

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

The ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m., on Thursday, the 21st March, 1940.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 93 members.

SHORT NOTICE QUESTIONS AND ANSWERS

(to which answers were laid on the table)

(Before short notice questions 1 and 2 were called out.)

Babu NIRENDRA NATH DEV : Mr. Speaker, Sir, before I put these questions, I want to make a statement. I put these questions as part of some other questions to which replies have not been put down for to-day. So, I do not think any useful purpose would be served by putting these two isolated questions, because they were put only by way of reference to more important questions.

Another statement I would make is this. I put some other short notice questions on a different subject and showed them to the Hon'ble Prime Minister and he agreed to give replies to-day, as this is the last day of the Session. But now I find that there is no possibility of those questions being answered during this Session. I do not know why it has not been possible for the Hon'ble Prime Minister to reply those questions.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr Speaker, Sir, my hon. friend showed me some short notice questions about Motor Vehicles Department which he wanted to put. I encouraged him to do so and told him that I would raise no objection. But I warned him that as he wanted many figures, for which references have to be made to the districts, the information may not be available in time. He wanted to know the number of public vehicles plying in particular districts, and so forth.....

The Hon'ble the SPEAKER : But these questions relate to a different subject.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, but his complaint is why his short notice questions about Motor Vehicles Department have not been replied. On receipt of his questions, which was only four days ago, I sent them immediately to the officers concerned for supplying me with figures.

The Hon'ble the SPEAKER : (Looking at short notice questions Nos.1 and 2). But it appears that those questions do not relate to the subject-matter of these questions.

Babu NIRENDRA NATH DEV : I referred to those questions only incidentally. As regards these questions, as the other parts, which relate to more important matter, have not been replied, I do not think any useful purpose would be served by putting these questions piecemeal.

The Hon'ble the SPEAKER : Very well, if the hon. member does not want to put them, he may not.

Retirement of some Professors of Murarichand and Cotton Colleges

Babu NIRENDRA NATH DEV asked :

1. Is it a fact that Babu Surendra Lal Kundu, Professor of Philosophy, Murarichand College, retired on the 6th March last, but his successor has not yet been appointed ?

2. Is it a fact that Babu Suresh Chandra Datta, Professor of Philosophy, Cotton College, is due to retire on the 16th March next, but no arrangement for the appointment of his successor has also yet been made ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

1.—As regards the first part, the reply is in the affirmative but the Professor retired on the 7th March 1940. As regards the second part, the reply is in the negative.

2.—The reply to the first part of the question is in the affirmative. As regards the second part it is in the negative.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Employment of students passing out from His Royal Highness the Prince of Wales Technical School, Jorhat

Mr. C. GOLDSMITH asked :

*227. Will Government be pleased to state—

(a) The steps taken by Government for the employment of students who pass out from His Royal Highness the Prince of Wales Technical School, Jorhat ?

(b) The number of technical posts in the various engineering branches under the Government lying vacant since 1929 and how many of those were filled up by the students of the aforesaid school ?

The Hon'ble Miss MAVIS DUNN replied :

227. (a)—Government have approached the various firms and companies including the Railways in and outside the province with the request to employ the passed students of the technical school in their concerns as far as possible.

(b)—The question is not understood. If the hon. member will give some ideas about the posts and the branches he has in mind, Government will try to give whatever information is available.

Newspaper article re Assistant Headmaster of the Sunamganj Government Jubilee High School

Maulavi MABARAK ALI asked :

*228. Will Government be pleased to state—

- (a) Whether their attention has been drawn to the comments under the caption "halchal" (হাল্‌চাল) in "the Jagaran" (a Bengali Weekly) in its issue of the 13th October, 1939, regarding the filling up temporarily of the vacancy of the Assistant Headmaster in the Sunamganj Government Jubilee High School?
- (b) Whether an Assistant Master of the said school actually drew his pay as Assistant Headmaster at that time?
- (c) Whether the orders appointing the said Assistant Master to act as Assistant Headmaster were received after the expiry of the period for which he was appointed to act?
- (d) If so, why the orders were communicated so late?
- (e) Whether the said Assistant Master was entitled to draw excess pay as Assistant Headmaster for the said period?
- (f) If not, why he was allowed to do so and who are responsible for that?
- (g) What action Government has taken in the matter against the person responsible for this state of affairs?
- (h) What action do Government propose to take to prevent the recurrence of similar affairs in future?
- (i) Whether Government received any representation on the subject on behalf of the public and what action has been taken on it?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

228. (a)—Yes.
 (b)—Yes.
 (c)—No.
 (d)—Does not arise.
 (e)—Yes.
 (f)—Does not arise.
 (g)—Does not arise.
 (h)—No action is necessary as acting arrangements are always

made in anticipation of sanction.
 (i)—Government have not received the representation but have seen a copy forwarded to Director of Public Instruction. The application will receive due consideration when it is received through proper channel.

Maulavi MABARAK ALI: With regard to (b), I want to know whether orders appointing the said Assistant Master to act as Assistant Headmaster were communicated to him in time?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already replied that question in answer to (c). The question was "Whether the orders appointing the said Assistant Master to act as Assistant Headmaster were received after the expiry of the period for which he was appointed to act". The reply is "No". So, this question does not arise.

Total working capital of the Provincial Co-operative Bank and of all the Central Banks of the Province

Maulavi MABARAK ALI asked :

*229. Will Government be pleased to state—

- (a) The working capital of the Provincial Co-operative Bank and the total working capital of all Central Banks in the province ?
- (b) Whether it is a fact that the working capital of the Provincial Bank is too small to help the Central Banks in the province in their difficulties ?
- (c) If so, what steps, do Government propose to take, to re-organise the working of the Provincial Co-operative Bank of the Province ?

The Hon'ble Miss MAVIS DUNN replied :

229. (a)—The working capital of the Provincial Co-operative Bank as it stood on 31st March 1939 was Rs.3,85,337 and that of the Central Banks was Rs.23,07,355.

(b)—Yes.

(c)—The question as to how far and in what ways Government can come to the aid of this Bank and the Central Banks is engaging their attention.

Labour strikes in Tea Gardens

Mr. ARUN KUMAR CHANDA asked :

*230. (a) Will Government be pleased to state the names of Tea Estates in Assam where there have been labour-strikes during the period 1937, 1938 and 1939 to date, year by year ?

(b) Will Government be pleased to state the names of Estates which requisitioned the aid of the Police and the Military during such strikes ?

(c) Will Government be pleased to state, if any, payments were received from the gardens in respect of (b) above ?

(d) If so, what is the amount in each case ?

*231. Will Government be pleased to lay on the table a statement showing the names of Tea Gardens which have expelled labourers in consequence of strikes during the last twelve months (up to end of October) and the number of labourers so expelled in each case, with particular reference to the district of Cachar ?

*232. Will Government be pleased to lay on the table a statement showing the number of cases brought against Managers and Assistant Managers by labourers of Tea Gardens, the nature of offences alleged in each case the result of the legal proceedings, district by district and year by year from 1937-1939 (up-to-date) ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

230. (a), (b), (c), (d), 231 & 232—Four statements containing the information required are placed on the table.

**Statement referred to in reply to starred questions Nos. 230, 231
and 232**

Names of Tea Estates where there have been labour strikes in—

District		1937	1938	1939
Nowgong	...	...	...	Jiajuri. Seconee. Sagmootia. Balijan. Moheema. Khoomtai. Bandsulia. Luayuni. Mazdehee. Baraora. Dhekiajuli. Baghmari. Aberdeen. Urrunaband. Monierkhal. Derby.
Sibsagar	...	Hoolungoorie Mazengarh	Satai	
Sylhet	...	Lobhacherra Rajnarar Lungla	Hingajia Chatlapur Mirjapur	
Darrang	...	Hanchura Sessa Naharani	Barengajuli Koloni Sonajuli	
Cachar	...	Lallacherra Doorga kuna	Serishore Kunchanpur Mainagarh Cossipore. Borakhai.	
Goalpara	...	...	...	...
Lakhimpur	...	Barbari Desam Diksam	Mankhusi Ledo Keyhung Baghjan Panitola	Hatiali. Umatara. Dholajan. Longsoal. Powai. Rangagora. Makum. Ledo. Hansara. Dehing. Chabua. Sealkati. Namrup. Barhapjan. Oakland. Chhotohapjan. Dirok. Raidang. Samdang.

**Statement referred to in reply to starred questions Nos. 230, 231
and 232**

District	Name of Tea Estates which requisitioned the aid of the Police	Amount paid in each case	Remarks
		Rs. a. p.	
Nowgong ...	Jiajury ...	...	No payments were received. Bills for conveyance of Police party by motor bus were forwarded to the Tea Estates for payments.
	Seconee		
	Sagmootia		
Cachar ...	Doorgakuna	...	No payments.
	Cossipore		
	Monierkhal		
	Mainagarh	657 1 0	
	Lalacherra ...	757 6 9	
	Borakhai ...	297 3 3	
	Derby ...	110 0 6	
	Urrunaband	1,449 4 0	
Lakhimpur ...	Diksam ...	45 0 0	
	Desam ...	45 0 0	
	Keyhung ...	76 0 0	
	Sialkati ...	43 8 0	
		14 14 3	
	Longsoal ...	155 11 0	
	Mothola ...	14 0 0	
	Powai ...	475 11 0	
		1,350 15 6	
	Hatiali ...	122 11 2	Recovery not yet made.

**Statement referred to in reply to starred questions Nos.230, 231
and 232**

Statement showing the names of tea gardens which have expelled labourers in consequence of strikes during November 1938 to end of October 1939

District	Names of tea estates	Particulars
Sibsagar	Balijan ...	2 labourers were expelled from the garden lines.
		1 labourer was transferred to a neighbouring garden of the same Company.
Sylhet	Luayuni ...	One Sirdar who was the ring-leader of the strike preferred to leave the garden when he was asked to do so.
Cachar	Barakhai ...	13 labourers were expelled.
	Urrunabund	29 labourers were expelled.
Lakhimpur	Umatara ...	33 persons including children were expelled.
	Oakland ...	2 labourers were dismissed but they are still living in the garden.
	Hansara ...	5 labourers were convicted in a case under sections 341/143, Indian Penal Code, and they did not return to the garden.
	Hatiali ...	4 labourers with their families were repatriated.
	Hapjan ...	3 labourers with families were repatriated.
	Makum ...	2 labourers were discharged as they were prosecuted under section 107, Criminal Procedure Code.
	Ledo ...	6 labourers were discharged from the garden.
	Powai ...	5 labourers were repatriated following their convictions under section 107, Criminal Procedure Code.

Statement referred to in reply to starred questions Nos. 230, 231 and 232.

