing law. So if after the passing of this Act the Hon'ble Ministers again claim their salaries from 17th November, 1939 at the scale provided for in this Bill, there is no law barring them from taking their salaries twice at two different rates. Nobody can ask the Hon'ble Ministers to pay back the money they have already taken under the existing law because their salaries have been drawn quite legally under the Act that is in force. And again if this Bill comes into force they will be quite entitled to draw their salaries over again in terms of the new law from the 17th November. It may be that our Ministers would not be so unkind to the interests of the province as to draw their salaries twice. But the question is not how our Ministers behave themselves under the new legislation. The question at issue is what should be the legal interpretation of the expressions that are incorporated in the new Bill. They have already drawn their salaries. So why again should they be allowed to draw their salaries by virtue of the new legislation ? By clause 5, we are hereby repealing the former law. As I understand the word "hereby".....

**Maulavi ABDUR RAHMAN :** On a point of order, Sir. Is the hon. member arguing the legality of the matter ? The other day a point of order was raised by Mr. Sen and the Hon'ble Speaker gave a ruling.

**The Hon'ble the SPEAKER :** Order, order. Every hon. member has a right to speak in such a way as to influence every other hon. member in his favour. If an hon. member thinks that by arguing the legal aspect of a matter before the House he can so influence the opinion of the other members as to secure a verdict of the House in his favour then he is quite entitled to do that and there is no bar to his arguing the question from its legal aspect for the purpose of the debate ; but what I told the other day in the House in course of my ruling was that for the purpose of deciding a



point of order whether this House has any jurisdiction to decide the legality or otherwise of a certain provision of a Bill coming up before it, the Chair should avoid giving any opinion deciding the question one way or the other. So far as the present clause of the Bill under discussion is concerned I said that it was within the right of the House whether to accept it or reject it. And in asking the House to reject it an hon. member will be quite within his rights to show to the House that it is an illegal provision in order to induce the House to reject it.

**Babu RABINDRA NATH ADITYA:** The word "hereby" refers to the date when the Bill is assented to by the Governor. So there is a chance of such an interpretation. I would submit that this Bill has not been happily worded and it is at least not clear in its expression. I think, there is a chance of this difficulty, cropping up in course of the operation of this Act and therefore I would entreat all the members in all seriousness to consider that not only the retrospective operation of a law is a dangerous thing but the Bill as worded may lead to other difficulties. In view of this fact hon. members should seriously consider whether they should pass it as it is or they should like to pass it in an amended form, so as to give a real expression of their intention. Sir, the point that I have raised is not a question to be decided by vote nor it is a question of party politics but it is a question of interpretation of law and as such I am entitled to say that this point requires a dispassionate consideration. I will appeal to all the members of the House to see that the law that is passed by this House is not subjected to criticism of being unhappily drafted. It should not lend itself to legal difficulty because the blame will ultimately be cast on the members of this House. Sir, with these words, I would support the motion of my hon. friend Mr. Dakshinaranjan Gupta Chaudhuri.

**Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I am entirely at one with the observation made by my hon. friend Mr. Mookerjee a little while ago while speaking on the Money Lenders' (Amendment) Bill that the principle of giving retrospective effect as embodied in this provision of the Bill is so dangerous and harmful that no Legislature should think of considering it apart from agreeing to it. Sir, enough has been said from this side of the House against this provision of the Bill and I would not dilate on matters to which attention of the hon. members has already been drawn but I would like to draw the attention of the House and particularly of the Hon'ble Premier, to what he only the other day said that, he for his having eaten the salt of the province for over twenty years, considered it his duty to take over the responsibility of administration of the province and accept the Ministry. He also on that occasion said that it was for no other consideration but for that of doing service to the province that he had accepted the office. May I ask him to ponder over the statement which he made only the other day? Does he realise that the financial position of the province is such that it can afford to give him and his colleagues Rs.20,000 on account of arrears which will have to be paid if this provision is passed into law? Does he not realise that, in view of a deficit budget, if he and his colleagues are prepared to make a sacrifice with regard to this arrear of Rs.20,000 to which they will be entitled, if this Act is passed into law, he will be doing a yeoman service to the people of the province whom he has come to represent and in whose interest, as he says, he has accepted the office? Sir, in the name of these people whom he wants to serve, I would ask him to be benevolent at least to this extent and forego this small amount of Rs.20,000 particularly in consideration of the fact that this province had



once given him as much as Rs.3,500 per month for a considerable number of years (*laughter*). In that view of the matter, it will not surely be too much sacrifice on his part to forego a paltry sum of a few thousands of rupees. His other colleagues may also easily forego the amount which they will be entitled to on account of arrears of pay specially in view of the fact that in future they are going to get a much higher salary than that fixed by the Congress-Coalition Ministry. Sir, in view of the financial condition of the province, is it not fit and proper to appeal to him and to his followers that they should not insist on the incorporation of this provision in the Bill which is objected to by this side of the House—not only on account of the dangerous principle involved therein but also it is considered harmful to the province as it will amount to an extra financial burden to the extent of over twenty thousands of rupees. I hope, Sir, the Hon'ble Premier will not take our speeches or remarks which have been made by this side of the House in an unfriendly way and, after giving serious consideration to the appeal I have made, he will be prepared to agree to the deletion of the provision of giving retrospective effect which is included in this Bill.

**Babu NIRENDRA NATH DEV:** Mr. Speaker, Sir, two hon. members have tried to deal with the legal aspect of the question and the Ex-Finance Minister also dealt with the thing from the point of view of the finances of the province. Sir, I will try to deal with the thing from another aspect. As I was telling the House the other day, the province or the country as a whole is facing a very serious situation owing to the abnormal rise in the price of materials and I was appealing to the Hon'ble Premier and to everybody to consider the case of the people and peasants in the countryside. The people, owing to this abnormal rise in the price of materials, have got to deprive themselves of even the bare necessities of life. The cost of living has increased by at least 20 per cent. due to war and will it not be in the fitness of things to grant a special war allowance with retrospective effect to the people of this province from the coffers of the State before our Hon'ble Premier comes forward with a demand for this? Will it not be in the fitness of things, Sir, to grant a war allowance to our ill-paid Government officers before our Hon'ble Ministers come forward with this demand for an increased salary? Sir, to say the least, this demand—this *Abdar*—for their increased salary with retrospective effect is, to say the least, like 'Nero fiddling when Rome was burning'.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, my hon. friend the Ex-Finance Minister has made an appeal to me that, as I have eaten the salt of Assam and have had in the past a much higher salary than the one proposed, I should come out with a spirit of sacrifice. I have been telling this House that patriotism or sacrifice is not the monopoly of any party here. Every one here is imbued with the idea of service although the method of service may be different. In the present matter, Sir, our Bill was crafted by our legal expert, and according to him, unless the Bill is given a retrospective effect, it may ultimately be found that it is constitutionally wrong. So the retrospective effect had to be mentioned in the Bill. But long before my hon. friend the Ex-Finance Minister extended his appeal, the Ministers had already taken our party into their confidence and had assured them that, after the Bill is passed, they are going to take the present salary and not at the higher rate, till this financial year (*Hear, hear and applause*). Therefore, the point that has been raised by my hon. friend on the opposite has already been answered. My friend Mr. Dakshina Ranjan Gupta Chaudhuri has already said that the snag comes under the proviso to sub-section (3) of section 51, and it has



been the opinion of our legal expert that the Bill must have a retrospective effect if it is going to be operative so far as the present Ministry is concerned.

**The Hon'ble the SPEAKER:** That is in view of the fact that there is a change of Ministry?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes. In view of the fact that this retrospective clause is necessary for the legality of the Bill, I hope my hon. friend will see his way to withdraw his motion.

**Mr. FAHKRUDDIN ALI AHMED:** May I know from the Hon'ble Premier how in view of the statement made by him, can he change the fact that the Ministers will be drawing two different salaries during their term of office?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:**

We will not draw the higher salary even though we are entitled to do so. The same state of affairs existed when my hon. friends took up office.

**Mr. FAKHRUDDIN ALI AHMED:** Is it a fact that none of the Hon'ble Ministers has drawn his salary during the last few months? As for ourselves, we drew the amount of Rs.500, and after the Salary Act was passed, then also we drew the same amount. If the Hon'ble Premier and the other Ministers have drawn a salary of Rs.500 for the past few months and even though he says that they are not going to draw the higher salary provided by this Bill for the past few months, I do not know how they can get over the statutory bar that a Minister cannot draw two different salaries during the period of his term of office.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The Act may entitle us to take a higher salary, but we are not going to draw at that rate.

**Mr. BAIDYANATH MOOKERJEE:** Then for the rest of the current year will the Hon'ble Prime Minister draw more than what he has drawn?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No, Sir. That is perfectly clear, from my statement.

**Srijut SARVESWAR BARUA:** Sir, if it is the desire of this House that the Ministers should only draw salary for the past few months at the present rate, and if it is also the desire of the present Ministry that they should draw salary at the existing rate for the period that they have been already working, then are they not,—by this retrospective provision—simply trying to get rid of a thing which they cannot actually get rid of? That is trying to do a thing indirectly which they are not allowed to do directly. As such, Sir, this decision of the House that the Ministry should draw salary at the present rate and the latter's decision that they are going to draw salary at the present rate for the past five or six months will, I



think, stand in the way of their passing this Bill all the same. Because, if they once draw salary with the consent of the House and according to their decision at the present rate, they cannot vary the rate of that salary by passing this Act. And they are trying to get rid of this difficulty by this provision which they do not want actually to go upon. They do not want retrospective effect, at the same time they want to make such a provision. Why this farce then ?

**The Hon'ble the SPEAKER :** That point has already been explained by the Hon'ble Premier.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** May I know, Sir, what legal authorities were consulted ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Our legal authority, Sir.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** I am thankful to the Hon'ble Minister, Sir, for his statement, but we do not agree with him in principle. We still maintain that the legal interpretation given is not correct. I want to press my motion.

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

"That in clause 2 for the figures and word '17th November 1939', the figures and word '1st April 1940' shall be substituted."

The Assembly divided.