Statement showing the number of cases brought against Managers and Assistant Managers by labourers of tea gardens during 1937-1939

District	Year	No. of cases	Against whom complained	Nature of offence	Result of the legal proceedings	Remarks
Sibsagar ...	1937	One	Assistant Manager	Under section 426, Indian Penal Code (Mischief).	Accused acquitted Under section 247, Criminal Procedure Code.	
		One	Manager	Under section 352, Indian Penal Code (Assault).	Dismissed under section 203, Criminal Procedure Code.	
	1938	Two	Assistant Managers	One under section 323, Indian Penal Code (Voluntarily causing hurt). One under section 352, Indian Penal Code (Assault).	Both were compromised and accused acquitted under section 345, Criminal Procedure Code.	
		Two	Managers	Both under section 342, Indian Penal Code (Wrongful confinement).	Both dismissed under section 203, Criminal Procedure Code.	
	1939	One	Manager	Under sections 342 and 323, Indian Penal Code (Voluntarily causing hurt and wrongful confinement).	...	Pending case.
		One	Manager	Under section 342, Indian Penal Code (Wrongful confinement).	Dismissed under section 203, Criminal Procedure Code.	

Sylhet	...	1938	One	Manager (Samon-bhag Tea Estate).	Beating the complainant and his mother-in-law causing injury.	Dismissed under section 203, Criminal Procedure Code.
		1939	One	Manager (Isabheel Tea Estate).	Beating the complainant and detaining the members of his family.	Ditto.
			One	Ditto	... Abusing the complainant and detaining children of his wife by another husband.	Ditto.
			One	Ditto	... Beating the complainant and detaining the members of his family.	Ditto.
			One	General Manager, Lallicherra Division (Khadimnagar).	A girl named Dipti was alleged to have been disallowed to go with her uncle Tomeswar.	Mistake of fact. The Manager was found to have had no objection.
			One	Manager (Baraoora Tea Estate).	Under sections 143 and 427, Indian Penal Code (Demolition of a house).	Accused acquitted.
Darrang	...	1938	One	Assistant Manager, Panerihat.	Under section 323, Indian Penal Code.	Accused discharged under section 253, Criminal Procedure Code.

Statement showing the number of cases brought against Managers and Assistant Managers by labourers of tea gardens during 1937-39—
concl'd.

District	Year	No. of cases	Against whom complained	Nature of offence	Result of the legal proceedings	Remarks
		One	Manager, Kopati Tea Estate.	Under section 352, Indian Penal Code.	Dismissed under section 203, Criminal Procedure Code.	The complainant did not choose to proceed with the case.
		One	Manager, Kopati Tea Estate.	Under Section 352, Indian Penal Code.	Dismissed under section 203, Criminal Procedure Code.	Ditto.
		One	Manager, Kopati Tea Estate.	Under section 352, Indian Penal Code.	Dismissed under section 203, Criminal Procedure Code.	Ditto.
	1939	One	Manager	... Under section 426, Indian Penal Code.	Dismissed under section 203, Criminal Procedure Code.	

Mr. ARUN KUMAR CHANDA: Since when have the bills been outstanding ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I presume since the bills were submitted.

Mr. ARUN KUMAR CHANDA: How long ago was that ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I require notice of that question.

Mr. ARUN KUMAR CHANDA: Have any efforts been made to realise the amount of the bills ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government always make every effort to realise the bills that are outstanding.

Mr. ARUN KUMAR CHANDA: Why were bills not submitted in the case of Doorga Kuna, Cossipore and Manirkhal ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is only when additional police or military aid is requisitioned by the employers that they are charged, but when the police is sent on the initiative of the District Magistrate or the Subdivisional Officer, no bills are made out.

Mr. ARUN KUMAR CHANDA: Are Government aware that some of the labourers who have been expelled from the gardens have served to their best on those gardens for a number of years ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That is a general question. Without any specific instance, I am unable to give a reply.

Mr. ARUN KUMAR CHANDA: Do Government appreciate the risk that they are incurring through the casting adrift of a number of men outside their homes without any ostensible means of livelihood ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That is a question of opinion.

(Starred questions Nos. 233-237 standing in the name of Maulavi Ashrafuddin Md. Chaudhuri were not put and answered as the questioner was absent.)

Strained feelings between the Hindus and Muslims at Puranigudam, Nowgong

Srijut PURNA CHANDRA SARMA asked :

*238. (a) Are Government aware of the strained feelings between the Hindus and the Muslims of Puranigudam in the district of Nowgong over the theft and defiling of the idol Saraswati on the night of 13th instant ?

(b) If so, will Government be pleased to state the steps taken by them, to find out the culprits ?

*239. (a) Are Government aware that the local police have failed to take adequate steps to expedite the detection ?

(b) If so, do Government propose to expedite the investigation and trace out the culprits ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

238. (a)—Yes.

(b)—The matter is the subject of Police investigation.

239. (a)—Government have no reason to think so.
 (b)—Does not arise.

Srijut PURNA CHANDRA SARMA: Do Government admit that the police have made no detection as yet?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The final report has not been received yet.

Srijut PURNA CHANDRA SARMA: Is it not a fact that the District authority applied to the authorities to engage some Criminal Investigation Department Officers?

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

Madhab Chowdhury College at Barpeta

Srijut KAMESWAR Das asked :

*240.(a) Are Government aware that the Madhab Chowdhury College, Barpeta, was inspected by the University Inspector in October 1939, and that his report has been favourable for affiliation of the College from 1940-41?

(b) Are Government aware that the said College is being run by a duly constituted Governing Body from the beginning of the last Session, July 1939, with a fully qualified staff at a very high cost?

(c) Is it a fact that the College authorities have applied to the Director of Public Instruction, Assam, for Rs 350 per month recurring and rupees ten thousand non-recurring grants to the College with effect from 1940-41 and that the Director of Public Instruction has recommended these grants?

(d) Is it a fact that the then Education Minister Srijut Gopinath Bardoloi passed orders for inclusion of some recurring and non-recurring grants in the 1940-41 Budget for the purpose?

(e) Is it a fact that the said provisions have entirely been omitted from the Budget for 1940-41 by the present Government? If so, why?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

240.(a)—Government understand that the College was inspected, but no inspection report has been received by the Education Department.

(b)—Government are informed that the College is being managed by a Governing Body since July 1939 at an annual cost of Rs. 9,800 less fee receipts.

(c)—Yes.

(d)—Yes.

(e)—The hon. member is referred to the reply to unstarred question No.245(a) and (b) asked by Srijut Ghanashyam Das at this session of the Assembly.

Srijut KAMESWAR DAS : Are not Government depriving the College of these grants?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The whole matter was considered very carefully by the Government, and it was found that the College could not be financed. There can be no question of deprivation.

Cases of corporal punishments administered to the students by the Headmaster of the Goalpara High School

Maulavi MUHAMMAD AMJAD ALI asked :

*241. Will Government be pleased to state—

- (a) Whether it is a fact that the power of administering corporal punishments is entirely in the hands of the Headmasters of High Schools ?
- (b) If so, how many cases of corporal punishments were given by the Headmaster, Srijut Indreswar Barthakur, during the last year, with his own hands and how many were administered through the Assistant Headmaster of the Goalpara High School ?
- (c) Whether these were recorded in the punishment book ?
- (d) If so, the names of boys in whose cases the Assistant Headmaster was authorised to administer the same and of those in whose cases the Headmaster himself administered the same ?

*242.(a) Is it a fact that in April last, Hares Ali, a student of Class VI of the Goalpara Government High School, was caned by the Headmaster Srijut Indreswar Barthakur and the Assistant Headmaster for one and the same offence, consecutively within a period of two or three minutes ?

(b) If so, does the School Manual allow such double punishments within such a brief period ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

241.(a)—Yes. But the Headmasters may delegate their power of administering corporal punishments to any of the teachers on any particular occasion.

Maulavi MUHAMMAD AMJAD ALI: May I know if the delegation of this duty to the Assistant Master is to be done in writing ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I presume so, but I require notice of the question to answer it more precisely.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

(b)—Twenty-six cases by the Headmaster and 17 cases by the Assistant Headmaster in the year 1938.

(c)—Yes.

(d)—Cases of corporal punishment administered by the Headmaster :—

Abdul Majid, Hares Ali, Khagen, Ganesh, Mafijur, Shachin, Prabhat, Puran, Bhudhar, Amalendu, Kaushiki, Jainal, Mohini, Girindra, Purna, Atul, Ali Hussain, Barshali, Manaronjan, Dayal, Nurul Hussain, Wazed Ali, Nirmal, Mani, Radhagovinda and Abdul Matlib.

By the Assistant Headmaster :—

Majid, Azimuddin, Khagendra, Ahshan Ali, Khagendra, Phanindra, Abinash, Deben, Jyotsna, Shirish, Tarun, Mohshen Ali, Kanak, Saidur, Jyotsna, Wazed Ali and Nirmal.

242.(a)—No. There were three different charges against Hares Ali. He was caned by the Headmaster for one minor offence in his office room and then the Assistant Headmaster was authorised to cane the boy before his class mates for two other grave offences, and he did it after some 20 minutes.

(b)—There is no bar to this in the School Manual.

Enforcement of Land Revenue System in the Jaintia Hills**Rev. L. GATPHOH** asked :***243.** Will Government be pleased to state—

- (a) When the Land Revenue System was enforced in the Jaintia Hills ?
- (b) Whether there is any legal basis for doing so ?
- (c) Whether land is assessed in other Hill districts in Assam ?
- (d) The system of taxation in all the Hill districts in Assam ?
- (e) Why the Jaintia Hills is burdened with the system of double taxation ?
- (f) Why a discrimination is made in regard to taxation between—
 - (i) The Jaintia Hills and the British portions in the Khasi Hills ?
 - (ii) The Jaintia Hills and the other Hill districts in Assam ?

***244.** (a) Are Government aware that the Jaintia people have often complained in the form of resolutions and representations to the Government against the unfairness of double taxation and of the oppression and harassment to the cultivators arising from the land revenue system ?

(b) Do Government propose to immediately redress the grievances of the people in the Jaintia Hills in this matter ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

243. (a), (c)—(f)—The hon. member is referred to the notes at pages CXV to CXXXII of the Introduction to the Assam Land Revenue Manual, 1931, Volume I, which give a full history of the Land Revenue System in all the hill districts of Assam and contain the information.

(b)—As the entire hills are treated as the absolute property of Government there can be no question that their right to assess revenue should be enforced, nor has it been considered necessary to require a legal basis for land revenue system in these hills.

244. (a)—This may be so.

(b)—There is already a proposal under consideration of Government for the review of the present system of taxation in the Jaintia Hills and to make out a more satisfactory method of taxation.

Increase in the number of police stations in Barpeta subdivision to cope with the increased criminal cases**Srijut GHANASHYAM DAS** asked :

***245.** (a) Are Government aware of the enormous growth of population in the Barpeta subdivision due to the influx of immigrants by thousands and consequential outgrowth of criminal cases there ?

(b) Do Government propose to add two more Thanas in the subdivision—one at Sarukhetri and the other in Gobordhana Mauzas in view of the influx of immigrants and the consequent outgrowth of criminal cases in the Barpeta subdivision ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

245. (a)—Yes.

(b)—Government will await proposals which they understand the Police Department has in consideration.

Issue of license for conducting processions in Sylhet district

Babu RABINDRA NATH ADITYA asked :

*246. Will Government be pleased to state the reasons for serving special notice on the 26th January, 1940, in the district of Sylhet, requiring license for conducting processions in the town ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

246.—Since some feeling had been created among the Muslim population by the development of a practice of starting political slogans outside mosques, it was considered necessary to bring processions into some measure of control so that precautions could be taken in case of any apprehension of breach of the peace.