AYES—50

- |   |                                      |
|---|--------------------------------------|
| 1. Kumar Ajit Narayan Dev.                | 25. Srijut Lakshesvar Borooah.       |
| 2. Babu Akshay Kumar Das.                 | 26. Babu Lalit Mohon Kar.            |
| 3. Mr. Arun Kumar Chanda.                 | 27. Srijut Mahadev Sarma.            |
| 4. Mr. Baidyanath Mookerjee.              | 28. Srijut Mahi Chandra Bora.        |
| 5. Babu Balaram Sircar.                   | 29. Mr. Naba Kumar Dutta.            |
| 6. Srijut Beliram Das.                    | 30. Srijut Omeo Kumar Das.           |
| 7. Srijut Bepin Chandra Medhi.            | 31. Srijut Paramananda Das.          |
| 8. Babu Bipin Behari Das.                 | 32. Babu Nirendra Nath Dev.          |
| 9. Srijut Bishnu Ram Medhi.               | 33. Srijut Purandar Sarma.           |
| 10. Babu Dakshina Ranjan Gupta Chaudhuri. | 34. Srijut Purna Chandra Sarma.      |
| 11. Srijut Debeswar Sarmah.               | 35. Babu Rabindra Nath Aditya.       |
| 12. Srijut Ghanashyam Das.                | 36. Srijut Rajani Kanta Barooah.     |
| 13. Srijut Gauri Kanta Talukdar.          | 37. Srijut Rajendra Nath Barua.      |
| 14. Srijut Gopinath Bardoloi.             | 38. Srijut Ram Nath Das.             |
| 15. Srijut Haladhar Bhuyan.               | 39. Srijut Sankar Chandra Barua.     |
| 16. Babu Harendra Narayan Chaudhuri.      | 40. Srijut Santosh Kumar Barua.      |
| 17. Srijut Jadav Prasad Chaliha.          | 41. Srijut Sarveswar Barua.          |
| 18. Srijut Gogendra Chandra Nath.         | 42. Babu Shibendra Chandra Biswas.   |
| 19. Srijut Joges Chandra Gohain.          | 43. Srijut Siddhi Nath Sarma.        |
| 20. Srijut Kameswar Das.                  | 44. Maulavi Md. Ali Haidar Khan.     |
| 21. Babu Kamini Kumar Sen.                | 45. Mr. Fakhruddin Ali Ahmed.        |
| 22. Babu Karuna Sindhu Roy.               | 46. Khan Bahadur Maulavi Mahmud Ali. |
| 23. Mr. Kedarmal Brahmin.                 | 47. Srijut Bideshi Pan Tanti.        |
| 24. Srijut Krishna Nath Sarmah.           | 48. Srijut Dhirsingh Deuri.          |
|   | 49. Rev. J. J. M. Nichols-Roy.       |
|   | 50. Srijut Karka Dalay Miri.         |

## NOES—55

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Srijut Rohini Kumar Chaudhuri.
3. The Hon'ble Maulavi Munawwar Ali.
4. The Hon'ble Srijut Hirendra Chandra Chakravarty.
5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
6. The Hon'ble Dr. Mahendra Nath Saikia.
7. The Hon'ble Maulavi Abdul Matin Chaudhuri.
8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Srijut Jogendra Narayan Mandal.
12. Babu Kalachand Roy.
13. Maulavi Abdul Aziz.
14. Maulavi Abdul Bari Chaudhuri.
15. Maulana Abdul Hamid Khan.
16. Khan Bahadur Hazi Abdul Majid Chaudhuri.
17. Maulavi Abdur Rahman.
18. Maulavi Syed Abdur Rouf.
19. Maulavi Md. Abdus Salam.
20. Maulavi Dewan Muhammad Ahabab Chaudhuri.
21. Maulavi Dewan Ali Raja.
22. Maulavi Muhammad Amiruddin.
23. Maulavi Muhammad Amjad Ali.
24. Maulavi Ashrafuddin Md. Chaudhuri.
25. Maulavi Badaruddin Ahmed.
26. Khan Bahadur Dewan Eklmur Roza Chaudhuri.
27. Maulavi Ghyasuddin Ahmed.
28. Maulavi Jahanuddin Ahmed.
29. Khan Bahadur Maulavi Karamat Ali.
30. Maulavi Muhammad Maqbul Hussain Chaudhuri.
31. Maulavi Matior Rahman Mia.
32. Maulavi Mabarak Ali.
33. Khan Bahadur Maulavi Mufizur Rahman.
34. Maulavi Muzarrof Ali Laskar.
35. Maulavi Namwar Ali Barbhuiya.
36. Maulavi Naziruddin Ahmed.
37. Maulavi Sheikh Osman Ali Sadagar.
38. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
39. Mr. A. H. Ball.
40. Mr. A. F. Bendall.
41. Mr. F. W. Blennerhassett.
42. Mr. N. Dawson.
43. Mr. W. R. Faull.
44. Mr. D. B. H. Moore.
45. Mr. C. W. Morley.
46. Mr. R. A. Palmer.
47. Mr. A. Whittaker.
48. Mr. Benjamin Ch. Momin.
49. Srijut Bhairab Chandra Das.
50. Srijut Binode Kumar J. Sarwan.
51. Rev. L. Gatphoh.
52. Mr. C. Goldsmith.
53. Mr. Jobang D. Marak.
54. Srijut Khorsing Terang.
55. Srijut Rabi Chandra Kachari.

The motion was negatived.

**The Hon'ble the SPEAKER:** The question is that clause 2 of the Bill stands part of the Bill.  
(This was adopted).

*Clause 5*

The question is that clause 5 of the Bill stands part of the Bill.  
(This was adopted).

*Title and preamble*

The question is that title and preamble of the Bill stand part of the Bill.  
(This was adopted).



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I beg, Sir, to move that the Assam Ministers' (Salaries and Allowances) Bill, 1940, be passed.

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

"That the Assam Ministers' (Salaries and Allowances) Bill, 1940, be passed."

**Srijut BISHNU RAM MEDHI :** Mr. Speaker, Sir, I want to raise a point of order, namely, that this motion for passing of the Bill is out of order, in view of the provisions laid down in section 82 of the Government of India Act.

Sir, I draw your attention to section 82. Instead of reading the whole section, I will take the House to the relevant sub-section, viz., sub-section (3) of section 82, which says :

"A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a province shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill."

Evidently, this Bill involves an extra expenditure to the Province to the extent of Rs. 1,32,000, and as such, before the Premier can move the motion for passing of the Bill, he must obtain the recommendation of His Excellency the Governor to this House.

An analogous provision is laid down in sub-section (3) of section 37, which says "A Bill which, if enacted and brought into operation would involve expenditure from the revenues of the Federation shall not be passed by either Chamber unless the Governor-General has recommended to that Chamber the consideration of the Bill." Now, this section embodies the constitutional principle of Standing Order 66 of the House of Commons, which finds a place in practically every Constitution Act throughout the British Empire. The Standing Order says: "This House will receive no petition for any sum relating to public service or proceed upon any motion for any grant or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by Parliament unless recommended by the Crown."

**The Hon'ble the SPEAKER :** I may tell the hon. member that the previous recommendation of His Excellency the Governor was there; and that previous recommendation has been communicated to me.

With regard to the point of order that has been raised by the hon. member, I may again refer him to the Ruling which I gave on this point raised on the 5th April, 1939 in connection with the Assam Agricultural Income-tax Bill, which clearly stated the principles underlying section 82 and other analogous sections of the Government of India Act. I held that in a Bill of this nature, where previous recommendation of His Excellency is necessary, even if it be not communicated under sub-section (1) of section 82 of the Act to the Chamber, still as it is a Government Bill I would presume that there was previous recommendation, because in a matter like this the Governor is to accept the advice of the Ministers. The hon. member would find that in this section only the word "Governor" is there. When there is only the word "Governor", it means "Governor acting on the advice of his Ministers." So, when the Ministers themselves have brought forward this Bill and are piloting it, the presumption is there that there was



previous recommendation. With regard to sub-section (3), I held that when the section contemplates a recommendation to the Chamber then that recommendation should be communicated to the Chamber through the Speaker, and in this case there was this recommendation from His Excellency the Governor.

**Mr. ARUN KUMAR GHANDA :** Mr. Speaker, Sir, this is such an epoch-making piece of legislation that I feel I cannot let this occasion pass with merely recording a silent vote. I say this piece of legislation is "epoch-making" because this House has been the scene of many debates relating to the reduction of Ministers' salaries, but I believe this is the first time in the history of this House that a motion has come up for the increase of Ministers' salaries (*Hear, hear*). From that point of view, I consider that this piece of legislation is about to make history in our Legislature.

I want it to be understood at the very outset that I am not speaking in a carping spirit. I know that the name of the party to which I have the honour to belong, is like anathema to many of my friends opposite, and I have a shrewd suspicion that much of the opposition which has been set up by my hon. friends opposite to our view of the matter is due to the fact that the standard of Ministers serving on such reduced salaries as Rs. 500 per month owes its inception to the Congress. Sir, we have heard a great deal about dignity in this House, but I believe India is the only country where the Hindus and the Muslims alike think nothing of venerating men even in rags. We know, that Hindu Sanyasis or the Muslim Fakirs, whether in rags or in ashes, are venerated equally by the Hindus and the Muslims. So, in this House, to come up with any exaggerated notions of dignity on the lines of western materialistic civilization is, I think, rather out of place. I know, Sir, in the past, when the diarchical Government was the order of the day, we used to have Ministers and Executive Councillors constituting the Government.....

**The Hon'ble the SPEAKER :** The hon. member will continue his speech after 2.

#### Adjournment

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

#### After lunch

**Mr. ARUN KUMAR GHANDA :** Mr. Speaker, Sir, I suppose, I was dilating on the question of dignity before lunch, but before I proceed with that, I would like to say a word of thanks to the Hon'ble Premier for having so generously promised that the Hon'ble Ministers would not draw salaries at increased rates with retrospective effect. This is a very reasonable attitude because if according to our Ministers the dignity of the Hon'ble Ministers had sustained any loss for having accepted smaller salaries, their lost dignity could not certainly be salvaged by the House passing a legislation voting higher salaries with retrospective effect ! From that point of view, I submit, Sir, the attitude taken up by the Hon'ble Premier is a very reasonable one, and we must all join in expressing our gratitude to him for it.

On the question of dignity, Sir, I submit that it sounds rather fantastic in relation to our Ministers, because, after all, what is the status that we Indians enjoy in our own country ? We cannot get away from the fact that our status, whether as private members of this House or as Ministers, is not greater than the status of hewers of wood and drawers of water. We are after all a nation of slaves and we cannot attach dignity to ourselves by having high salaries and decking ourselves out in rich and gaudy liveries of



office. We cannot forget that we are after all, said and done, slaves and this talk of dignity sounds like mockery ! Sir, whatever I may say in this matter may be looked upon by a certain section of the House with suspicion because I have the misfortune to belong to an organization and which is rather suspect with them. I would therefore have my case reinforced by the words of my hon. friend Hon'ble Mr. Abdul Matin Chaudhury uttered on a similar occasion. It is a great pity that he does not now-a-days treat the House to the same weighty pronouncements with which he used to treat us once upon a time when he was a private member of the House. He has now turned so severely monosyllabic ! This is what he said on the question of the Ministers' salary on a previous occasion. "It is said that we are now on the threshold of a new era of popular democratic control of administration. It has given rise to new hopes and aspirations in the people. The character of the Government is changing from that of a bureaucratic ruler to that of servant of the public—the electorate. The question of Ministers' salary should be viewed from this angle of vision. We should create the convention that Ministership is not a career. In our country and elsewhere eminent lawyers have sacrificed fabulous practices in the bar to accept Cabinet appointments. They did so in response to the call for national service. If the salary, we suggest for Assam Ministers, means in some cases loss of pecuniary income, they should find consolation in the thought that in other countries public men have cheerfully made similar sacrifices and that we are setting up a standard which is for the ultimate good of our mother land." (*Hear, hear.*) Sir, this pronouncement of my hon. friend completely clarifies and vindicates my position. Let it be remembered, Sir, that when the Congress laid down this standard of Rs.500 per mensem as Ministers' salaries they did not set up this standard with any grotesque ideas. They took into account the economic condition of the people of the country ; they took into consideration the paying capacity of the masses and then, they came to the conclusion that our Ministers, should also not ask to live in a manner which does not at any rate approximate to the standard of living of the masses. In the old days when the Cabinet was composed of Executive Councillors and Ministers, whenever there would be a move for the reduction of the Ministers' salaries, one of the stock arguments that used to be trotted out, was that if the Ministers did not get the same pay as the Executive Councillors they would feel very small and would not be able to keep up with the Executive Councillors although their status was the same. But to-day we hear that the Ministers will not be able to maintain themselves in reasonable comfort and dignity if they do not get salaries at a certain rate. I know that Sir Muhammad Saadulla is capable enough to twist the tail of anyone here earning more than himself in the administration. But that is because of his intrinsic worth as a man irrespective of what he earns as the Premier of Assam. In the past, Sir, high salaries for Ministers used to be like traps, set up by Government to capture some of our people and we are painfully aware that in a poor country like ours many people succumbed to the temptation of high salaries. Many times have we not lamented with the sorrowful poet the loss of our leaders :— "just for a handful of silver he left us ; just for a ribbon to stick in his coat ?" So, many of the leaders of political movement then succumbed to the temptation of high office because of the emoluments