Assam Government Circular letter No. 4117-31-A. P., dated the 24th June 1929

Babu RABINDRA NATH ADITYA asked :

*247. Will Government be pleased to state—

(a) What is the Assam Government Circular letter No. 4117-31-A.P., dated the 4th June 1929, about ?

(b) Will Government be pleased to lay a copy of it on the table ?

*248. (a) Are Government aware that the Subdivisional Officer, Karimganj, asked the municipal members in pursuance to this circular letter, to receive a company of the 1/7th Gurkha Rifles on their entrance to Karimganj, on a liaison march on 3rd February, 1940 ?

(b) If so, what was the purpose of that liaison march ?

(c) At whose instance, did the troops undertake the march ?

(d) Did the province or the centre bear the costs ?

(e) Did the Provincial Government have any hand in the matter ?

(f) Are Government aware that the Judicial Officers were also dragged from their Ejlas to receive the troops ?

(g) Do Government propose to consider the desirability of withdrawing this circular letter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

247. (a)—The letter furnishes the cover to a memorandum for the guidance of civil officers as to the assistance to be given to troops in movement within their jurisdiction, and as to the precautions necessary to prevent

any contretemps that might occur if the civil authorities were not aware of such movements.

(b)—The memorandum is intended only for the guidance of Government servants and does not concern the public. Government do not consider it desirable to lay a copy on the table, since it is of a confidential character.

248. (a)—Government have no information, a report has been called for.

(b)—The purpose of the movement, as Government understand, was to accustom the unit concerned to movement by motor transport.

(c)—The military authorities.

Babu RABINDRA NATH ADITYA: Were the Government consulted beforehand when these troops undertook their march?

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

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

(d)—The Centre.

(e)—No.

(f)—Government have no information, but have enquired as to the facts.

(g)—No.

Kamalganj Police Station

Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURI asked:

*249. (a) Are Government aware that the number of crimes is at present on the increase within the jurisdiction of the Kamalganj Police Station?

(b) If so, will Government be pleased to state the reasons for it?

*250. Are Government aware that Sub-Inspector Babu Abani Mohan Dam is the Second Officer in that thana and that he does not either maintain a bicycle or a pony for travelling purposes to investigate urgent cases?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

249. (a), (b) and 250.—Government have enquired but not yet received the report.

Location of liquor shop at Abhoyapuri

Srijut PARAMANANDA DAS asked:

*251. (a) Is it a fact that this year, the public of Abhoyapuri side of the Goalpara subdivision petitioned to the Subdivisional Officer, Goalpara, and the Local Board Chairman, Goalpara, to locate the liquor shop at a distance of 3 miles from Abhoyapuri?

(b) Is it a fact that the Subdivisional Officer took no notice of those petitions?

*252. Will Government be pleased to state in whose interest the liquor shop has been located at Abhoyapuri?

The Hon'ble Dr. MAHENDRA NATH SAIKIA replied :

251. (a), (b) and 252.—Government have no information but it is being called for.

Damage to paddy crops by elephants in the villages of Jaintia Parganas

Maulavi MUHAMMAD ABDUS SALAM asked :

*253. Are Government aware that during the year 1939, wild elephants heavily damaged the paddy crops in the villages of Jaintia Parganas situated at the foot of the Khasi and Jaintia Hills?

*254. Is it a fact that the damages caused thereby were duly brought by the public to the notice of the Deputy Commissioner, Sylhet.

*255. Will Government be pleased to state what steps Government have taken up till now to prevent the damages of the paddy crops by wild elephants?

The Hon'ble Srijut RUPNATH BRAHMA replied :

253.—Careful enquiries were made, which showed that only a little over one-fifth of the area regarding which complaint had been made was partially damaged.

254.—Yes.

255.—The area in which Mela Shikar had been allowed was extended with the approval of Government. Elephant control licenses were also given, and 3 elephants doing damage were destroyed by a licensee.

Maulavi MUHAMMAD ABDUS SALAM: Is it not a fact that Mela Shikar for checking wild elephants in that locality proved a total failure?

The Hon'ble Srijut RUPNATH BRAHMA: I have no such information.

Singing of "Bandematararam" and hoisting of Congress flag on the eve of "Freshers' Social" at Cotton College

Maulavi MATIOR RAHMAN MIA asked :

*256. Is it a fact that the Muslim students of the Cotton College submitted a petition to the Principal of the College just on the eve of the "Freshers' Social" last year that the "Bandematararam" song should not be allowed in the function?

*257. Is it a fact that the Principal of the College had then said that the petition rather came too late and hence no action was possible at the eleventh hour, and also that the matter will receive his consideration next year?

*258. Is it a fact that this year, the Muslim students again approached the Principal of the College with a petition that the song in question, viz., "Bandematararam" and also hoisting of Congress flag should not be allowed in the coming "Freshers' Social"?

*259. Is it a fact that on receipt of the said petition the Principal gave the Muslim students to know that the song "Bandemataram" will not be sung and the Congress flag will not be hoisted at the time of the function?

*260. Is it a fact that about 200 students of the said College knowing of the assurance given, petitioned the Principal that in case the singing of "Bandemataram" song and hoisting of Congress flag are not allowed in the said function, they will boycott it?

*261. Is it a fact that the Principal then ordered the students to stop the function *sine die* and got the venue cleared of the students and the gates locked up?

*262. Is it a fact that the Hindu students broke open the gates and held "Freshers' Social", sang "Bandemataram" and hoisted the Congress flag?

*263. Will Government be pleased to state whether any action has been taken against the delinquency and the indisciplinary conduct of those who were responsible for it?

*264. Do Government of Assam propose to issue a communiqué like the Government of Bihar, forbidding the singing of "Bandemataram" song and hoisting of Congress flags in the functions of the Educational institutions where objection is raised?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

256.—Yes.

257.—The petitioners were told that the programme had already been printed and could not be changed and they dropped their objection. Nothing was said about the future.

258.—Yes.

259.—The Principal informed the Secretary, College Union Society, about the representation of the Muslim students, and the Secretary agreed to arrange a programme without the Bandemataram song and the tricoloured flag. The Muslim students were informed accordingly.

260.—No.

261.—The Principal consulted the then Hon'ble Premier and Minister of Education and with his approval he informed the Secretary that the function would have to be stopped, if they could not settle the controversies among themselves and accept an agreed programme. The Secretary and his colleagues tried to bring about a compromise but failed.

Hence the Principal issued orders of postponement of the function.

262.—The Principal after enquiry reports that it is not known exactly whether students or outsiders were responsible for breaking open one of the gates. It was not a "Freshers' Social" nor officially recognised as such.

No formal hoisting of the Congress flag was done but a flag was kept flying in the premises.

The notice of postponement of the function was not circulated properly by the Secretary among all the invited guests with the result that many came to the venue to attend the function without knowing that it was postponed.

263.—In view of reply to question No.262 above this question does not arise.

264.—The matter is under consideration.

Babu RABINDRA NATH ADITYA : What authority have Government in the matter of regulating social functions of the students?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The matter has been clearly explained. There was no objection from the Muslim

students in 1938 as it was too late and the programme was allowed to be worked out. So far as this year is concerned, they agreed to drop it. But subsequently trouble arose and whether outsiders were responsible or the students themselves it is not clear from the report received.

Babu RABINDRA NATH ADITYA : Under what authority do Government interfere in social matters of the students ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Government did not interfere.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI : Is it a fact that the *Ex-Premier* Mr. Bardoloi said that he would issue a circular that *Bandemataram* song will be stopped ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : As far as I can understand from what my predecessor said, the position was if it is objected to by any one that the *Bandemataram* song should not be sung.

Babu RABINDRA NATH ADITYA : In extra academic matters ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : It is the duty of the authorities of the college to see that amity prevails.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI : Is it a fact that the Congress Premier assured the House that he will issue a circular to educational institutions to stop singing of *Bandemataram* song ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : That is my impression. But that was not actually done and the matter is now under consideration.

Srijut PURNA CHANDRA SARMA : Will Government consider that no religious teaching is given in the Government institutions ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I am not prepared to answer that question now.

Srijut PURNA CHANDRA SARMA : Did the Principal consult the Minister-in-charge of Education then ?

The Hon'ble the SPEAKER : That was answered. Yes, the Minister was consulted.

Number of *kala-azar* patients treated during 1938-39 and 1939-40

Srijut SANKAR CHANDRA BARUA asked :

*265. Will Government be pleased to state—

(a) The number of *kala-azar* patients treated during 1938-39 and 1939-40 ?

(b) How many of them were cured and how many died ?

*266. Will Government be pleased to lay on the table the report of the Assistant Director of Public Health on the *kala-azar* work during 1938-39, and state what steps have been taken on it ?

*267. (a) Is it a fact that there was a proposal for complete *kala-azar* survey of the whole of Golaghat subdivision ?

(b) If so, whether it was done and with what result ?

(c) If not, why not ?

*268. Will Government be pleased to state the number of days the Director of Public Health was on tour during the year 1939 ?

*269. Will Government be pleased to state—

(a) If Government had any Leprosy Survey in the Mikir Hills ?

(b) If so, what is the number of people suffering from Leprosy there ?

*270. Will Government be pleased to state, when the Leprosy Hospital has been started at Malachi Pather and how many patients have been treated there up-to-date ?

*271. Will Government be pleased to state the number of *kala-azar* patients at present in the Mikir Hills ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

265. (a)—Information for financial years is not available. A total of 17,268 *kala-azar* cases was treated during the calendar year 1938 and 17,734 in 1939.

(b)—There were 1,338 deaths during 1938 and 1,747 in 1939. The number of cases cured is not available.

266.—The report is confidential and it will not be in the public interest to place the same on the table. Government are taking necessary action on it as far as practicable.

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

(b)—All the areas believed to be infected with *kala-azar* are being systematically surveyed since 1938 for which additional Sub-Assistant Surgeons have been posted to the Golaghat subdivision. The Assistant Director of Public Health, Assam Valley Division, also surveyed certain areas in 1939. As a result of these surveys four additional treatment centres have been opened and an indoor *kala-azar* Ward was opened as a temporary measure in the Golaghat Baby Clinic. An indoor *kala-azar* hospital with 40 beds is now under construction in the Golaghat town.

(c)—Does not arise.

Srijut PURNA CHANDRA SARMA : Is it a fact that the treatment of *kala-azar* failed so far in the Golaghat Subdivision ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : I do not think so Sir.

Srijut PURNA CHANDRA SARMA : Is it not a fact that the treatment of Uria Stibamine has failed to cure patients now ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : It might have been that the medicine did not cure a particular patient but that does not mean that it is a failure.

Srijut PURNA CHANDRA SARMA : May we know what new remedy has been prescribed by Government now ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : In a case like this the patient is treated with different species of medicines.

Srijut PURNA CHANDRA SARMA : Do they consider that it has been successfully combating the disease so far ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : I think so.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

268.—71 days.

269. (a) and (b)—The part of the Duar Baguri Mauza in the Mikir Hills falling within the Golaghat subdivision was surveyed in February 1938 and 143 cases of Leprosy were detected. The other part of the said Mauza falling within the Nowgong district was surveyed in January 1939 and 13 Leprosy cases were detected.

270.—A Sub-Assistant Surgeon was posted to Molashi Pathar for survey and treatment of Leprosy cases in December 1939. The question of constructing a Dispensary and Sub-Assistant Surgeon's quarters there is now under the consideration of Government. The number of Leprosy cases treated by the Sub-Assistant Surgeon up to date is not available.

271.—A survey made in January 1939, in the Duar Baguri Mauza falling in the Nowgong district, revealed 14 *kala-azar* cases all of which have been brought under treatment.

Tenders for Charkari Ganzagula Excise shop

Maulavi MABARAK ALI asked :

*272. (a) Is it a fact that Kamini Kumar Namasudra and Guru Charan Deb, both inhabitants of Karimganj, submitted tenders for Charkari Ganzagula Excise shop at the Excise settlement, 1939 ?

(b) Is it a fact that both the tenders were not put up before the Advisory Committee for consideration and decisions ?

(c) Is it a fact that the shop was settled with another person who was alleged to be a *benamdar* of the previous lessee ?

(d) Is it a fact that several weeks after the settlement, the tenders of Kamini Kumar Namasudra and Guru Charan Deb were returned to them with the court-fees unpunched ?

(e) Is there any rule to return the tenders not accepted and not considered or to return the court-fees to the tenderers unpunched ?

(f) If not, has the action in returning the two stamps to the above tenderers, caused any loss of revenue to Government ?

(g) Was any other tender for the same shop returned similarly after the settlement with the court-fee unpunched ?

(h) If the answer to question (f) above is in the affirmative, do Government propose to take necessary action in the matter ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA replied :

272. (a)—Yes.

(b)—No.

(c)—No such allegation was made.

(d)—Yes, after five weeks.

(e)—The reply is in the negative.

(f)—The reply is in the affirmative.

(g)—No.

(h)—Government will consider the matter.

Maulavi MABARAK ALI : May I know the reason why the court-fees were returned unpunched ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA : I have already replied that Government will consider the matter.

Maulavi MABARAK ALI : Do Government consider that it is a serious offence on the part of the officer concerned ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA : The matter will be considered.

Number of ministerial and other subordinate posts in the Public Works Department in the Cachar Division

Maulavi MABARAK ALI asked :

*273. Will Government be pleased to state—

(a) Whether the Karimganj subdivision is included within the jurisdiction of the Cachar Division of the Public Works Department ?

(b) The percentage of Muslim population in the Karimganj subdivision, the Cachar district and the Cachar Division of the Public Works Department ?

- (c) The total number of ministerial and other subordinate posts in the Public Works Department in the Cachar Division ?
- (d) How many of these posts the Mussalmans are entitled to, according to population basis and how many are held by them ?
- (e) How many of these posts, the Mussalmans of the Karimganj subdivision are entitled to, and how many are held by them ? (Figures to be given separately for each class of posts).
- (f) Why no Mussalmans from Karimganj have been appointed to these posts upto now ?
- (g) Who makes appointment in these posts ?
- (h) Whether several appointments have been recently made in this Division in the ministerial rank ?
- (i) If so, how many ?
- (j) Whether any Muslim candidates from Karimganj were taken in those posts ?
- (k) If not, why not ?
- (l) How the selection was made, out of these candidates ?
- (m) Whether there was any examination for selecting candidates for these appointments ?
- (n) If so, whether all the candidates were called to appear at that examination ?
- (o) If not, why all the candidates were not allowed to have their chance in the examination ?
- (p) Whether it was so done by the appointing Officer ?
- (q) Whether it is a fact that the Muslims of Karimganj have been deprived of their legitimate shares in these posts ?
- (r) Whether Government received any representation on the subject ?
- (s) If so, what action Government has taken or proposes to take in the matter ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

273. (a)—Yes.

(b)—In Karimganj subdivision 10 per cent. compared with the total population of Sylhet district and 53 per cent. compared with the total population of Karimganj Civil Subdivision.

In Cachar District 34 per cent.

No figures are available for Public Works Department Divisions.

(c)—Public Works Department Clerks...	...	...	15
Accountant	...	...	1
Accounts clerk	...	...	1
Overseers	...	...	8
Technical Drawing Office Staff...	...	...	4

273. (d)—Ministerial posts 15 clerks. Muslims are entitled to 5 posts according to population percentage and hold six posts. All other posts belong to provincial and not district cadres.

(e) & (f)—No reservation is made by place of residence, only by community.

(g)—Clerkships—appointments made by Executive Engineer. Accountant and Accounts clerk—Appointments made by Comptroller. Remainder—appointments made by Chief Engineer.

(h)—Yes.

(i)—Four.

†**Maulavi MABARAK ALI**: May I know whether any Muhammadan from the Karimganj subdivision has been appointed?

†**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: Four appointments have been made of whom two were given to Muhammadans and two to Patnis.

†**Maulavi MABARAK ALI**: I want to know from the Hon'ble Minister whether any Muhammadan from the Karimganj subdivision has been appointed?

†**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: I cannot say off-hand.

†**Maulavi MABARAK ALI**: Will Government consider the case of Karimganj Muhammadans in future vacancies?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

(j)—No.

(k)—Hon. member is referred to replies to questions (e) & (f) above. Members of under-represented communities were appointed.

(l)—By competitive examination.

(m)—Yes.

(n)—No.

(o)—This was due to a misapprehension by the Executive Engineer.

(p)—Yes.

(q)—Hon. member is referred to replies to questions (e) & (f).

(r)—No.

(s)—Does not arise.

Tour of the Hon'ble Minister-in-charge of the Local Self-Government Department in Sylhet district in December 1939

Babu HARENDRA NARAYAN CHAUDHURI asked:

*274. Will the Hon'ble Minister in charge be pleased to refer to the news under the caption “মহোদয় ভ্রমণ বিবরণ” published in the *Janasakti* of Sylhet, dated the 3rd January, 1940, and state—

(a) Whether it is a fact that the Hon'ble Minister-in-charge of the Local Self-Government Department used the Government steamer ‘Lindsay’ during his tour in Sylhet district in December, 1939?

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

(b) Whether it is a fact that the bridal party of a newly married Lecturer of the Cotton College, Gauhati, travelled by the same steamer upto the home of the bridegroom and returned back by the same steamer along with the Hon'ble Minister ?

(c) If so, has Government charged any proportionate cost of chartering the steamer, from the Lecturer in question ?

(d) Whether the Lecturer is a relation of the Hon'ble Minister in charge of the Local Self-Government Department ?

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

274. (a)—Yes.

(b)—The service steamer was not available and as it was arranged to address a meeting of a few thousand people at Digalbak village, the bride and the bridegroom and not the party were given a lift from Sherpur to Digalbak.

(c)—Does not arise.

(d)—No.

Number of dispensaries maintained by the Dhubri, Nowgong, Tezpur, Silchar, Karimganj, South Sylhet and Gauhati Local Boards

Srijut BISHNURAM MEDHI asked :

*275. Will Government be pleased to state—

(a) The number of dispensaries at present maintained by the Dhubri, Nowgong, Tezpur, Silchar, Karimganj, South Sylhet and Gauhati Local Boards respectively ?

(b) To total amount spent annually by the said respective Local Boards in maintaining those dispensaries from their own fund in rural areas during the last 4 years ?

(c) The amount annually spent by them for repair of said dispensary buildings and quarters ?

(d) The total amount raised by the Dispensary committees of the said respective Local Boards, by public subscription, and by "one anna system" during the last 4 years ?

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

275. (a)—16, 4, 8, 9, 12, 10 and 17 respectively.

275. (b)—A statement is laid on the table.

Statement referred to in reply to starred question No.275(b)

Names of Local Boards				1935-36	1936-37	1937-38	1938-39
				Rs.	Rs.	Rs.	Rs.
Dhubri	...	...	...	54,900	49,562	45,506	47,108
Nowgong	...	...	...	31,659	29,608	34,512	31,859
Tezpur	...	...	...	23,909	24,501	24,325	24,965
Silchar	...	...	...	21,536	22,436	23,630	23,187
Karimganj	...	...	...	27,463	28,168	34,777	30,475
South Sylhet	...	...	...	23,650	22,981	27,214	24,862
Gauhati	...	...	...	47,599	42,960	47,483	53,403

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

275. (c) & (d)—The information has been called for and will be supplied to the hon. member.

†**Srijut BISHNU RAM MEDHI**: Is the Hon'ble Minister aware that all the Local Boards except the Gauhati Local Board received annual grants from the Government for medical relief in rural areas?

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

†**Srijut BISHNU RAM MEDHI**: Will Government please state the reasons why the Gauhati Local Board is deprived of any grant in this matter?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: Because the Gauhati Local Board do not utilise the services of the Assistant Surgeons from the Government.

†**Srijut BISHNU RAM MEDHI**: Is it because that for the last three periods a Congressman is the Chairman of the Local Board and that is why the Gauhati Local Board does not receive any grant?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: Certainly not.

The Hon'ble the SPEAKER: I think this matter was discussed in connection with a cut motion.

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

†**Srijut BISHNU RAM MEDHI** : It was not in connection with a cut motion. It was in connection with a question put to the Hon'ble Medical Minister.

May I enquire from the Hon'ble Minister-in-charge, if it is the intention of the Government to help those Local Boards who are making all efforts and spending a lot of money in giving medical relief to the rural areas?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : The matter is under consideration of Government.

†**Srijut BISHNU RAM MEDHI** : Is it a fact that the last Ministry made a proposal of giving contribution to the Local Board to remove the injustice done to this Board?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : I am not aware of that.

†**Srijut BISHNU RAM MEDHI** : Is it a fact that Gauhati Local Board had constantly drawn the attention of Government for a substantial grant for medical relief?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : I do not think that it is so.

†**Srijut BISHNU RAM MEDHI** : In reply to starred question No.163 the Hon'ble Minister-in-charge admitted repeatedly that the Gauhati Local Board is drawing the attention of the Government and making representations.

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI** : It is with regard to flood damages.

†**Srijut BISHNU RAM MEDHI** : No. In reply to starred question No. 163, the Hon'ble Minister-in-charge Srijut Hirendra Chandra Chakravarty admitted that repeated representations have been made to the Government for giving a substantial grant to the Local Board for medical relief.

The Hon'ble the SPEAKER : When the hon. member knows the position of the Government, why should he put this question?

Srijut BISHNU RAM MEDHI : Sir, these questions were divided and so the whole fact may not be brought to the notice of the members of the Assembly.

The Hon'ble the SPEAKER : It may be so, but the same answer was given by the Hon'ble Minister. Why another hon. member should put the same question to another Hon'ble Minister? I do not understand that.

Mr. BAIDYANATH MOOKERJEE : Sir, we do not understand as to which Minister's reply should be accepted.

The Hon'ble the SPEAKER : The hon. members will please remember that questions with a view to cross-examine an Hon'ble Minister is not permissible. When this answer was given by another Hon'ble Minister, the hon. member ought to have remained satisfied with that answer. To test the knowledge of one Hon'ble Minister with reference to answers given by another Hon'ble Minister is not permissible.