were so alluring, so tempting. Not merely guard against such temptation, our Ministers have also to guard against all attempts on the part of the Governors to encroach on the domains of our Ministers' jurisdiction because the Governors are always found to be very anxious to keep to their autocratic powers. It was out of many such consideration that it was decided by the Congress to fix the salaries of the Ministers at such a low standard only to ensure that they do not develop any weakness for their high office. Therefore, Sir, when the Congress laid down this standard of salaries it was with a very high object that they did so and the Congress did succeed thus in setting up a very high ideal of public service in the career of the Ministers. Moreover, Sir, the office of Ministers used to be looked upon in the past as so many careers of gain for our politicians. It is, thanks to the Congress, that what used to be once looked upon as mere careers of gain was converted into avenues of public service. And it fits in with what Hon'ble Mr. Matin Chaudhuri said about the character of the Government of the country changing from that of a bureaucratic rule to that of servants of the public—the electorate. If our Hon'ble Ministers do really consider themselves as servants of the public and the public undoubtedly is the electorate—our ultimate masters, then of course, it is a little difficult to understand why on the occasion when there was a motion before the House for having this Bill circulated for eliciting public opinion, our popular Ministers threw up their hands in horror and pressed for the passing of the Bill as it is. In a matter like this, Sir, our Ministers should have had no hesitation in eliciting public opinion in a matter like this, because after all, the electorate is our masters and we are the servants of the electorates. However, Sir, that stage is now past history and there is little to be gained by looking back to it. On another occasion, Sir, it may be recalled that my Hon'ble friend Mr. Rohini Kumar Chaudhuri, (unfortunately he is not in the House at present, I am speaking of his unregenerate days; he was then a private member like my humble-self) remarked about these high salaries. I am reading it from an old speech of his, "If they are really bent upon having a reduction of expenditure, should they not as popular representatives, as elected members of this Council, show an example to their own colleagues, show an example to their own subordinates, show an example to their own Secretaries and show an example to the officers of Government by reducing their own salaries? If they pose as representatives of the people of the province, should they not agree to a lower salary voluntarily and thus come to the rescue of the people? Can they expect their Secretaries who come from a long distance over the seas and whose standard of living in India must be admitted to be somewhat higher to reduce their salaries? Of what use any Retrenchment Committee be and on what ground shall we go and ask officers of the various Imperial Services to reduce their salaries? We do not know what their economic condition is in their own home and we do not know how far they are hard hit in the matter of their general finances. How can we ask these officers to reduce their salaries when we cannot get our own men, our own Ministers to reduce theirs so as to bring the pay to a reasonable standard."

**Mr. JOBANG D. MARAK:** On a point of information, Sir, what was the salary at that time?

**Mr. ARUN KUMAR CHANDA:** I shall come to that presently; Will my hon. friend have a little patience, Sir?



**Mr. JOBANG D. MARAK:** May I have a reply to my question?

**The Hon'ble the SPEAKER:** The hon. member has given an assurance for such a reply.

**Mr. ARUN KUMAR CHANDA:** It is very difficult to reply to these running interjections and commentaries. Sir, if my hon. friends are thinking that this speech was delivered in reference to salaries which were as high as Rs.3,500, they are mistaken. Let me read out a little more of the speech and they will know what Hon'ble Mr. Chaudhuri's observations were about Mahatma Gandhi's opinion that the salary of Government servants should not exceed Rs.500 excepting in those cases where experts have got to be employed. Said he then: "In this House we have been rather accustomed to turn a deaf ear to what is said by that great man, I mean Mahatmaji. What I was saying just before we rose for lunch was when Mahatma Gandhi, who is no longer described as a half naked seditious Fakir and who has been receiving ovations and princely receptions in different parts of England, has prescribed Rs.500 as the maximum to be given to any non-expert Government servant, by what stretch of imagination is it considered that Rs.2,000 per mensem would be too little for the Hon'ble Ministers of the Government of Assam?"

From this we know that the Hon'ble Minister Srijut Rohini Kumar Chaudhuri was then attracted by this ideal set up by Mahatma Gandhi. May I know if the Hon'ble Minister Mr. Chaudhuri would want me to read that portion over again?

In view of all this, Sir, I submit that these salaries were laid down by the Congress after careful and anxious considerations and they were not fixed with a view to making a mockery of the high position of Ministers or of the men who would accept the office of Ministers on those reduced salaries.

From the other side of the House we noticed the other day two motions tabled suggesting a drastic cut in the salaries proposed by this Government.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** That can not be referred to in this House.

**Mr. ARUN KUMAR CHANDA:** That cannot be referred to! Why not? Were we not served with copies of those amendments, Sir?

**The Hon'ble the SPEAKER:** Of course the hon. member can make a passing reference to that.

**Mr. ARUN KUMAR CHANDA:** If my hon. friend is pained.....

**Mr. JOBANG D. MARAK:** What time is allowed to an hon. member in such discussion, Sir?

**The Hon'ble the SPEAKER:** Under the rules there is no time limit.

**Mr. JOBANG D. MARAK:** I want to say something on this.

**The Hon'ble the SPEAKER:** I have always tried to induce hon. members to be as brief as possible in regard to speeches on Bills.

**Mr. ARUN KUMAR CHANDA:** It is very difficult for one to take up the threads where one left them when one is so constantly interrupted, Sir.



Now, about these salaries, there were two amendments but alas, they were still-born ! But from this we can very well understand that there are many hon. members on that side of the House who feel that an increase in the existing salaries would not be justified, or would not be the right thing to attempt at any rate now. From the other side of the House, we have heard only one speech and that was from my hon. friend Maulavi Abdur Rahman. Would it be parliamentary, Sir, to call him a political turncoat ? (laughter).

**The Hon'ble the SPEAKER :** Certainly it would not be.

**Mr. ARUN KUMAR CHANDA :** Because, Sir, the House will remember that he was the first man to initiate the drama of no-confidence motions in this House. He was the first to cast the first stone at poor Sir Muhammad Saadulla. But now we find he has been exalted to the high office of the chief whip of the Ministerialist Party. That is why I asked for your permission, Sir, to call him a turncoat, if permissible !

**Maulavi ABDUR RAHMAN :** On a point of explanation, I did not throw any stone on Sir Muhammad Saadulla but on the then Sir Muhammad Saadulla Ministry.

**Mr. ARUN KUMAR CHANDA :** I do not think any serious notice need be taken of what this hon. member stated because consistency in politics has not been one of his strong points.

I shall come to the other speech from among the supporters of the present Government which was made by the illustrious leader of the European group. Of course we, on this side of the House, do not attach much importance to the speeches from those benches. After all is said and done, the Europeans in this country are a race of adventurers and they have come out to this country to earn fat salaries and emoluments and pensions. As I was reading the other day in a book on India by a European author is really a travesty of truth to say or suggest that Britishers come out to India for her benefit. They come out to earn high salaries, big pensions and generally enjoy life. So if the members of the European group find themselves in full agreement with this move on the part of the Government to have the salaries increased, we can confess to no surprise, because after all it is what we can expect of them ? The spirit of sacrifice and self-abrogation cannot enter into that outlook. I leave them, therefore, severely alone in the consideration of the present matter. Sir, what I wanted to submit to the House is that our political opponents should not look upon this Congress ideal of Ministers' salaries as a political stunt of a particular political party. I have tried to show that this standard was set up after a great deal of consideration by some of the greatest political thinkers of the country and it is a pity that we in this House are mixing up party politics with the discussion of such a far reaching matter as this. After all, there has been a Government in this province which has proved to the world that a Government was possible on these reduced salaries. Nothing has happened since then to justify an increase in those salaries. Sir, who could say that increased salaries would be a guarantee for any better Government ? I beseech the hon. members of this House not to look upon this move from this side of the House as a political manoeuvre. We sincerely believe that no Indian as a Minister should accept any higher salaries. This is a view which should make a deep appeal to all Indian members of this House, because, after all, all Indians realise that ours is a poor country, a country which is dominated over by foreigners ; and ceaselessly exploited by them. We have not acquired independence so as to be able to shape our own destiny. Yet we are a long way from it. In the circumstances, we hold that no Indian Minister



should accept a salary which would be out of proportion with the paying capacity of the tax-payer and also the earning capacity of the children of the soil. On this occasion, Sir, I need not go into the circumstances under which the present Government came into office. Whatever may be our differences we can yet agree on this point of salaries because the question relates to the well-being of the province as a whole. We can recall, Sir, that when the Congress Government threw up office out of regard for high principles and when there was a talk of having an alternative Government in this province with the support of the Congress party, the oracle of the tea industry Mr. Lagden was seized with panic and advised his constituents that no one could countenance such a ramp! But they feel no pricks of conscience in countenancing a puppet Government because such a Government eat out of their hands. Sir, on an analysis of the votes on which Government have won on certain motions in the present session, we find that if we take out the votes that the European members have cast in their favour the Government could have no legs to stand on. We know that the main stay of this Government is the European planting group; we know too well unfortunately, they have views of their own in this matter. But I submit that in a matter like this, all these considerations should not enter; because after all, what is the subject-matter of discussion—the subject-matter of discussion is whether we should have our Ministers on such salaries as the province can afford to pay or pay them in excess of our capacity? Sir, I have just now been reminded by my leader about what he stated on the last occasion in this House in connection with the question of salaries of our Ministers. These are the words of my leader Mr. Bardoloi: “It will be seen that in the Congress provinces of Madras and Bombay, they are paid two pies and four pies respectively. In Bengal which is paying a decent salary to the Ministers they also do not pay more than nine pies per hundred of population; but in Assam the standard of salary that has been put forward in the Bill would mean a payment of 22 pies per hundred of population. Sir, it will also be seen that even if the Bengal standard is adhered to, the amendment that has been put forward by my hon. friend Sriyut Omeo Kumar Das will represent the actual amount which should be paid to our Ministers”. Of course these figures are too well-known to the hon. members of the House to require reiteration. There is no gainsaying the fact that the salaries which are now being proposed are really very expensive from the point of view of the financial position of the province. Another point is that the war has further worsened the situation. As it is, the paying capacity of the people is very small and the war has brought on further financial complications in that it has caused the rise in the price of necessities of life. So I submit, Sir, that in the consideration of this matter, party politics should not have entered at all. It looks as if my hon. friends opposite, who believe in their heart of hearts that such an increase in salaries is not justified, are even then unable to come over to our side simply because we fly under the Congress flag which is like a red rag to them!

**The Hon'ble the SPEAKER:** I hope the hon. member will finish.

**Mr. ARUN KUMAR CHANDA:** Sir, you will take into consideration the amount of time lost in interjections and interruptions to which I have been subjected.