Srijut BISHNU RAM MEDHI : Sir, this question is again put to the Hon'ble Minister-in-charge of the Local Boards, who distributes grants to local bodies, so that he may consider the desirability of allotting substantial amount of medical grant to Gauhati Local Board.

The Hon'ble the SPEAKER : It may be that he is not aware of that.

Srijut BISHNU RAM MEDHI : Sir, I sent all the questions together and they were divided for replies, between the two Hon'ble Ministers.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My hon. friend perhaps does not know the Secretariat procedure. When any set of questions are received from the Assembly office in the Secretariat, there it is divided according to subjects and distributed to different branches of the Secretariat. The Medical questions are sent to the Medical

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

Department and the questions of the Local Self-Government are sent to the Local Self-Government branch. Similarly, if any representation came from the Gauhati Local Board, about medical aid, probably it was treated as concerning the Medical Department and therefore the Hon'ble Minister-in-charge of the Local Self-Government did not know about that. I like to say on behalf of Government that the Gauhati Local Board has not been receiving money for some years for two reasons. In the first place, the former Local Board dispensary at Gauhati has been provincialised and therefore the entire cost of the dispensary is now borne by the Government; secondly the Local Board at Gauhati refuses to entertain Government Sub-Assistant Surgeons. Now my hon. friend who is himself the Chairman of the Local Board of Gauhati, is appealing to Government to reconsider the matter. My Hon'ble friend the Minister-in-charge has already given an assurance that the matter will be looked into and I, as head of the Administration, give an assurance that this question will not be forgotten.

Damages caused by flood to Local Board Roads and bridges within the Gauhati Local Board

Srijut BISHNU RAM MEDHI asked :

*276.(a) Are Government aware that there was sudden and unprecedented flood in last July causing extensive damage to Local Board roads and bridges within the Gauhati Local Board ?

(b) Has Government received representations from the Gauhati Local Board from time to time for a substantial grant for repair of roads and bridges damaged by this unexpected flood ?

(c) Did the Gauhati Local Board submit a sketch showing the damages done to roads and bridges by the said flood with the probable estimate for repairing the same ?

(d) Did Government get the flood damage shown in the said sketch inspected by the Examiner of Civil Works in order to ascertain the correctness or otherwise of the estimate submitted by the Local Board before rejecting the prayer for contribution for flood damage ?

(e) If the answer to question (d) is in the negative, do Government propose to reconsider the matter now and to get the said flood damage inspected by the Examiner of Local Works and ascertain the probable cost required for repair of the same ?

(f) Has Government received by now an unanimous resolution of the Gauhati Local Board re-iterating its previous demand for Rs.30,000 for flood damage repair with a request for reconsideration of the matter ?

(g) If so, do Government propose to reconsider the matter and allot a substantial sum after examining the exact amount of damage done by the last flood ?

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

276. (a)—Yes but there were more serious damages caused in other districts.

(b)—Yes

(c)—Yes.

(d)—No.

(e)—Rupees 25,000 have been provided in the next year's budget subject to the vote of the Assembly to make additional grants to Local

Boards for flood damage repairs, etc. If this amount is finally passed the case of the Gauhati Local Board will be considered along with that of other Boards.

(f)—Yes.

(g)—Attention of the hon. member is invited to reply to (e).

Managing Committee of the C. M. School, Kalabari

Srijut MAHADEV SARMA asked :

*277. Will Government be pleased to state—

- (a) Whether the attention of Government has been drawn to an article entitled “কল্যাণী-বিশ্বকর্মা কল্যাণী” published in the “Assam Sevak” of 24th December (corresponding ৮ শ্রবণ) 1939 ?
- (b) If so, whether any steps have been taken by Government to remove the grievances of the public ?
- (c) Whether Government have received any more representation from the Managing Committee of the said school and the public concerned in this matter ?
- (d) Why the Deputy Inspector of Schools of Tezpur did not confirm the election of the President of the Managing Committee of the C. M. School, Kalabari, who was duly elected by the Managing Committee ?
- (e) Whether it is a fact that there is no Head Master for the English Section of the said school for the last two months ?
- (f) If so, how the school has been carrying on with its duties and responsibilities ?
- (g) Whether the responsibility of such schools rests mainly with the Managing Committee ?
- (h) If so, why the Committee was not formed fully without any delay ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

277.(a)—Yes.

(b) to (h)—The information has been called for and will be forwarded to the hon. member when received from the local officers.

Number of appointments held by different communities in the Forest Department, Assam

Maulavi ABDUR RAHMAN asked :

*278. (a) Has the attention of Government been drawn to an article published in the *Naquib* dated the 23th December 1939, regarding the alleged supersession of claims of the Muslim Community in the Assam Forest Department ?

(b) If so, will the Hon'ble Minister-in-charge of Forests be pleased to state the total number of officers serving in each of the following Cadres showing the number of Christians, Hindus and Moslems in each case ?

- (i) Indian Forest Service,
- (ii) Extra Assistant Conservator of Forests,
- (iii) Rangers,
- (iv) Deputy Rangers,

- (v) Foresters,
(vi) Clerks.

*279. Will Government be pleased to state—

- (a) The number of posts in each Cadre in the Forest Department to which each community is entitled to according to the principle of proportionate representation of various communities in public services and to what extent they are represented at present ?
(b) The measures Government propose to adopt to secure services for the under-represented communities in future vacancies in the said Department ?

*280. (a) Is it a fact that in supersession of the claims of Senior Extra Assistant Conservators, one Engineer was appointed in the Indian Forest Service and one Junior Extra Assistant Conservator was promoted to the Indian Forest Service Cadre and is still holding that temporary post ?

(b) If the answers are in the affirmative, will Government be pleased to state if they will remedy these as early as possible ?

*281. Will Government be pleased to refer to pages 96-97 of the Assam Civil List corrected upto the 1st November 1939, and state if they propose to abolish the post of one temporary Deputy Conservator of Forests mentioned therein as a measure of economy ?

*282. (a) Is it a fact that recently some vacancies occurred in the Cadre of the Extra Assistant Conservator of Forests ?

(b) If so, do Government propose to fill up the said vacancies by Muhammadans both by promotions and by direct recruitment ?

*283. Will Government be pleased to state whether they propose to frame rules so as not to keep officers of the Forest Department in unhealthy centres for over a year ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

278. (a)—Yes.

(b)—A statement is laid on the table.

Statement referred to in reply to starred question No.278(b)

Statement showing the number of appointments held by different communities in the Forest Department, Assam

Designation	Hindus	Muslims	Christians	Brahmo	Remarks
Indian Forest Service ...	5	...	6	...	
Extra Assistant Conservators of Forests.	9	1	2	1	
Rangers ...	40	3	3	...	
Deputy Rangers ...	55	9	1	...	
Foresters ...	115	61	13	...	
Clerks ...	40	18	2	...	
Forest Veterinary Assistant Surgeon.	...	1	...	...
Total ...	264	93	27	1	

Maulavi ABDUR RAHMAN: Sir, in the statement supplied by the Government, I find that the appointments of the Muhammadans in all the branches of the Department are too meagre. Can I make a special appeal to the Hon'ble Minister-in-charge that in future he should be prepared to make it a point to fill up the vacancies by the candidates from the under-represented community, i.e., the Muslims?

The Hon'ble Srijut RUPNATH BRAHMA: The Muslims will have their due share on the basis of communal representation.

The Hon'ble Srijut RUPNATH BRAHMA replied :

279. (a)—A statement is laid on the table.

Statement referred to in reply to starred question No. 279(a)

Statement showing the number and percentage of posts held by each community in the Forest Department

Name of cadre	Total number of posts in each cadre	Number of appointments to which community is entitled				Number of posts at present held by each community				Remarks
		Hindus	Muslim	Christian	Brahmo	Hindus	Muslim	Christian	Brahmo	
Indian Forest Service	11	3·8	3·4	..	..	5	..	6	..	
Extra Assistant Conservators.	13	4·5	4·	..	..	9	1	2	1	
Rangers ..	46	16·	14·2	..	..	40	3	3	..	
Deputy Rangers ..	65	22·7	20·1	..	..	55	9	1	..	
Foresters ..	189	66·	58·5	..	..	115	61	13	..	
Clerks ..	60	21·	18·6	..	..	40	18	2	..	
Forest Veterinary Assistant Surgeon.	1	35	31	..	..	..	1	..	..

The Hon'ble Srijut RUPNATH BRAHMA replied :

279. (b)—Recruitment to the Indian Forest was stopped a number of years ago. In the case of other services to which recruitment is made, it is the policy of Government to rectify inequalities as and when recruitment is undertaken.

Maulavi ABDUR RAHMAN: May I know, Sir, whether there is any percentage for the Hindus and the Muhammadans separately?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, Sir.

Maulavi ABDUR RAHMAN: Is it a fact that the percentage fixed by the Government is not being observed by the Department?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, that is being observed.

Maulavi ABDUR RAHMAN: May I know the reason why the Muslims are not taken though they are very much under-represented in all the branches?

The Hon'ble Srijut RUPNATH BRAHMA: I have already said that the question will be considered when any suitable candidate will be available.

Maulavi ABDUR RAHMAN: May I know who is the appointing authority of these superior posts?

The Hon'ble Srijut RUPNATH BRAHMA: Nomination for appointments to superior posts come through the Public Service Commission and Government is the final appointing authority.

Maulavi ABDUR RAHMAN: May I know up to what rank—whether up to the rank of Range s or Extra Assistant Conservators?

The Hon'ble Srijut RUPNATH BRAHMA: Up to Extra Assistant Conservators—I think.

The Hon'ble Srijut RUPNATH BRAHMA replied:

280. (a)—An officer of the Indian Forest Engineering Service was transferred to the Indian Forest Service many years ago by the then administration. An officer of the provincial service was appointed to a temporary post on the scale of the Indian Forest Service before the Government of India Act, 1935, came into force. He is still holding such a post pending the establishment of the new Assam Forest Service.

(b)—The question is not understood. The Assam Government are not concerned with appointments formerly made by the Secretary of State. The various questions involved in the establishment of the new service are engaging their attention.

Maulavi ABDUR RAHMAN: I heard from the Hon'ble Minister that the question has not been understood by the Government. Is it not fair on the part of the Government to rectify the mischief, if any, done during the time of any other Government?

The Hon'ble Srijut RUPNATH BRAHMA: That will be considered, Sir.

The Hon'ble the SPEAKER: It is useless to ask such questions to Government because Government will say that the action taken was quite fair. It is a question of opinion.

The Hon'ble Srijut RUPNATH BRAHMA replied:

281.—This question is, as already stated, under consideration in connection with the new service.

282. (a)—No. One officer of the Provincial Forest Service died, but the cadre proposed at present for the new service is complete, as there was one officer in excess.

(b)—Does not arise.

283.—This is not a matter susceptible of reduction to rule. There are no doubt many degrees of comparative unhealthiness.

Public Prosecutor of Karimganj

Maulavi ABDUR RAHMAN asked:

*284. (a) Is it a fact that Public Prosecutor is being maintained at Karimganj?

(b) If so, will Government be pleased to state the reasons thereof?

*285. Do Government propose to discontinue the maintenance of a Public Prosecutor at Karimganj?

*286. (a) Is it a fact that for conducting the case *Emperor versus Golam Zilani* and another at Silchar, the Government Pleader of the place was engaged in the lower Court?

(b) (i) If so, will Government be pleased to state the reason for doing so?

(ii) If there is any other precedent of such engagement of Government pleader in the Province?

(iii) Whether the Government Pleader was engaged by the Deputy Commissioner himself who tried the case?

(iv) The cost Government incurred in paying the fees of the Government Pleader?

(v) Whether there was any Court Inspector or Sub-Inspector at Silchar to conduct the case?

(c) If the reply to question (v) above is in the negative, will Government be pleased to state the reason for not keeping competent Court Inspector or Sub-Inspector at district headquarters?

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

284. (a) & (b)—Yes: it was represented in 1915 by the Commissioner that the cases with which the Subdivisional Officer had to deal were exceptionally difficult, and sanction was obtained to the creation of this office.

Maulavi ABDUR RAHMAN: Sir, may I know from the Hon'ble Minister whether this function is being done by the senior Court Inspector in other courts of the district?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The Court Inspectors generally do the function in every subdivision of the district, but if there be any special case then the Public Prosecutor is engaged.

†**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Are Muktears eligible to be appointed as Public Prosecutors?

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

†**Maulavi ABDUR RAHMAN:** Certainly, Muktears are appointed by Government as Public Prosecutors.

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

285.—Government will examine this question.

†**Maulavi ABDUR RAHMAN:** Do Government consider it necessary to continue the post of Public Prosecutor for Karimganj?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** It is under the consideration of Government, Sir. It has already been replied.

†**Maulavi ABDUR RAHMAN:** Will the consideration materialise in near future?

†**The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I cannot say that, Sir.

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

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

286. (a)—Yes.

(b)(i)—The Deputy Commissioner has reported that it was an unusual and serious case involving important principles.

(ii)—Yes.

(iii)—Yes.

(iv)—Rupees 40.

(v)—Yes.

(c)—Does not arise.

Kulaura High English School

Maulavi ABDUR RAHMAN asked :

*287. (a) Is it a fact that in 1937-38, two vacancies occurred in the teaching staff of the Kulaura High English School ?

(b) Is it a fact that Mussalmans being under-represented in the teaching staff of the school, the Mussalman members of the Managing Committee claimed both the appointments for the candidates of their community ?

(c) Is it a fact that among the candidates, there were qualified Mussalmans including a B.A., B.T. with teaching experience for a considerable number of years at his credit ?

(d) Is it a fact that the said Mussalman B.T. is a teacher in one of the Government Aided High Schools in the Province and that he has been drawing Rs.55 per month in that school ?

(e) Is it a fact that for each of the said two posts, Rs.40 per month was sanctioned and the said Mussalman B.T. having agreed to join one of the posts at Rs.50 per month, some of the members of the Managing Committee made a reference with a note of dissent to the Inspector of Schools ?

(f) Is it a fact that the Inspector of Schools, Surma Valley and Hill Districts, in reply to that reference, gave his decision that the said Mussalman B.T. could be appointed on Rs.50 per month and a Mussalman under-graduate who was recommended for appointment could be appointed on Rs.30 per month ?

(g) Is it a fact that the said decision of the Inspector of Schools was disregarded and a Hindu graduate was appointed on Rs.50 per month, and the Mussalman under-graduate on Rs.30 per month ?

(h) If the replies to the above questions are in the affirmative, does the Hon'ble Minister-in-charge propose to take steps to remedy the unjust actions of the school authorities as early as possible ?

(i) Is it a fact that one of the conditions under which the said Mussalman under-graduate was appointed was that he was to pass the B.A. Examination within a stipulated time ?

(j) If so, has he passed the examination within the given time ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :
287.(a) to (j)—The hon. member is referred to the replies given to similar question (unstarred question No. 290) asked by Maulavi Naziruddin Ahmed in this session of the Assembly, which is as follows :—

“290.(a)—Yes.

(b)—Such a claim was made under the misapprehension that the Muslims were under-represented.

(c)—Yes.

(d)—As regards the first part the reply is in the affirmative. As regards the second part it is in the negative. He was drawing Rs. 51 per mensem.

(e)—Yes.

(f)—Yes.

(g)—The Managing Committee of the school calculated and found that the Muslim community was entitled to only one out of the 2 new posts. So they appointed one Hindu (a B.A., B.T.) one Muslim (an under-graduate) both on Rs.40. The pay of the Muslim under-graduate was subsequently reduced to Rs.30 from 1st November 1938.

(h)—Does not arise.

(i)—His B. A. qualification was made a condition of his confirmation without any time limit.

(j)—He has not yet passed the examination and he has not yet been confirmed.”

Maulavi ABDUR RAHMAN : May I know whether the Education authority has any control over the Managing Committee of an aided school ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I think so, Sir. But to be more precise I want notice of this question.

Babu LALIT MOHAN KAR : Is it a fact, Sir, that the Muslims are over-represented in that High school ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The Muslims were not over-represented at that time. They were entitled to one, and therefore one more was appointed.

Maulavi ABDUR RAHMAN : Is it a fact that in most of the aided schools Muslims are very much under-represented ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I want notice of that question, Sir.

Babu RABINDRA NATH ADITYA : Do Government consider it desirable to take into consideration the contribution made by each community in the formation of the aided high schools while appointments are being made ?

The Hon'ble the SPEAKER : That is going too far.

Babu BIPIN BEHARI DAS : Is it a fact that the scheduled castes are under-represented in these schools ?

The Hon'ble the SPEAKER : This is also going too far.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Inadequacy of Government grants to the Gauhati Local Board**Srijut GAURI KANTA TALUKDAR** asked :

218 Will the Hon'ble Minister-in-charge of Local Self-Government Department be pleased to state what will be the area and population of the Gauhati Local Board and the area and population of an average Local Board in the Province ?

219. Are Government aware—

- (a) That the Gauhati Local Board in the matter of area and population is almost twice as big as an average Local Board of the Province ?
- (b) That the said Local Board does not get as much Government grants as its size and population demand ?
- (c) Do Government propose to allot to the Gauhati Local Board, twice as much as is allotted to an average Local Board of the Province, at the time of distribution of Government grants, and pass a standing order to that effect ?

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

218.—Area	...	...	...	2,584 square miles.
Population	...	...	...	636,240.
Area of an average Local Board	...	...	...	1,680 square miles.
Average population	...	...	...	407,025.

219. (a)—No, *vide* reply to question No. 218 above.

(b)—Government grants do not depend on the size and population of a Local Board.

(c)—No.

Re improvement of the Kamalabari Road**Srijut SARVESWAR BARUA** asked :

220. Will Government be pleased to state—

- (a) The year in which the Kamalabari Road was originally constructed ?
- (b) The number of bridges and ferries originally provided in the road for water passages between the 11th and the 25th mile-posts on the said road ?
- (c) The year in which the road has been seriously breached (with the number of breaches in each year) in the past ?
- (d) The number of bridges and ferries existing between the 11th and 25th mile-posts before the breaches caused by the flood of 1938-39 ?
- (e) The number of breaches caused by the flood of 1938-39 in the said road respectively between the 11th and 18th mile-posts and between the 19th and 25th mile-posts ?
- (f) Whether the breaches caused between the 19th and 25th mile-posts have been repaired ?

- (g) Whether that portion of the road has been further improved now by gravelling the surface ?
- (h) If so, what has been the total cost incurred in that portion of the road ?
- (i) What amount would be required to restore the portion of the said road between the 11th and the 18th mile-posts ?
- (j) Whether Government proposes to give up the North-Lakhimpur-Kamalabari Road as an all-weather road ?
- (k) If so, why the portion between the 19th and 25th mile-posts has been restored and improved at a huge expense from the Provincial revenues ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

220. (a)—(k)—Government regret that owing to the late date of receipt of the questions they were unable to collect the information asked for. Information when collected will be supplied to the hon. member.

Diversion of the mail route to and from North Lakhimpur

Srijut SARVESWAR BARUA asked :

221. Are Government aware that since the diversion of the mail route to and from North Lakhimpur to the Mail and Badati Feeder Steamers service (*via* Subansirimukh) there has been a chronic irregularity in receiving mails at North Lakhimpur and that Calcutta and Shillong mails have been missed on the average for eight days every month during the last rainy season ?

222. Is it a fact that when mails used to be carried by runners by the Kamalabari Road (*via* Kakilamukh) it was regular and seldom interrupted ?

223. Is it a fact that the diversion of the mail route has caused delay in receiving mails at North Lakhimpur from Dibrugarh (the Sadr headquarters) and other places in Upper Assam ?

224. Is it a fact that the public of North Lakhimpur have sent representations to the Postal Authorities and sent copies thereof to the Government of Assam narrating their grievances in this respect and praying for restoration of the original route by improvement of the Kamalabari Road so as to make it motorable throughout the year ?

225. Do Government propose to improve the Kamalabari Road so as to make it fit for the mail route to and from North Lakhimpur ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

221.—Government have no information but as a result of the question asked by the hon. member at the September 1936 Session of the Legislative Council, the Posts and Telegraphs Department informed Government that as soon as the crossing over the Dikrong river is sufficiently improved, it will be possible to accelerate the mail services between Badati and North Lakhimpur.

The question of bridging this river necessitating a 20 mile diversion of the North Trunk Road (East) is now under examination and survey.

The estimate will be ready before the next meeting of the Assam Communications Board when that body will be asked to recommend to the Assembly its inclusion in the priority Class I projects to be financed from the Petrol Tax Fund.

***Srijut SARVESWAR BARUA**: May I know how the diversion of the mail route reduces the transit time to Upper Assam?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: Because it will shorten the distance.

***Srijut SARVESWAR BARUA**: Will it be a shorter distance to go from North Lakhimpur to Jorhat than the route from Badati Ghat and *via* Subansirimukh?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: The crossing takes a long time.

***Srijut SARVESWAR BARUA**: Do Government maintain that the road from North Lakhimpur to Jorhat *via* Kamalabari takes a longer time than the route *via* Badati Ghat and Subansirimukh?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The reason is that many other places in Darrang district and North Lakhimpur subdivision will be more benefited by this route than the other one.

***Srijut SARVESWAR BARUA**: I am speaking of the route from North Lakhimpur to Jorhat as to whether it is not a longer distance?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: As I have already said, there are other compensating advantages, namely, that many other places on this side of the district are benefited.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :
222.—Government have no information but the Posts and Telegraphs Department report that :—

“The motor service between Badati and Lakhimpur North was preferred to the runners service between Kamalabari and Lakhimpur North as, apart from the question of safety to the mails on the Kamalabari-Lakhimpur North line which involved partial night running, there was no other station except Lakhimpur North to benefit along the latter line, whereas along the motor line several other offices receive their mails earlier”.

223.—Yes, by one day at North Lakhimpur but on the other hand the transit time to Upper Assam and Darrang districts has been appreciably reduced.

224.—The people prayed for the restoration of the North Lakhimpur-Kamalabari Road to the condition it was in prior to the flood of July 1938.

225.—The road is being surveyed with a view to restore it to its former condition.