**The Hon'ble the SPEAKER:** Yes. I have taken that into consideration.



**Mr. ARUN KUMAR CHANDA :** Now, Sir, I only want to elaborate just another point and then finish. We have been all asked to vote on the salaries of the Ministers at a certain figure that is proposed by Government. I submit that nothing substantial has been shown by the Government to justify this increase on existing salaries. Of course we have heard a great deal about such beautifully vague expressions as dignity and status but there has been no material placed before the House which would justify the hon. members to say that the salaries which were being offered to the past Government and which we propose to offer to the present Government, were such that no Government could accept. If it was anybody's case that by paying higher salaries to the Ministers than what we paid in the past, we would bring to the province a better form of Government then I believe even many on this side would have no compunction in saying to the House that an increase in salaries would be really justified. But good Government even at its best, is a question of opinion. When our European friends in this House state that they always stand for good Government, we do not really understand what they mean by it and we have yet to understand how the Congress-Coalition Government was a bad Government from the point of view of the province and not of any particular group. So when any party says that these salaries have to be given to a set of Ministers who will give us good Government, we do not really know what we are being asked to vote upon because this term 'good' is such a vague term. So I submit, Sir, that this House would be justified in reconsidering the whole matter before this Bill is passed into law, as also the position hitherto taken up by the members of the House. It is not a question of party politics but a great deal more. I appeal to the hon. members opposite, to rise above the passions of party politics and to look at this question from a broader point of view. They must remember that it is not a move against Sir Muhammad Saadulla or any individual Minister or the Cabinet as a whole for the matter of that ; but it is a view point which I am trying to make clear to the House inspired by a desire for the well-being of the province as a whole. In our present discussions, we have got nothing to do with the question whether we have now the Government of Sir Muhammad Saadulla or of X, Y, Z. In every view of the matter, Sir, irrespective of the Government in existence, we hold that the salaries which the Congress-Coalition Government used to draw, are quite adequate to grant to any Government in the province of Assam.

**Mr. JOBANG D. MARAK :** Mr. Speaker, Sir. We have heard enough from the other side of the House and as this side of the House was silent over this matter, I should like to say a few words about this Bill. Sir, I do not see any reason for lengthening the discussion on this Bill but I wish to bring to the mind of the House our view point regarding this Bill. Sir, the source of the finances of this province is land-revenue only and the people who contribute to the exchequer of the province are the backbone of the Government (*hear, hear*), and if there be an extra burden then the weight of this extra burden will fall on the shoulders of the poor raiyats. (*Hear, hear.*) Sir, When I am supporting the Government, I have no right to say anything against the Government (*hear, hear*) but I am here to please any Government of the people (*hear, hear*). Again I should say that I belong to a particular party what is called the Assam United Party and if I go too far, I



think, it will be going against the prestige of the party. But, Sir, there are many things to be taken into consideration regarding this Bill. I have not taken a note of points on which I will speak and interruptions broke up my trend of thought. I thought that I should not speak at all on the Bill but the Opposition party was speaking all along over this Bill and our Government side was quite silent and so I think, we should also say something about this Bill. Some people say that the salaries of the Ministers should not be very high (*hear, hear,*) and they raised the question of standard of living. I think the standard of living of many of the hon. members of this House does not differ much with the standard of living of the Hon'ble Ministers, and I think, it is not at all desirable to raise this question here. I can live on Rs.20, Rs.50 or Rs.100. When I was a school master I used to draw Rs.69 only. I was in America for six years and after my return from there, I drew only Rs.45. After that, I was drawing Rs.95 as a Government servant and then I was drawing Rs.150 and Rs.210 and when the last great war broke out I was drawing Rs.500 as Supervisor in the war service, and I did not find any difference in my standard of living. It is only a man's wish as to how to live. Now, Sir, I want to deal with another side and I shall be very brief.

Sir, we find that even a Weaving Superintendent in Shillong is drawing Rs.800 per month and our Extra Assistant Commissioners, who are below the Members of the Legislative Assembly in rank (*loud laughter*) are drawing up to Rs.1,200 or Rs.1,500 per month. There is not the only question of rank but there are some other things to be taken into consideration. Our province of Assam is very rich in Forest and many a forest produce remains unexploited. Our province is also very rich in lands because many million acres of land remain uncultivated. In the Garo Hills, there are millions of maunds of coal lying. We want a man who is able to devise how to exploit these things so that the Assam Government may become more prosperous and self-sufficient financially. For that purpose we want men who are able and who will be able to see to these things.

My point in bringing the above points to the notice of my hon. friends is this. If the present Ministers' Salaries Bill be thrown out, I think the Leader of the House will not be prepared to stay on as Premier. (*A voice:—How do you know?*) I do not know of course, but I think so. But that is my opinion, Sir. He is sacrificing already. As a Minister he was receiving before, rupees three thousand and five hundred (*loud laughter*). From that Rs.3,500, Sir, his pay was reduced. Again, Sir, the next stage.....

**The Hon'ble the SPEAKER :** I hope the hon. member will finish.

**Mr. JOBANG D. MARAK :** Sir, in order to retain the Cabinet members and particularly Sir Muhammad Saadulla, I think the Ministers' Salaries Bill should be passed (*applause*). We expect, Sir, many things from him. For this very reason I think we should pass this Bill.

**Mr. A. WHITTAKER :** Mr. Speaker, Sir, I cannot talk on this subject with all the fervour of my hon. friend Mr. Chanda. I find, Sir, that my hon. friend has rather cramped my style by his saying before-hand how many things he does not like. He does not like to hear stock arguments, but I hope he will forgive me if I reproduce some arguments which are not stock.

I do not intend to waste the time of the House by discussing the dignity of Ministers, but I think there are certain points which might have been overlooked. We find a good deal of members referring to the decision of



the Congress High Command and saying that the Congress Ministers usually only took Rs.500 as their salary. We on this side can respect that view, based as it is on something resembling a political religion. But respecting that view does not mean that we admit its soundness or wish to adopt it.

We have heard from another hon. speaker on the opposition side an exhortation that the Ministers should be content with plain living and high thinking. With the permission of this House, I should like to suggest that what we need here is plain speaking and right thinking (*Hear, hear*) from every Minister of Assam as well as from these benches. The principle of economy of high salaries is not a new one. It finds expression particularly in America. The merits of paying high salaries are obvious. It widens the field of competition and increases efficiency.

We have also heard about taking office in a spirit of sacrifice and service. May I suggest as a tax-payer—and I think the interests of tax-payers are rather likely to be overlooked in this over-heated Assembly—that what matters most is not the spirit of service in which a Minister takes office, but it is the quality of service which he gives when he is in office (*Hear, hear*). This brings me to the only important point I wish to make, which is that if we vote high salaries, we demand and expect a high standard of service. And a high standard of service carries with it our freedom to criticise.

We wish to be free to criticise any Minister on any subject and with our vote, to help to replace the Minister who blunders. What, therefore, is the use of our right to criticise, if we cannot ensure that the best man holds Cabinet office? If, however, we vote the Ministers a reasonable salary, we are entitled to expect that the Minister who holds that office will make no expensive blunders and will do something to increase the welfare of Assam, rather than to diminish it, and will do something for the great numbers of our fellow men, that they may live more abundantly.

In our view, the most valuable feature in the democratic form of Government is the right to grumble, and I should like to remind my hon. friend Mr. Chanda when he talks about slaves in this country, that this is one of the few countries in the world at this time where the right to grumble and criticise is preserved *in toto*. The whole of this war in Europe is being waged at the present moment because there is an area in Central Europe where the right to grumble has disappeared (*hear, hear*). We want emphatically that right preserved, and to preserve it, we shall vote a Minister's salary becoming of his position, so that we can grumble when he makes mistakes; and if we can persuade others to grumble with us, then that Minister goes because there will be no dearth of competent successors at the pay we are voting now. Holding this view, and with the object of preserving the most valuable right we have, namely of the right to grumble, my group supports the Ministers' Salaries Bill.

**Srijut KARKA DALAY MIRI:** মাননীয় সভাপতি মহোদয়, অতি দুখৰ বিষয় যে মাননীয় চাৰ মহম্মদ চাহুজলাৰ মন্ত্ৰী সভা পুনৰ গঠন হোৱাৰ লগে লগেই মন্ত্ৰী সকলৰ কেনেকৈ দৰমহা বঢ়াই নিজৰ ব্যক্তিগত স্বার্থ পূৰাব পাৰি এই বিষয়ে চেষ্টা কৰিছে। তেখেতে নিজৰ স্বার্থৰ চাৰণে প্ৰথমে আগ নাবাঢ়ি দুখ দৰিদ্ৰ সকলৰ দুখ কেনেকৈ মোচন হ'ব পাৰে আৰু গাঁৱে ভূঁয়ে বসতি কৰা অশিক্ষিত লৰা ছোৱালীবোৰ কি উপায়ে শিক্ষা লাভ কৰি, কিছু পোহৰ পাব পাৰে এই বিষয়ে কিবা উপায় বা স্কিম তৈয়াৰ কৰা



হেঁতেন বাস্তবিক অসমীয়া জাতিৰ শৃঙ্খনীয় হব পাৰিলে হেঁতেন। তেখেতে তেখেতৰ বাজেট বক্তৃতা তকৈ গৈছে যে অসম গভৰ্ণমেণ্টৰ কেইবা লাখ টকা এইবাৰ খাতি পাৰিব। এই মন্ত্ৰীসভাই জানি শুনিও তেখেত সকলৰ দৰ মহা বঢ়াইছে আৰু ইয়াৰ লগে লগে কেইটামান অদ'কাৰী post সৃজন কৰি গভৰ্ণমেণ্টৰ খৰচ বৃদ্ধি কৰিছে। এই মন্ত্ৰী সভাই তেখেত সকলৰ দৰমহা বঢ়োৱাৰ এই এটা কাৰণ দেখুৱায় যে আগৰ দৰমহাত কাম কৰিলে তেখেত সকলৰ সন্মানত আঘাত হয় আৰু বৰ্ষে সৰু সন্মান বক্ষা নহয়। মই কিন্তু তেখেত সকলৰ এই কথাত সমৰ্থন কৰিব নোৱাৰো। মোৰ ইচ্ছা এই যে যি সকলে আগৰ দৰমহাত তেখেত সকলৰ সন্মান বক্ষা নহয় বুলি ভাবে, তেখেত সকলে মন্ত্ৰীপদ গ্ৰহণ নকৰাই শ্ৰেয়। তেখেত সকলে ভবা উচিত যে ইয়াত বাইজৰ কাম কৰিবলৈ আহিছে। দৰমহা লৈ ধনী হনলৈ আশা নাই। মাননীয় প্ৰধান মন্ত্ৰী মহোদয়ে আশীৰ্বাদ ২০ বছৰ অসম চৰকাৰৰ তত মন্ত্ৰীগণি কৰি আহিছে। সেইসময়তও তেখেতে মোৰ দৰমহাত কাম কৰাও অবিদিত নহয়। তেখেতে এই বুঢ়া বয়সত কৰ্মত দৰমহা লৈ অসমীয়া জাতিৰ সেৱা কৰিলে তেখেতক কোনেও তেখেতৰ সন্মানত আঘাত হৈছে বুলি নকয়। বৰং তেখেতে গোটেই অসমত অসমীয়া জাতিৰ ভিতৰত সন্মানৰ পাত্ৰ হব। মাননীয় শ্ৰীযুত ব্ৰজ ডাঙ্গৰীয়াই আগৰ দৰমহা গ্ৰহণ কৰি যি সন্মান পাইছিল এতিয়া বেচি দৰমহাত কাম কৰিবলৈ আগ বঢ়াত মোৰ বিশ্বাস আগতকৈ বাইজৰ আগত বহুখিনি তললৈ আহিছে। শ্ৰীযুত বৰচন্দ্ৰ কছাৰী ডাঙ্গৰীয়াই কি principle লৈ মন্ত্ৰীৰ দৰমহা বৃদ্ধি কৰাত মত দিছে বুজিব পৰা নাই। আশা কৰো Tribal বাইজৰ আগত সন্তোষজনক কৈফিয়ৎ দিব। এই কেইবাৰ কৈ এই বিল oppose কৰোঁ।