Re illegal collections of Land Revenue and misappropriation of money collected from the raiyats by the late Mouzadar of Telahi Mouza

Srijut SARVESWAR BARUA asked :

226. Will the Hon'ble Minister-in-charge of Revenue be pleased to state—

(a) Whether representations have been made by the raiyats of the Telahi Mouza in the North Lakhimpur subdivision against the late Mouzadar of that Mouza since the early part of 1939 regarding illegal collections of land revenue and misappropriation of money collected from the raiyats?

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

- (b) Whether the said Mouzadar submitted a list of defaulters to the Subdivisional Officer, North Lakhimpur ?
- (c) Whether the Subdivisional Officer made over the said list to the Circle Sub-Deputy Collector for collection of the arrears for 1937-38 ?
- (d) Whether it is a fact that the Mandals entrusted with the work found with the raiyats shown as defaulters, revenue receipts granted from counterfoil receipt books ?
- (e) Whether these receipt books were not issued to the Mouzadar from the Revenue Office and the amounts paid were not accounted for in the Amdani and Wasil books of the Mouzadar ?
- (f) Whether any action has been taken against the said ex-Mouzadar for his prosecution in the Criminal Court and for the realisation of the amounts realised from the raiyats by granting such receipts ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN
replied :

226. (a)—Yes.
 (b)—Yes, the Mouzadar submitted a list of defaulters to the Sub-divisional Officer for 1937-38.
 (c)—Yes, the list was sent to Circle Sub-Deputy Collector for verification as well as for collection.
 (d)—Yes. The Land Records staff found formal receipts granted from counterfoil receipt books with some raiyats in some cases.
 (e)—The receipt books were apparently issued from the Revenue Office, but verification will take time. Some of the amounts paid were not accounted for in the Amdani and Wasil books of the Mouzadar.
 (f)—No action for prosecution of the Mauzadar in Criminal Court was taken but proceedings for his dismissal have been drawn up and are now pending. The amounts illegally realised from the raiyats have been recovered from the Mouzadar.

Srijut SARVESWAR BARUA: With regard to (c), Sir, will Government please verify ?

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

Srijut SARVESWAR BARUA: As regards (f), may I know why Government do not propose to prosecute the mauzadar ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :
The reason is not known to the Government, but Government will make enquiries.

Srijut SARVESWAR BARUA: Do not Government consider that, if in such circumstances the mauzadar is not prosecuted, it will set a very bad example for other mauzadars ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :
That is a hypothetical question, Sir.

Assam Oil Company Labour Union at Digboi

Srijut LAKSHESVAR BOROOAH asked :

227.(a) Is it a fact that the Assam Oil Company Labour Union is a registered institution ?

(b) Is it a fact that the Court of Enquiry into the dispute between the Assam Oil Company and the Digboi Labour Union, recommended (i) recognition of the Union by the Company, (ii) improvement in the organisation of the Union, (iii) maintenance of a friendly spirit towards the Company by the Union?

(c) Is it a fact that the principal office-bearers of the Labour Union, *viz.*, Messrs. J. N. Upadhyaya (President), Sadhu Singh (Vice-President), Pritam Singh and M. A. Choudhury (Secretaries) were externed a few months back under the Defence of India Ordinance?

(d) If so, will Government be pleased to state on whose recommendation and on what grounds the above named office-bearers of the Union were externed?

(e) Will Government be pleased to state whether they accept the unanimous recommendations of the Court of Enquiry mentioned in question 227(b) above?

(f) If so, will Government be pleased to state whether the Government issued orders to the District Officers to endeavour to give effect to these recommendations?

(g) If the reply to question 227(f) is in the affirmative, will Government be pleased to state what steps were taken by the District Officers to carry out the instructions of the Government?

(h) Is it a fact that due to the removal of the above office-bearers of the Labour Union, the organisation of the labourers has collapsed?

(i) Did the Deputy Commissioner or the Assam Oil Company intimate to the members of the Labour Union present at Digboi that there was no bar to maintain the existence of the Labour Union and that they could elect new office-bearers if they liked so that the recommendations regarding improvement in the organisation of the Union may be given effect to?

(j) If so, what method was adopted by the Deputy Commissioner?

228.(a) Is it a fact that "forcible recruitment by the Assam Oil Company's people with the aid of the Police and the 'Military'" is the cause, as alleged by the Assam Oil Company Labour Union, of tension of feelings between the parties?

(b) Is it a fact that the then Hon'ble the Finance Minister Mr. Fakhruddin Ali Ahmed, Bar-at-Law, himself saw the Vanette of the Assam Oil Company with the men of the Assam Rifles far outside the limits of Digboi?

(c) Is it a fact that the word 'Military' has been loosely used for 'Assam Rifles'?

(d) Will Government be pleased to state whether the Assam Rifles are under the control of the Hon'ble the Minister for Home?

(e) Is it a fact that Sir Manmatha's finding was that the Police and labourers before and after the shooting incident?

(f) If the reply to question 228(e) above is in the affirmative, will Government be pleased to state what actions have been taken against the officers and the persons at fault?

229.(a) Is it a fact that one Mr. Heymen of the Assam Oil Company, on the 11th May 1939 (during the strike period), knocked down by his motor car, one Kalpanath Bhuyan while on duty and the latter received injuries on his knees?

(b) Is it a fact that the said Kalpanath Bhuyan lodged an *ejahar* to the Magistrate of the place ?

(c) Is it a fact that the Magistrate send the case for investigation to the Police ?

(d) Is it a fact that the Investigation Officer on proof of Mr. Heymen's offence decided to submit charge sheet against Mr. Heymen ?

(e) Is it a fact that the Superintendent of Police, Lakhimpur, while supervising the case, stopped submission of the charge sheet ?

(f) Is it a fact that Sir Manmatha condemns this action of the Superintendent of Police and Mr. Walker agrees with Sir Manmatha ?

(g) Do Government propose to obtain from the said Superintendent of Police, a statement on the incident, why no charge sheet was submitted ?

(h) Do Government propose to enquire and state whether criminal litigations between Indians and Europeans are more common in the Dibrugarh subdivision than in any other subdivision in Assam ?

(i) Do Government propose to retain this officer in the subdivision, in view of the said findings of Sir Manmatha mentioned in question 229(f) above ?

230.(a) Is it a fact that during the strike period two workers of the Oil Company roughly handled and caused injury on the knee of one Kamal Ahir with spears ?

(b) Is it a fact that there was a *prima facie* case against the assailants ?

(c) Will Government be pleased to state why a charge sheet was not submitted against the assailants ?

(d) Will the Hon'ble Minister-in-charge be pleased to lay on the library table, the records of the cases of the informations, *viz.*, (1) Kalpanath Bhuyan, (2) Kamal Ahir ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

227.(a)—No. The Union was registered, but its registration was cancelled on the 10th January 1940 for failure to comply with statutory requirements in respect of the year which had closed before the outbreak of the strike.

(b)—Yes.

(c)—J. N. Upadhyaya left the district of his own accord. Sadhu Singh and M. A. Choudhury were externed from the Dibrugarh subdivision under the Defence of India Rules. So far as Government are aware the other Joint Secretary was Srijut J. N. Bhuyan, and neither he nor Prittam Singh were externed.

(d)—They were externed on the recommendation of the District Magistrate since their conduct was deemed prejudicial to the defence of British India and to public order.

(e)—Government accepted all the unanimous recommendations in their Resolution of the 9th February 1939.

(f)—These recommendations did not concern the District Officers and consequently no such instructions were directed to the latter.

(g)—Does not arise.

(h)—This is a matter of opinion.

(i) & (j)—The effect of the declaration of the protected area was explained by a Magistrate at a meeting of the strikers on the 4th September, and there was no reason for misunderstanding on this score,

***Srijut LAKSHESVAR BOROOAH:** With regard to (d) will the Hon'ble Minister please state what provisions of the Ordinance and Defence of India Rules did these gentlemen violate?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** The question was "On whose recommendation and on what grounds the above-named office bearers of the Union were externed?" and the answer is that "They were externed on the recommendation of the District Magistrate since their conduct was deemed prejudicial to the defence of British India and to public order."

***Srijut LAKSHESVAR BOROOAH:** Will the Hon'ble Minister please state what provisions of the Ordinance and the Defence of India Rules were violated by these gentlemen?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Their presence was deemed prejudicial to the defence of British India and public order.

***Srijut LAKSHESVAR BOROOAH:** May I know whether the Labour Union informed the Government soon after the commencement of the war that they were going to help the Government in the prosecution of the war according to their might?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** That may be the case, Sir.

***Mr. W. R. FAULL:** May I know what statutory requirements were not complied with by them?

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** They were asked to file their audited accounts within a certain time and they did not do so. They applied for extension and Government gave them four months' extension to submit their accounts. Still they did not submit them and so their registration had to be cancelled.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:
228.(a)—No. Allegations of forcible recruitment, which were constantly made by officials of the Union, certainly were responsible for maintaining a high pitch of tension, but there was no ground for such allegations.

(b)—The late Hon'ble Finance Minister recorded that he had seen a Vanette standing outside a *basti* on the road and another coming from the direction of Digboi. But this by no means shows that the Vanettes were engaged in recruitment. In fact the Vanettes had gone to escort the General Manager who had been to see the Minister in Dibrugarh.

(c)—Yes. This is a very common error.

(d)—The Assam Rifles is a Federal Force towards the maintenance of which the Provincial Government pay a proportionate contribution. The Hon'ble Home Minister deals with it in so far as Provincial responsibilities are concerned.

(e)—No. Sir Manmatha is quite definite on this point.

(f)—Does not arise.

229.(a)—The record shows that the motor car, while turning on the road, brushed against Kalpanath Bhuyan and slightly grazed his leg.

(b)—Yes.

(c)—Yes.

(d)—No. He submitted his diaries which showed no grounds for a prosecution, to the Superintendent of Police, who passed orders.

(e)—The Superintendent ordered final report.

(f)—The report of Sir Manmatha merely states that it was difficult to make out how a trial could be escaped. He did not see the investigation report.

(g)—No. Government have already seen the entire record.

(h)—The European population of Dibrugarh subdivision is much greater than that of any other, so Government are prepared without special enquiry to accept as a reasonable supposition that such litigation may be more common than elsewhere.

(i)—Government see no reason to remove the officer in this connection.

230. (a)—There was an occurrence, but the records show that the facts were not as suggested.

(b)—No.

(c)—Because the investigation showed that if a case lay for assault it would lie rather against the opposite party.

(d)—No. Government are not prepared to lay the records of police investigations on the table.

Damage to crop field by wild animals near the Tea garden lands

Maulavi ABDUR RAHMAN asked :

231. (a) Are Government aware of the plight of the cultivators due to the damage caused by wild animals to the crop field, near the Tea garden lands that are kept under jungle ?

(b) Do Government propose to take steps to have such undesirable jungles cleared ?

(c) Are Government aware of the fact that two persons were killed in the Shingla and Longai Reserves this year more by wild elephants ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

231. (a) & (b)—If the hon. member will make it clear to what area he is referring and under whose control the jungle is, Government can consider the matter.

(c)—Yes.

Number of Tea Gardens in Habiganj Subdivision

Maulavi ABDUR RAHMAN asked :

232. Will Government be pleased to state—

(a) The number of Tea Gardens in the Habiganj Subdivision ?