**Srijut SANKAR CHANDRA BARUA:** সভাপতি মহাশয়, মন্ত্ৰীৰ দৰমহা সম্বন্ধে যথেষ্ট আলোচনা হৈছে যদিও এই বিষয়ে বাইজৰ মতামত সেই আধাৰ নকলে সুবি যোৱা অসম্ভব হব। কাৰণ অলপদিন আগেয়ে যেতিয়া আমাৰ মেম্বৰ সকলৰ বেতনৰ বিল পাছ হয় আৰু ১০০% টক মেম্বৰ সকলৰ দৰমহা লোৱা সিদ্ধান্ত হয় তেতিয়া গোটেই দেশত তোলপাৰ হৈছিল। আমি গাঁয়ে ভূয়ে সকলো ঠাইত সন্তোষমিত্তি কৰিবলৈ গৈ সকলোৰে মুখত আপত্তি শুনিছোঁ যে মেম্বৰ সকল তাত যোৱা অহা আৰু থকাৰ বাবে ভাতা পায় তাৰ উপৰি ১০০% দৰমহা লোৱাটো বৰ বেয়া হৈছে। এই বিষয়েই দেশত যি তোলপাৰ লাগিছে সি চোঁটা পৰা নাই তাৰ ওপৰত আকৌ ভূতৰ ওপৰত ডাঙ্গৰ মন্ত্ৰীৰ দৰমহাৰ Bill ওলালহি। বৰ্তমান মন্ত্ৰীসকলে যি সকলৰ ওপৰত আমি গোটেই দেশৰ কাৰ্য্যভাৰ দিছোঁ যিসকলে যদি দৰমহা লই দৰ কসাকসি কৰে তেনেহলে এই আদৰ্শই দেশ কিমান অধঃপতনত নিব পাৰে তাক সকলোৰে বিবেচনা কৰা উচিত। বৰ্তমান মন্ত্ৰীসভাৰ দৰমহাৰ দৰ কসাকসি বাজে [অজ্ঞ] একো কাম নোহোৱা দেখিবলৈ পাইছো। ছাত্ৰী চাহাবে প্ৰথম মন্ত্ৰী সভা গঠন কৰি ২৮০০% আবৃত্ত কৰিলে। তাৰ পাছত ২৫০০% হল। তাৰপাছত তেখেতৰ দল সংখ্যা লঘিষ্ঠ হোৱাত তেখেতে পদত্যাগ



কৰিব লগা হ'ল। আকৌ বংগ্ৰেজ মন্ত্ৰী সভাৰ পদত্যাগ কৰাৰ হুবিধালৈ গাঢ়িত বৰ্হিয়েই আকৌ দৰমহাৰ দৰ ক'মা ক'মি। এইটোত গোটেই বাইজৰ মাজত চাকলা স্থিতি হৈছে। দেশৰ বাইজৰ দৰমহা বৰ শোচনীয়। বাজেট অধিবেশন আৰম্ভ হোৱাৰ পৰা মেম্বাৰ সকলক নিজ নিজ constituency ৰ আবেদন নিবেদনৰ কথা জনাইছে। মই বিশেষ কৈ গোলাঘাটত কালাজৰৰ কথা কৈছো গোটেই গাওঁ নাইকিয়া হৈছে কিন্তু সেই বিষয়ে মন্ত্ৰী সকলৰ চিন্তা নাই। তেখেত সকলৰ দৰমহা বঢ়োৱা আৰু মন্ত্ৰীপতাৰ স্বত্ব বৃদ্ধি কৰা হৈছে তাৰ পাছত Private Secretary, Parliamentary Secretary ইত্যাদি বঢ়াই বাইজৰ ধন নষ্ট কৰা হৈছে। দেশৰ মত নোলোৱাকৈ এই বিল পাছ কৰাত বাইজৰ ভয়ানক আপত্তি। আজি মই গোলাঘাট Local Board মৰঙ্গি মৌজাৰ মেম্বাৰ জনৰ পৰা এখন চিঠি পাইছো। যি মৰঙ্গি মৌজাত কালাজৰ ইমান বেচি হৈছে যে বেজি দিবলৈ যি কেইটী কেন্দ্ৰ কৰি বেজিগাঁৱ হৈছে যি ষপেট নংৰ তাক এটা পবলিকহেলথ ডিপাৰ্ট'মেণ্টৰ পৰা এখন হাসপাতাল মুখলিলৈ একো কাম নহ'ব, মন্ত্ৰী সকলে এই বিলাক কথা বিবেচনা কৰা অতি যুক্তত। এই বিলাক বিবেচনা নকৰি তেখেত সকলে যদি দৰমহাৰ দৰ ক'মা ক'মি কৰি কাল কটায় তেনে হ'লে তেখেত সকলৰ পৰা দেশৰ যে বিশেষ উপকাৰ হ'ব সেইটো আশা নকৰো। এওঁ নিমিত্তে মই এই বিলত আপত্তি কৰিছো।

**Srijut DEBESWAR SARMAH:** Mr. Speaker, Sir, I think I shall be failing in my duty if I do not record my protest in this vital question. I know that this matter has been discussed threadbare on the floor of the House and that the whole matter was thoroughly thrashed out. I have listened to the debate with rapt attention and I have tried to gather the arguments that have been advanced for and against enhancing the salaries of Ministers. We have heard all sorts of view points advanced. It is a matter of opinion and these view points may be found reasonable or unreasonable. But the basis—the reasons for which the salaries of Ministers have been sought to be enhanced, we do not find in speech or reply by Hon'ble Ministers except those what are being given in the Statement of Objects and Reasons of the Bill and the one or two points advanced by hon. Mr. Moore and Mr. Whittaker. Sir, in the Bill itself we find that the salaries and allowances, provided by the Act which it is proposed to repeal, in accordance with the policy of the Congress Party which was then in office, are not sufficient to maintain Ministers in reasonable dignity. Sir, I fear, you will pull me up if I discuss this point—dignity—, which Mr. Chanda described as beautifully vague, and which Mr. Whittaker also discussed. Suffice it to say, and I hope it will be conceded by hon. members, that dignity cannot be added to the Hon'ble Ministers merely by paying a few hundreds of rupees to them and that dignity cannot enhance in a person by higher salary any more than one can be made a gentleman by a tailor. If a person is not a gentleman by his conduct, by his behaviour, by his action, he cannot be converted into a gentleman by a beautiful dress made by an expert tailor in the Police Bazar. The question of dignity has been raised because no other cogent reasons can be found for enhancing the salary. Mr. Moore said that the salary should be sufficient considering the arduousness of the duty as well as the responsibility. Sir, I beg to say that there is no measure



by which a limit can be set up which will go to show that the salary between the two lines are sufficient to compensate for the arduousness of the task and for the responsibility involved in a Minister's job.

Now, when Sir Muhammad's first Cabinet came into existence, these very members of the European Group to my left, advanced the self-same arguments to support that Rs.2,500 should be paid to the Prime Minister and Rs.1,500 to other Ministers, to keep them in reasonable comfort and for the maintenance of their dignity. How is it, Sir, and what curious process of transformation has taken place, that the dignity which could be maintained only at Rs.2,500 a couple of years ago, can be maintained at Rs.2,000 only to-day? When that Cabinet was in existence, some of the Ministers were maintained at Rs.1,500 per month. So, if the dignity was maintainable only at Rs. 1,500 per month at that time, how is it possible in these days, when the prices are rising and the cost of living has gone up, to maintain the self-same dignity of the most Ministers at Rs.1,000? What logic is this? Sir, it reminds me of a story; I will not detail it at length. The story in short is this: for a particular community in our province vegetable is to be served first on ceremonial occasions. Now, it so happened that on the occasion of a marriage ceremony in that community, vegetable was forgotten to be served first but this was remembered at the close of the function. So some of the Pundits and other people said that that marriage was null and void, and they directed it to be performed over again. Then a clever Pundit came to the rescue, and said "let us arrange to put the vegetable in the anatomy of our guests by such a reverse process that it would reach the same position had it been served first" (*laughter*). So, Sir, is that reverse process of logic going to be applied to-day also? I fail to see what logic is there in it.

Then, Sir, we know that one of the members of that Cabinet was paid only Rs.700 per mensem. Will Mr. Moore or any other member of his line of thinking say by what process the dignity of that particular Minister was maintained with that sum? We have heard it only this morning from Sir Muhammad Saadulla that the responsibility of the Ministers is joint, and provision must have been made for maintenance of reasonable dignity of each and all the members of the Cabinet. Now, if one of the Ministers requires Rs.2,000 to maintain his dignity, how can others, considering that their responsibility is joint, maintain the self-same dignity with Rs.1,000 only?

**The Hon'ble the SPEAKER:** When the hon member began his speech I understood that he had realised the undesirability of repeating arguments, but now I find he is repeating arguments.

**Srijut DEBESWAR SARMAH:** I beg your pardon, Sir, but I crave your indulgence on two considerations, firstly, that the subject itself is very stale, and secondly, I am replying to arguments advanced. I understand from my leader that he is not speaking; therefore, I will try in my humble way to meet the arguments of the members supporting the Government motion.

Now, Sir, when the members of the European block support the motion we could understand it, because nowhere on the surface of the earth servants of Government are so well paid as in the Indian Civil Service. For some time there was a clamour, at any rate a propaganda, that the members of the Indian Civil Service were most efficient people. That theory has been exploded and I need not take the time of the House



to-day by discussing that theory. All the efficiency of British civil servants rests on the efficiency of the British Army, Navy and Air Force. If the British Army, Navy and Air Forces cease to be efficient, the efficiency of the British civil servants will have vanished away like mist before the morning sun. Since the Europeans in India draw high salary, it is only meet and proper that they should try to draw some Indians to their side by giving them very high emoluments, so that they may serve the purposes of British masters by sacrificing the interests of the country. Sir, this is no new thing to us, but may I remind this Block over again what I stated about 18 months before from this very position? I do not pretend to be a political wiseacre. I shall be content to remain a student of Politics. But from this very position where I do stand now I said that "British Imperialism will be more in need of Indian nationalism than Indian nationalism will be in need of British Imperialism". What we find to-day, Sir? It has so happened that if British Imperialism needs anything, it needs the aid of Indian nationalism to-day. Indian resources are counting factors in determining the present situation in Europe now. Is it too much to expect in the interests of both the Britishers as well as Indians, that particular section of our White masters, who are occupied in none too pleasant a task of driving slaves in their plantations, not to get out of touch with world politics, not to side always with the reactionary forces which want to stifle all progressive ideas in this land? I hope, I am not crying in vain. (*A voice: in vain*). All right, that does not matter with us; we are out to fight for our right, and prepared to fight to a finish.

Again, Sir, Mr. Whittaker said that high emoluments were necessary for ensuring quality and efficiency. In his speech he advocated plain speaking and right thinking. I may be pardoned, Sir, if I do not feel that he was indulging in plain speaking and right thinking. At any rate his speech did not savour of plain speaking and right thinking when he supported higher salary for our Ministers. He said that in America quality and efficiency are ensured by high salaries. But why should we go to far off America across the Atlantic for an analogy. We can go to a place nearer home, I mean Japan. The Japanese Prime Minister does not get more than Rs.770 or thereabout per month. Could it be said that the responsibilities of the Prime Minister of Japan are less, or his duties less arduous than those of our Ministers? Sir, that argument is a very stale and unconvincing one. It may be excusable for Mr. Whittaker not to know much about the quality of the individual members of the Cabinet as he is practically a new comer into this Assembly, but when he came into the party, he ought to have tried to ascertain who is who. Is it sought to be argued that quality in a person can be at once raised by paying him more money? That is absurd, whatever Mr. Whittaker may think. Now, Sir, this leads us to another aspect of the question which is neither pleasant nor very edifying, but which is highly relevant and which I am obliged to raise. I do not name, but certainly there are members inside this Cabinet who did never earn in all their past lives anything approaching to the salary that is being proposed for them. What standard did they maintain in the past? What quality did they produce? How many of them did pay any income-tax in the past? I am sure not many of them. Did anybody enquire into that? It is not my business to enquire, and I would not have concerned myself with it; but when Mr. Wittaker raised the question of quality and efficiency, I am bound to say that quality and efficiency cannot be raised at once by voting a higher salary for them.



Then, the next question he raised—I am afraid, Sir, you will ask me to sit down, as the time is drawing close.

**The Hon'ble the SPEAKER:** So long as the hon. member is relevant, I will not ask him to sit down.

**Srijut DEBESWAR SARMAH:** Thank you, Sir. The next question he raised was the right of grumbling. He thinks that if we pay higher salaries to Ministers we shall have more or greater right to grumble, as, if we pay a Minister Rs.500 we shall have, let us assume for the sake of argument, 10 minutes-per-day right of grumbling, if we pay him Rs.1,000 we shall have 20 minutes' right of grumbling, and if we pay Rs.2,000 we shall have half an hour's right of grumbling. Is that an argument, Sir? Are we here to be told that if we do not pay our Ministers a high salary we shall have no right to grumble? The right to grumble, that is to say to criticise a popular Minister, is an inherent right enjoyed by the people irrespective of the amount of salary paid to Ministers.

Mr. Whittaker also said that India is the only country where one is permitted to grumble! Is it a cruel irony? Is it a sad joke that he is casting to our teeth? Our lot in this unfortunate province, or for the matter of that, in this unfortunate country, is that we cannot grumble. Can Mr. Whittaker stand up before this august Assembly and say we are allowed to grumble after seeing what happened in Digboi a few months back? What to say about incarceration of Mr. Ashrafuddin and host of other patriots in India to-day? Was it not a cry of hunger at Digboi? Did they not say that "we are toiling in this oil-field at the risk of our lives, that we cannot work here for more than ten years—the risks are so great that our lives are cut short, and that the remuneration paid is not sufficient to make both ends meet and to maintain our families." Was it not a cry of the hungry at Digboi months back? Has not Mr. Whittaker the knowledge of what happened in Digboi as sequel to this grumbling? Leave alone those questions which were matters of enquiry by Sir Manmatha, nor am I treading on the ground covered by the Committees of Enquiry set up by Government. I will simply state the resultant effect of their cry. One fine morning the District Magistrate of Dibrugarh—who if left to himself in any other part of the world, would, it is extremely doubtful, earn one-fourth of what is paid out of the Indian exchequer—but who by some freak of fortune is in the happy position of being in the "steel frame" of India and being the man on the spot—(and the British Imperial Government always depending on the man on the spot)—passed orders upon a number of unfortunate people of Digboi that within 24 hours they had to clear out of Dibrugarh subdivision bag and baggage and once for all. It was not possible for some of them even to bring their belongings together—and some of them could not get back to their homes or meet their people. In certain cases the father could not meet his son but was booked off from Digboi with the help of the military. A carriage of the Dibru-Sadiya Railway was kept ready there.....

**Maulavi JAHANUDDIN AHMED:** On a point of information, Sir. Has the hon. member any right to bring in the happenings at Digboi?

**The Hon'ble the SPEAKER:** He is dealing with the point of grumbling, if I may say so.

**Srijut DEBESWAR SARMAH:** It is a pity if the hon. member, who is representative of the poor people, is not acquainted with what happened at Digboi, and a shame if he cannot stand a description of how inhumanly these people were dealt with at Digboi.

**The Hon'ble the SPEAKER:** I hope the hon. member will deal with the points as briefly as possible.



**Srijut DEBESWAR SARMAH :** The labourers who grumbled were pushed out of Digboi with bag and baggage, forced into a railway carriage and moved out. There was one S. Singh Punjabi.....

**The Hon'ble the SPEAKER :** I think the hon. member is digressing from the point.

**Srijut DEBESWAR SARMAH :** I am cutting it short, Sir.

Briefly stated, these labourers and their leaders without being given a sporting chance of collecting their properties and materials were kicked out from Digboi and Dibrugarh subdivision for the matter of that within 24 hours ; some of them had no homes elsewhere to go to. Is it the case of Mr. Whittaker, then, that India is the only place in the world where one can grumble ? Does he seriously mean it ? I hope that he did not mean it as a ridicule—as an irony. Any way reverting to Mr. Whittaker's argument, it sounds very funny that if we pay more we have the right to grumble otherwise not. Or does he mean that if we pay a Minister less, he becomes worthless or conversely that if the pay is smaller an efficient person will not put in his best work or will cease to be as efficient as if he were given higher salary ? This is an argument which casts slur on the Prime Minister and other Ministers and it is for them to reply.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** Does the hon. member mean his own Prime Minister ?

**Srijut DEBESWAR SARMAH :** My Leader was the Prime Minister there, and he cast it off like anything, but you and your Prime Minister picked it up. It was he and his people who took it up. I am sorry that the Hon'ble Mr. Rohini Kumar Chaudhuri should have descended to this level. Anyway, Mr. Whittaker reminded me about a statement that Sir Muhammad Saadulla made about "service", as a matter of fact he repeated that statement this morning for the second time in this Session—that "service or the spirit of service is nobody's monopoly and that different people have got different methods of service." Surely different people may have different standards or methods of approach to service, but if we analyse all that is being achieved in this Session we will find that some more posts have been created, salaries of the Ministers have been enhanced. Ten more—or at least six more posts, as the Hon'ble Prime Minister stated, of Parliamentary Secretaries will shortly be filled in. Sir, when prohibition could not be continued for want of funds, when mass literacy could not be undertaken for paucity of funds, when the Hon'ble Premier could not take up nation-building schemes on financial grounds, then what method of approach to "Service" has he taken ? He comes up with a Bill that the salaries of the Ministers should be doubled. Shall we not be excused if we say that the method of his service is service to himself first, that is, to improve his own position first ?

**The Hon'ble the SPEAKER :** I hope the hon. member will finish.

**Srijut DEBESWAR SARMAH :** Sir, the quality of service, or efficient service, does not depend upon doubling up of the salary from Rs.500 to Rs.1,000. Sir, the Ministers' salaries are to be fixed in the spirit of service and according to the economic condition of the people of the country, that is to say, according to the capacity of the province to pay. I submit that for a poor province like Assam Rs.500 is enough. Sir, if the average income of our people is Rs.42, if the Government is realising from the people in the Barpathar area a revenue of Rs.82,000, and this year an additional revenue of Rs.35,000, without giving them in return a road, or drinking water or other primary amenities of life is it right and proper—is it just,



without first meeting the needs of these poor people, without improving the nation-building departments—to enhance the salaries of the Ministers? Some hon. members are talking of enhancing the salaries of the Ministers; why not look at the condition of the people of the country on whose votes they are here to-day? Does the condition of the *raiya*s justify enhancement of the existing salaries?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, member after member from the opposite benches started by saying that the matter has been "discussed at length," that all the questions arising have been "thrashed out threadbare." But still none of them was tired of regaling the House a long rigmarole on the same questions of "dignity" of the Ministers. I am sorry, Sir, that those hon. members who spoke so much of the "dignity," status or standard of living of the Ministers, entirely forgot the dignity of the House. I would not follow in the footsteps of my hon. friends and take the time of the House as, undoubtedly, they have done by harping on the same tune on subjects which have been discussed *ad nauseam* on the floor of the House.

One of the Congress shining lights, who unhappily is not now in the land of the living, described "consistency in politics as an asinine virtue." Therefore, I find, Sir, that consistency is not a strong point of my friends who have spoken on the subject. I have always given due mead of praise to the lofty ideals of the great Mahatmaji. Every one who had followed his utterances may remember that originally his idea was a salary of Rs.500 irrespective of any eminence in office and without any allowances being attached to that figure. That is to say Rs.500 should be the maximum emoluments of any public servant in India. But within a few months of his propounding that noble ideal, what do we see in the country? Some Congress idealists considered this question of 'plain living and high thinking' and they decided that the amount of the salary should be increased and instead of doing that straightaway, they resorted to the expedient of supplementing it by means of certain allowances which was originally proposed at Rs.300. That means the figure of Rs.500 so solemnly fixed as the salary was given the go-by, the spirit of sacrifice underwent a change and the salaries or rather the emoluments were proposed at Rs.800. In certain Congress provinces, or throughout the provinces where Congress Ministers took office, the amount of salary remained at Rs.500 with allowances which went up to Rs.250. In spite of that, we have seen that in certain Congress provinces, the Ministry felt it necessary to keep up their dignity by the provision of fully furnished Bungalows at Government expenses and in some other provinces they resorted to the purchase of motor cars at the cost of the State and maintained at the expense of the tax-payer. I do not quarrel with the members of the Congress group here, but I am only pointing out that after having fixed a sum of Rs.500 as the highest salary, when the party came to take office throughout India they had to resort to supplement their salary and keep themselves in proper style, and to help themselves just to remain in a position of dignity which the high office of a Minister required.

But I am not a little amused when the Deputy Leader of the Congress Party quoted the speech of his leader wherein the ratio of expenditure per head of population on Ministers' salaries was given. If we had to follow that dictum to its logical conclusion that a salary must not be above a certain ratio per head of the population, the question naturally arises if that ratio of expense to the population has been adopted or recognised by them in Assam. In the Bombay Presidency with an income of Rs.12 crores and a



population of 2 crores, the Congress Ministers were paid as salary Rs.500. If so, what is the justification for the great Congress Ministers who adorned these Treasury Benches last year to take Rs.500 when our provincial income is 2½ crores and our population is only 86 lakhs? Sir, comparisons are odious always and I refuse to dilate further on this aspect.

As usual, my hon. friend Srijut Debeswar Sarmah who deputed for his leader to-day, in his following style told us that the salary of the Congress Ministers were Rs.500 only which we are going to double. Of course with a lawyer's quibble, he used the word 'salary' only. But the fact remains that there is an addition to the salary which is called allowances and which brings the total to Rs.700. He clean forgot about it when he compared the salaries and said that we were going to double the salary because the Ministers other than the Prime Minister is provided with a salary of Rs. 750 and allowance Rs.250, in all Rs.1,000. He refused to tell the House or the outside public—the proceedings will be made public a few weeks afterwards—that the hon. members of the last Government were drawing Rs.700 and not Rs.500.

**Mr. FAKHRUDDIN ALI AHMED:** He said only Rs.700.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have kept a note of Mr. Sarma's expressions, Sir. He said that we are going to double the salaries. It is well known that whenever anybody has got a bad case, the lawyer's trick is to abuse the opponents. And we had enough examples of that kind of tactics here to-day. All I need say, Sir, is that the arguments of my friends opposite suffer from the principle of *suppressio veri* and so I need not detain the House any more.

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

"That the Assam Ministers' (Salaries and Allowances) Bill, 1940, be passed."

The Assembly divided

Ayes—55

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.         | 11. Srijut Jogendra Narayan Mandal.          |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri.                | 12. Babu Kalachand Roy.                      |
| 3. The Hon'ble Maulavi Munawwar Ali.                         | 13. Maulavi Abdul Aziz.                      |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty.          | 14. Maulavi Abdul Bari Chaudhuri.            |
| 5. The Hon'ble Khan Sahib Maulavi Mudabir Hussain Chaudhuri. | 15. Maulana Abdul Hamid Khan.                |
| 6. The Hon'ble Dr. Mahendra Nath Saikia.                     | 16. Khan Bahadur Hazi Abdul Majid Chaudhuri. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri.                | 17. Maulavi Abdur Rahman.                    |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.          | 18. Maulavi Syed Abdur Rouf.                 |
| 9. The Hon'ble Miss Mavis Dunn.                              | 19. Maulavi Md. Abdus Salam.                 |
| 10. The Hon'ble Srijut Rupnath Brahma.                       | 20. Maulavi Dewan Muhammad Ahbab Chaudhuri.  |
|  | 21. Maulavi Dewan Ali Raja.                  |
|  | 22. Maulavi Muhammad Amiruddin.              |
|  | 23. Maulavi Muhammad Amjad Ali.              |
|  | 24. Maulavi Ashrafuddin Md. Chaudhuri.       |



Ayes—55—concl'd.

25. Maulavi Badaruddin Ahmed.
26. Khan Bahadur Dewan Eklmur  
Roza Chaudhury.
27. Maulavi Ghyasuddin Ahmed.
28. Maulavi Jahanuddin Ahmed.
29. Khan Bahadur Maulavi  
Keramat Ali.
30. Maulavi Muhammad Maqbul  
Hussain Chaudhury.
31. Maulavi Matior Rahman Mia.
32. Maulavi Mabarak Ali.
33. Khan Bahadur Maulavi Mafizur  
Rahman.
34. Maulavi Muzarrof Ali Laskar.
35. Maulavi Namwar Ali Bar-  
bhuiya.
36. Maulavi Naziruddin Ahmed.
37. Maulavi Sheik Osman Ali  
Sadagar.

38. Shams-ul-Ulama Maulana Abu  
Nasr Md. Waheed.
39. Mr. A. H. Ball.
40. Mr. A. F. Bendall.
41. Mr. F. W. Blennerhassett.
42. Mr. N. Dawson.
43. Mr. W. R. Faull.
44. Mr. D. B. H. Moor.
45. Mr. C. W. Morley.
46. Mr. R. A. Palmer.
47. Mr. A. Whittaker.
48. Mr. Benjamin Ch. Momin.
49. Srijut Bhairab Chandra Das.
50. Srijut Binode Kumar J. Sarwan.
51. Rev. L. Gatphoh.
52. Mr. C. Goldsmith.
53. Mr. Jobang D. Marak.
54. Srijut Khorsing Terang.
55. Srijut Rabi Chandra Kachari.

Noes—50

1. Kumar Ajit Narayan Dev.
2. Babu Akshay Kumar Das.
3. Mr. Arun Kumar Chanda.
4. Mr. Badiyanath Mookerjee.
5. Babu Balaram Sircar.
6. Srijut Beliram Das.
7. Srijut Bepin Chandra Medhi.
8. Babu Bipin Behari Das.
9. Srijut Bishnu Ram Medhi.
10. Babu Dakshina Ranjan Gupta  
Chaudhuri.
11. Srijut Debeswar Sarmah.
12. Srijut Ghanashyam Das.
13. Srijut Gauri Kanta Talukdar.
14. Srijut Gopinath Bardoloi.
15. Srijut Haladhar Bhuyan.
16. Babu Harendra Narayan Chau-  
dhuri.
17. Srijut Jadav Prasad Chaliha.
18. Srijut Jogendra Chandra Nath.
19. Srijut Joges Chandra Gohain.
20. Srijut Kameswar Das.
21. Babu Kamini Kumar Sen.
22. Babu Karuna Sindhu Roy.
23. Mr. Kedermal Brahmin.
24. Srijut Krishna Nath Sarmah.
25. Srijut Lakshesvar Borooah.

26. Babu Lalit Mohan Kar.
27. Srijut Mahadev Sarma.
28. Srijut Mahi Chandra Bora.
29. Mr. Naba Kumar Dutta.
30. Srijut Omeo Kumar Das.
31. Srijut Paramananda Das.
32. Babu Nirendra Nath Deb.
33. Srijut Purandar Sarma.
34. Srijut Purna Chandra Sarma.
35. Babu Rabindra Nath Aditya.
36. Srijut Rajani Kanta Barooah.
37. Srijut Rajendra Nath Barua.
38. Srijut Ram Nath Das.
39. Srijut Sankar Chandra Barua.
40. Srijut Santosh Kumar Barua.
41. Srijut Sarveswar Barua.
42. Babu Shibendra Chandra  
Biswas.
43. Srijut Siddhi Nath Sarma.
44. Maulavi Md. Ali Haidar Khan.
45. Mr. Fakhruddin Ali Ahmed.
46. Khan Bahadur Maulavi Mah-  
mud Ali.
47. Srijut Bideshi Pan Tanti.
48. Srijut Dhirsing Deuri.
49. Rev. J. J. M. Nichols-Roy.
50. Srijut Karka Dalay Miri.

The motion was adopted and the Bill was passed.



**Re arrangement of business for the disposal of the Assam Money-Lenders' (Amendment) Bill, 1937, the Goalpara Tenancy (Amendment) and the Sylhet Tenancy (Amendment) Bills, 1939**

**The Hon'ble the SPEAKER:** Order, order. Before we take up the next items of business, I wish to tell the House that having regard to the way in which we have proceeded with the business of to-day, I am disposed to alter my decision regarding the Assam Money Lenders' (Amendment) Bill which I announced in the morning. I have considered the items of business that are fixed up for to-morrow and I find that the items of business may permit us to have more time to-morrow. Day after to-morrow is a recess day ; so I alter my decision and inform the House that this Money Lenders' (Amendment) Bill would be taken up to-morrow before the Demands for Grants are taken up and after Demands for Supplementary Grants are disposed of. So I inform the House that this Money Lenders' Bill would be coming up again to-morrow.

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir. May I tell you in continuation that there are two very important Bills — I mean Goalpara and Sylhet Tenancy (Amendment) Bills which are awaiting discussions till now. After finishing the Demands for Grants and other Government business, can we not also take up the Goalpara and the Sylhet Tenancy Bills if time permits ? And in the event of not being able to finish these Bills can we not sit on Wednesday to discuss them? I have consulted the Leader of the Opposition and the Leader of the House and they have agreed on this point.

**Mr. FAKHRUDDIN ALI AHMED:** May I know who has agreed ?

**Maulavi MUHAMMAD AMJAD ALI:** I hope the Chair will be disposed to ascertain the views of the House so that we may sit on Wednesday for the discussion of these two bills.

**The Hon'ble the SPEAKER:** With regard to the question of taking up these two Bills to-morrow, I may tell the hon. members that if time permits, that may be done ; but there is one difficulty in my way that before taking up the Demand for Supplementary Grant, I cannot take up any other business and I have told the House that my intention is that after the Demands for Supplementary Grants are disposed of, we are to take up the Assam Money Lenders' (Amendment) Bill. If after disposing of that Bill we get time before 3p.m., then of course we may take up one of the two Bills ; for just at 3 p.m. we are to take up the Demands for Grants, and that is the difficulty. Then with regard to the question whether we should sit on the recess day, that depends on the House. If all the sections of the House come to an agreement with regard to that then certainly I shall have no objection and I may tell the hon. members that, as far as I remember, last year also we sat on the recess day to dispose of the Agricultural Income-Tax Bill, and that the then Opposition did not raise any objection to that. Therefore, I ask the hon members of the House to come to a decision as to whether that can be made possible this year too.

**Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, so far as the Goalpara and the Sylhet Tenancy (Amendment) Bills are concerned, I should like to say that we left it in-charge of our hon. friend Mr. Fakhruddin Ali Ahmed. Now he says that he has already fixed up an engagement for the next Wednesday and therefore it will not be possible to have him on that day and so it will be difficult for us to take part in the discussion. Apart from



this, there is another difficulty ; some of my friends from Sylhet think that if we take up the Goalpara Tenancy Bill and even if it be possible for us to finish it, we may not be able to finish the Sylhet Tenancy Bill and therefore it would be better to take up both the Bills together. The principle underlying both the Bills is same and it is better that we should finish them together in a particular session. We have always felt, Sir, that the time allotted to us is really very short in view of the many important measures that are before the House and we feel that the circumstances are such that the sitting of the House should be extended by some days more, as it may not be possible to take up the two Bills during this session.

**Maulavi JAHANUDDIN AHMED :** Mr. Speaker, Sir, as we have got no time and we can sit.....

**The Hon'ble the SPEAKER :** The hon. member has not understood that the hon. Leader of the Opposition said that the two Bills should be taken up one after another without intervention of any other business.

**Maulavi JAHANUDDIN AHMED :** These two Bills have got to be finished and I think we can sit on the recess day so that we may finish the Bills on that day.

**The Hon'ble the SPEAKER :** So far as I am concerned, there is absolutely no difficulty for me to accommodate the House in any way I may be asked to do ; but as I understood from what has been said by the hon. Leader of the Opposition, there are some difficulties in their way to agreeing to sit on Wednesday and I cannot force the House to sit on a recess day. It depends entirely on the House to decide whether they should sit on the recess day or not. I have examined the amendments of both the Bills and I think the Bills are not going to be very contentious and that if we be able to take up one of the Bills to-morrow after finishing the Assam Money Lenders' (Amendment) Bill then some progress can be made and with that progress achieved, we may try our best to finish the two Bills on the last day. On the last day I am agreeable to sit as long as the House would ask me to sit and I remember on one occasion we sat up to 7 p.m. I think. If that be done then these two Bills can be finished on the last day after finishing Government business. There will not be much of Government business, I think, on that day.

**Maulavi JAHANUDDIN AHMED :** We may sit for these days for an hour more.

**The Hon'ble the SPEAKER :** I shall try. But that will depend on the wish of hon. members.

Now let us take the next item, viz., The Temporary Postponement of Execution of Decrees Bill. There are nine amendments.

**Srijut PURNA CHANDRA SARMA :** Sir, it will not be possible for us to sit late hours. We must all reach our homes on the 22nd forenoon on which day the *Dol jatra* begins. Therefore, it will not be possible for us to remain on that day till a late hour.

**The Hon'ble the SPEAKER :** At least we shall have to sit up till 4 p.m. on that day and before that no hon. member will be able I think to leave Shillong.



**The Temporary Postponement of Execution of Decrees Bill, 1938**

**The Hon'ble the SPEAKER:** I shall now ask Babu Karuna Sindhu Roy to move his amendment No.1 in connection with the temporary Postponement of Execution of Decrees Bill, 1938.

*Clause 1*

**Babu KARUNA SINDHU ROY:** I beg to move, Sir, that in sub-clause (3) of clause 1 for the word "two" the word "three" shall be substituted and in the proviso after that sub-clause, the words "one year" shall be substituted by the words "two years".

Sir, it is unfortunate that the Select Committee has reduced the period, for which decrees are to be stayed, from three years to two years. Reasons put forward can easily be refuted. The *mahajans* may stop payment, nay, they have, in some circumstances, already stopped payment of loans to agriculturist debtors. But I know from my experience that agriculturists do not grudge that, moreover they have now learnt to be more economical. They can now perform such ceremony at Rs.5 in place of Rs.50; a marriage ceremony at Rs.25 in place of Rs.150 and in other ceremonial functions they spend much less than what they were accustomed to spend formerly. When loans were available without any difficulty the villagers could raise loans for making regatta boats, for purchasing race horses and for other amusing purposes. Now with the stopping of advancement of loans by *mahajans*, all these unnecessary expenses have been curtailed. On the other hand, *mahajans* do not grudge paying even to the debtors who are already in debts to them, in times, when the agriculturists have no food, just before the harvest as they expect double the amount just after the harvest is reaped. These sums they advance at the prospect of good crops, which they are able to forecast only one or two months before the harvest. Government should also establish agricultural banks or make reforms in the co-operative system of the province. So in my opinion, the period for what decrees are to be stayed should be raised from two years to three years.

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

"That in sub-clause (3) of clause 1 for the word 'two' the word 'three' shall be substituted and in the proviso after that sub-clause, the words 'one year' shall be substituted by the words 'two years'."

**Mr. BAIDYANATH MOOKERJEE:** Sir, I do not find any reasonable ground for moving this amendment. When the proviso is there that the Local Government, simply by notification, can extend the period, I think there is no necessity of fighting for the amendment which is before this House, whether it should be for two years or three years. When this Bill was sent to the Select Committee, all the members of the Select Committee decided that the period in the sub-clause should be two years in place of three years and that in the proviso in place of two years the period should be one year. By doing this they did not take away any right from the Bill thereby causing inconvenience to any particular group. So, Sir, I oppose this motion and I think that the clause as it has come out from the Select Committee should remain *in toto*.

**The Hon'ble Khan Sahib Maulavi MUDABBEIR HUSSAIN CHAUDHURI:** Sir, the Bill was first introduced by the Hon'ble Srijiat Rohini Kumar Chaudhuri and in that Bill "three years" and "two years" were provided. Later on in the Select Committee, Sir, they considered that instead of two years it should be one year and in place of three years they



put it two years. Their reason was this. The Bill was drawn up on the line of a piece of legislation that was enacted in another province. As for the province of Assam we have no experience so as to know whether the relief that has been provided in the Bill for the poorer classes of agriculturists would require so much period or not. In that view, they lowered the figures from three years to two years and from two years to one year. We have accepted their view with the idea of being guided by experience. After the Bill is enacted into law, we can see how it works and then later, if so required, the hon. member may bring in such an amendment.

**\*Srijut DEBESWAR SARMAH:** We have not been able to follow what position the Hon'ble Minister is taking up.

**\*Mr. BAIDYANATH MOOKERJEE:** He is requesting the hon. mover to withdraw his amendment.

**\*The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I therefore think, Sir, that the hon. member will withdraw his motion.

**\*Mr. FAKHRUDDIN ALI AHMED:** On a point of information, Sir. May I know in what particular way the Hon'ble Minister wants to see the working of the Bill before he can think of extending this Bill for another period of three years.

**\*The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I think, if it is extended for two years it will be enough. During these two years we can see, Sir, whether this period is really too short or too long. We can see this by its working.

**\*Mr. FAKHRUDDIN ALI AHMED:** In what particular manner does the Hon'ble Minister want to see the working of the Bill?

**\*The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** It is only a question of two years. In place of two years the hon. mover has suggested three years. If the Bill be passed into law then within these two years we can see whether the period of two years is a short period.

**\*Mr. FAKHRUDDIN ALI AHMED:** I am not yet satisfied with the reply.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, what my hon. friend means to say is this. The original clause wanted that the Bill if passed into law shall come into force at once and remain operative for three years. A period of two years has been recommended by the Select Committee.

(Several voices: Sir, it is already 4 p.m.)

**The Hon'ble the SPEAKER:** For the purpose of convenience, I will sit for another 15 minutes for the debate to continue.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The period of the Bill if passed into an Act, according to the Select Committee should be two years. What my Hon'ble friend the Minister-in-charge, is trying to explain to the House is that if it is found by the experience of two years that people, especially our poor people, are benefiting by the Act and are getting some relief, then this period of two years may be extended by one year more by an amendment of the Act. The object of the hon. mover may be achieved that way.

**Mr. FAKHRUDDIN ALI AHMED:** I think, the Hon'ble Premier will agree with me that this Bill, if passed, will not by itself give any relief to

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



the poor peasants unless and until Government have in mind certain measures providing specific and permanent relief and which they want to place before the Legislature in the near future. Personally I feel that it will be an advantage to the Government if the period is extended.

**The Hon'ble the SPEAKER:** I shall put the motion now.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Before you put the motion, Sir, I will make a statement.

That this is a small matter. No question of policy is involved. It is only whether the Bill should have a life time of two years or a life time of three years. Originally it was Government's intention to have it for three years, but the Select Committee reduced it to two. If the House want to extend the life time of the Bill by another year, Government will not object, but will be guided by the verdict of the House.

**The Hon'ble the SPEAKER:** I shall now put the question. The question is :

"That in sub-clause (3) of clause 1 for the word 'two' the word 'three' shall be substituted and in the proviso after that sub-clause, the words 'one year' shall be substituted by the words 'two years'."

The motion was negatived.

**The Hon'ble the SPEAKER:** The question is that clause 1 of the Bill do stand part of the Bill.

This was adopted.

#### *Clause 2*

**The Hon'ble the SPEAKER:** The hon. member should move all his amendments and give his arguments later

**Babu KARUNA SINDHU ROY:** I beg, Sir, to move :

"1. That in item (i) (a) of sub-clause (2) of clause 2, the figures "100" and "50" shall be substituted by the figures "250" and "125" respectively.

2. That in item (i) (b) of sub-clause (2) of clause 2, the figure "10" shall be substituted by the figure "20".

3. That in item (i) (c) of sub-clause (2) of clause 2, the figure "10" shall be substituted by the figure "20".

4. That in item (i) (d) of sub-clause (2) of clause 2, the figure "100" shall be substituted by the figure "150".

Sir, in the definition of 'agriculturist' the Select Committee lowered the rates. The effect will be that agriculturists will not get any relief. At the same time less number of persons will get relief if these amendments are not passed.

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

"1. That in item (i) (a) of sub-clause (2) of clause 2, the figures "100" and "50" shall be substituted by the figures "250" and "125" respectively.

2. That in item (i) (b) of sub-clause (2) of clause 2, the figure '10' shall be substituted by the figure "20".

3. That in item (i) (c) of sub-clause (2) of clause 2, the figure '10' shall be substituted by the figure '20'.

4. That in item (i) (d) of sub-clause (2) of clause 2, the figure '100' shall be substituted by the figure "150".

**Babu RABINDRA NATH ADITYA:** Mr. Speaker, Sir, I rise to support the motions moved by my friend Babu Karuna Sindhu Roy. The object of moving this amendment is to enlarge the definition of the word 'agriculturist', so that it may conform to the essentials laid down in the



original Bill. Sir, I do not know whether by moving this motion, we shall be able to draw blood out of stone. But still I would appeal to all sections of the House to look to the practical importance of this amendment. Sir, it goes without saying that our agriculturists whether they pay revenue of Rs 100, or Rs.50 or Rs.250—they are all hard hit by the economic depression that set in in 1929. For the last 10 years the agriculturists have suffered a great deal, first on account of the steady fall of the price of agricultural produce, and, secondly on account of the various natural calamities to which agriculture was subjected during the last 10 years, and thirdly, owing to marketing difficulty. All these combined to make the condition of our agriculturists extremely miserable. Now, Sir, I do not know what were the data on which the Select Committee whittled down the definition of the word 'agriculturist'. But I would only expect the House to see that a good number of agriculturists do come within the ambit of this definition and get the benefit of this Act.

It may be argued on the other side that the present rise in prices of the agricultural produce may have some favourable effect on the finances of our agriculturists, and as such it may be possible for them to rehabilitate their position soon. But I may tell this House that even in this year, finding a good market, our agriculturists, have sold away all their produce in the market and the money they received as price has already been swallowed up in liquidating some old debts—not exactly debts, but the interest on debts, so that after a few months their position will be worse inasmuch as they will have to purchase their paddy and rice at a higher price from the market. They have exhausted all their stock, and they would soon feel the pinch of difficulty. So, as I have said, the condition of all agriculturists, whether paying a higher or lower rate of revenue, local rate or rent has practically been the same. We want to give a temporary relief to agriculturists, and if that be the intention which prompted the Government to move a Bill like this, it is up to them to give the maximum amount of benefit to the maximum number of people. Sir, this is why I would appeal to the House to see that the definition is restored to its previous limits, so that a good number of our agriculturists may come within the scope of this Bill. Sir, it may be argued on the other side that there is a chance of misuse if the scope of the Bill is extended inasmuch as those who can afford to pay would like to evade payment and would take shelter under the provisions of this Act. But nowhere in the world we can guarantee that a particular law will come to the rescue of only those who really need relief. It may be, Sir, that when a law is passed it may give relief to the really needy people, and at the same time some who do not deserve the relief may take benefit of it. We cannot help it, but that should be no reason to deny this benefit to a large number of our tenantry. Those who know the condition of the tenantry, particularly in the district of Sylhet, know fully well that almost 75 per cent. of them are under the burden of decrees of their landlord for arrears of rent, as well as the decrees obtained by the *mahajans* for money lent.

Sir, when a tenant pays a heavy amount of rent, it also follows that he has got heavy liabilities and responsibilities to shoulder. We must also take into consideration the fact that tenants with bigger holding, have to maintain bigger families, incur heavy expenditure as costs of cultivation. So, whatever may be the position of the tenants, high or low, all have been brought to the same level by the economic depression. Therefore, I would



appeal to all sections of the House not to be guided by a false sense of prestige that they should stand by the Select Committee's Report, whether it be good, bad or indifferent. We must look to the realities of the situation and press for the enlargement of the definition of the word "agriculturist".

With these few words, Sir, I support the amendments.

**Mr. BAIDYANATH MOOKERJEE:** Mr. Speaker, Sir, I wish to say a few words by way of opposing these amendments.

Again in this case, as before, I do not find any other motive behind moving these amendments than that the Bill should be restored to its original form. To deal with one of these amendments it ought to be noted that the Select Committee considered the definition of the word "agriculturist" very thoroughly, and they were quite cautious in putting the limit of land revenue at Rs.100. In the original Bill, it was provided that "Agriculturist" means a person who pays land revenue not exceeding Rs.250 per annum, or in the case of Nisf-Khiraj lands or lands held at other concessional rates of revenue pays land revenue not exceeding Rs.125 per annum". The Select Committee has put the limit at Rs.100 and Rs.50 respectively. Sir, I quite realise that the greatest number of persons should get the maximum amount of benefit, as is the desire of my hon. friends the mover and the supporter of these amendments. At the same time, Sir, may I not request my friends to consider the other side of the question also? Sir, by "other side" I mean the decree-holders. I think that by this provision the landlords will practically have to sit tight for two years and God knows how many time extensions of this period will be granted by notifications. So, Sir, there must be some limit and there must remain some scope for the decree-holders to realise their dues. I hope, the Hon'ble Minister-in-charge will also deal with this point when he replies.

**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, from the statement of Objects and Reasons of the Bill it will appear that the Bill wants to provide relief not for all agriculturists, but for the poorer section of them, and most probably with this aim in view the Select Committee reduced the figures, which were put in the original Bill, and have come to this conclusion.

As for Government, Sir, we can say that, as no question of policy is involved, if the House want to raise the figures again, we have very little objection to that.

With these remarks, I resume my seat.

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

"1. That in item (i) (a) of sub-clause (2) of clause 2, the figures "100" and "50" shall be substituted by the figures "250" and "125" respectively.

2. That in item (i) (b) of sub-clause (2) of clause 2, the figure "10" shall be substituted by the figure "20".

3. That in item (i) (c) of sub-clause (2) of clause 2, the figure "10" shall be substituted by the figure "20".

4. That in item (i) (d) of sub-clause (2) of clause 2, the figure "100" shall be substituted by the figure "150".

The motion was negatived.

**The Hon'ble the SPEAKER:** The question is that clause 2 of the Bill do stand part of the Bill.

This was adopted.



*Clause 3*

**The Hon'ble the SPEAKER:** To Clause 3 there are 4 amendments. Maulana Abdul Hamid Khan has withdrawn his Amendment.\* As there is no time other amendments will be taken up on the next day.

**Adjournment**

The Assembly was then adjourned till 11 a.m. on Tuesday the 19th March, 1940.

A. K. BARUA,

*Dated Shillong, the 17th May, 1940.*

*Secretary, Legislative Assembly, Assam.*

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\* Maulana Abdul Hamid Khan to move :

That in the second line of sub-clause (1) of clause 3 after the words "for money" the words "or rent" shall be added.