(b) How many of them are of European concern ?

(c) The number of employees in each of the European Tea Gardens ?

(d) The number of Muslim employees in each of them ?

(e) The number of Muslim employees in each of them from the Habiganj Subdivision ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

232. (a) to (e)—The particulars have been called for, but will require time for collection.

Communal disturbance at Habiganj

Maulavi ABDUR RAHMAN asked :

233. Will Government be pleased to state—

(a) If it is a fact that since 15th February last the feeling of the Muslims and Hindus at Habiganj town has been embittered ?

(b) If it is a fact that Hindus have boycotted the Muslims ?

(c) Whether the Hindus have started new bazar there and have boycotted goods sold by Muslims ?

234. Is it a fact that some Hindus are agitating the public minds there ?

235. Is it a fact that since the Muhurum procession which took place on the 19th February last, the Muslims are peaceful ?

236. Will Government be pleased to state—

(a) Whether the Hindus of Habiganj on the 20th February last held a public meeting in the precincts of the Town Hall ?

(b) Whether it is a fact that some gentlemen delivered provocative, inflammatory and insinuating speeches in the said meeting ?

(c) Whether there was any police officer deputed to take down note of the proceedings of the said meeting ?

(d) Whether the President of the Habiganj Muslim League sent reports to the Officer-in-charge of Habiganj thana, to depute some officers to take note of the speeches that were delivered in the said meeting ?

237.(a) Are Government aware that on the 19th February last, the Muslims of Habiganj held a public meeting ?

(b) Is it a fact that this meeting adopted some resolutions against the hooliganism of the Hindus and sought redress of their grievances from Government ?

(c) Is it a fact that the police reporter has submitted a report in this connection ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

233. (a)—Government regret that there has been some communal friction at Habiganj since the last Durga Puja : fresh incidents on the 4th and 19th February have aggravated feeling.

(b)—The reports received by Government indicate an attempt to discourage trading between the Hindu and Muslim communities from both sides, but so far as they are aware this has had fortunately little if any effect.

(c)—Government have no information, but will enquire.

234.—Government are not prepared to apportion blame at present especially as there may be cases coming before the courts, and it is hoped to reconcile the differences now reigning.

235.—No report has been received of any incident causing apprehension of breach of the peace since the 19th February.

236. (a) & (b)—Yes. Government have received copies of resolutions stated to have been passed at the meeting but have no full report of the proceedings.

(c) & (d)—Government have no information but are enquiring.

237. (a)—Yes.

(b)—Government have received copies of the resolutions stated to have been passed to such an effect.

(c)—Government have only received a report from the Subdivisional Police Officer.

Weaving Institute at Adityapur

Babu KARUNA SINDHU ROY asked :

238. Are Government aware that a weaving institute was started ten years ago, and is still in existence, through local help, at Adityapur under the police station Balaganj ?

239. Do Government propose to grant substantial financial aid to encourage the organisers, in manufacturing better cloth, on larger scale ?

240. Does the Hon'ble Minister-in-charge of Industries propose to visit this institution very soon to make arrangements for immediate financial assistance ?

241. Is it a fact that some student apprentices have now been working in the aforesaid institution under the supervision of one Babu Devendra Nath Bhattacharjya ?

The Hon'ble Miss MAVIS DUNN replied :

238.—Government are aware of the existence of a small weaving class at Adityapur.

239.—The question of giving a small non-recurring grant to the institute this year is under consideration.

240.—Does not arise in view of the reply to question 239 above.

241.—Yes.

Shop Assistants of the Province

Babu KARUNA SINDHU ROY asked :

242. Are Government aware that the shop assistants of the Province work almost for the whole day and half of the night ?

243. Do Government propose to enact a legislation for removing the grievances of the shop assistants of the Province, by restricting the working hours and granting holiday once a week ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

242.—No. Government are aware that the hours in shops of Assam are irregular.

243.—If Government are given evidence that there is a real demand for regulation of shop hours, they will consider the matter.

Damage to mustard crop by insect pests in the districts of Lakhimpur, Darrang and Sibsagar

Srijut KARKA DALAY MIRI asked :

244. (a) Will Government be pleased to state whether they have received any information to the effect that mustard crops have been damaged by insects in the present year, in the localities of Lakhimpur, Darrang and Sibsagar districts ?

(b) If so, do Government propose to postpone the realisation of agricultural loans in those places till the condition of the raiyats improves ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

244. (a)—Report of partial damage to mustard crop by insect pests was received from the Deputy Commissioners, Lakhimpur and Sibsagar only.

(b)—Mustard is not the only principal crop. As the condition of the raiyats has considerably improved in comparison with last year, Government do not propose to postpone the realisation of the agricultural loans, unless the position changes.

Madhab Chaudhury College at Barpeta

Srijut CHANASHYAM DAS asked :

245. (a) Is it a fact that the present Government have deprived the Madhab Chaudhury College at Barpeta of the recurring and non-recurring grants sanctioned by the previous Government ?

(b) If so, why ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

245. (a) and (b)—The scheme was considered by this Government but could not be financed during 1940-41. The question of deprivation does not arise as the previous Government did not select the schedule finally.

Grant of holidays to Schools under the Tezpur Local Board

Srijut MAHADEV SARMA asked :

246. Will Government be pleased to state—

- (a) Whether it is a fact that only one holiday has been allotted for schools under the Tezpur Local Board for the coming “বহাগ-বিহু” festival ?
- (b) Whether more number of days were granted as holidays on this occasion previously ?
- (c) Who allot holidays of Local Board's Schools ?
- (d) Whether Government is aware that “বহাগ-বিহু” is the greatest Assamese national festival and requires more holidays for village school boys ?
- (e) If so, whether Government proposes to take steps to increase the number of holidays on the ensuing “বহাগ-বিহু” festival to the Local Board Schools of Tezpur ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

246. (a)—No.

(b)—In Middle Schools during the last year 6 days' holidays were granted and this year too the same number of days have been allotted for the festival.

For Primary Schools last year 4 days were granted and this year three days have been allotted.

(c)—The Deputy Inspectors of Schools prepare lists of holidays of Local Board's Schools in consultation with the Local Bodies concerned.

(d)—Yes ; but the holidays fixed for the festival are considered to be sufficient.

(e)—Does not arise.

Mulberry-silk Industry in Assam

Srijut JOGESCHANDRA GOHAIN asked :

247. (a) Is it a fact that the mulberry-silk industry in Assam was till very recently confined to a few 'Katoni' people, and that it was almost in a dying state till it got the aid from the Central Government ?

(b) Is it a fact that it is a very lucrative cottage industry and one of the few industries in Assam, which can be taken up even by poor people without any capital ?

(c) Do Government propose to consider the desirability of propagating this cottage industry amongst the masses and thereby to remove to some extent, the growing economic distress of the people ?

(d) Are Government aware that a number of non-Katoni people also in recent years, have taken up to this industry and are improving it to a great extent ?

248. Will Government be pleased to state—

(a) For how long the Government of India are going to continue the grant-in-aid for Sericulture to this province ?

(b) Whether the Central Government will discontinue this grant-in-aid ?

(c) If so, whether the Government of Assam will supplement the industry with an equal amount to keep the present activities in sericulture alive ?

(d) Whether there is any research work in the Sericulture Department in Assam, as in the Agriculture Department and some other Departments ?

(e) If not, do Government propose to start research works at Titabor Government Sericulture Farm or in some other convenient place within the Province ?

The Hon'ble Miss MAVIS DUNN replied :

247. (a)—Yes, but it is not a fact that the industry was in a dying state till the aid from the Government of India was received.

(b)—Yes.

(c)—The officers of the department are carrying on an incessant propaganda to that effect as far as possible and Government are prepared to do everything possible within their means.

(d)—Yes. Some have taken it up but their number is not very large yet.

248. (a) and (b)—Government are not in a position to reply as they are not aware of the intention of the Government of India.

(c)—The question will be considered in due time.

(d)—Yes. A certain amount of secondary research work on a laboratory scale is being carried on both at the Shillong and the Titabor Sericulture Stations.

(e)—Does not arise.

Rukmini Mohan Middle English School at Dighirpar in Beanibazar, Sylhet

Babu RABINDRA NATH ADITYA asked :

249. Is it a fact that the Rukmini Mohan Middle English School at Dighirpar in Beanibazar, Sylhet, is one of the oldest schools running without any Government aid up till now ?

250. Will Government be pleased to state :—

(a) When the said school was established and what is its present roll strength ?

(b) Whether it is a fact that the school has a good record of results in the Middle English Examination ?

(c) Whether the school is highly recommended for grants by its visiting officers from time to time ?

(d) If so, do Government propose to consider the question of sanctioning a grant-in-aid for the said school ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

249.—Yes.

250.(a)—The school was established in the year 1925. The enrolment class by class is as follows :—

Class	III	...	...	...	...	...	42
	IV	...	...	...	...	...	57
"	V	...	...	...	...	...	44
"	VI	...	...	...	...	...	21

164

(b)—Yes.

(c)—Yes.

(d)—Yes, if and when funds will be available.

Road connection of Dasherbazar with Barlekha in the Karimganj Subdivision

Babu RABINDRA NATH ADITYA asked :

251.(a) Are Government aware that there has been an insistent demand for a road connecting Dasherbazar with Barlekha in the Karimganj subdivision ?

(b) Are Government aware that this proposed road will connect a vast area with their police station, sub-registry office, dispensary, High English school and railway station and will also stimulate and develop trade and commerce in that area ?

(c) Do Government propose to allot any money in the next Budget for the development of village communications in the province ?

(d) If so, do Government propose to provide necessary funds for this project also ?

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

251. (a)—Yes, there has been a demand of late.

(b)—The proposed road will not connect a very large area. As regards the second part, it is a matter of opinion.

(c) Yes.

(d)—This is a matter for the Deputy Commissioner or the Subdivisional Officer in consultation with the local Advisory Committee.

Research of Medicinal plants in Assam

Babu RABINDRA NATH ADITYA asked :

252. Will Government be pleased to state what they have done in connection with the research of medicinal plants in Assam ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTTY replied :

252.—If the hon. member means by "Research" the best means of growing these plants, then it has been carried out in respect of the following plants by the Forest Department, viz. :—

Cinchona.

Strychnos Nux Vomica (Strychnine).

Hydoncarpus Kurzii (Chalmugra).

Derris and Millettia (insecticides).

Levy of tolls for private Motors and other Vehicles at the Burnihat, Umtyngar and Dawki Gates

Rev. J. J. M. NICHOLS-ROY asked :

253. Will Government be pleased to state—

(a) Whether the toll charged for private motors and other vehicles at the Burnihat, Umtyngar and Dawki gates is a Road toll or a Bridge toll ?

(b) The principle on which the amount fixed is based ?

(c) The amount of toll charged for vehicles going from Umtyngar to—

(1) Cherrapunjee,

(2) Laitlyngkot,

(3) Pynursla,

(4) Dawki, and

(5) Sylhet ?

(d) Whether any toll is charged for vehicles plying between Dawki and Sylhet ?

(e) The number of bridges between Umtyngar, and—

- (1) Cherrapunjee,
- (2) Laitlyngkot,
- (3) Pynursla,
- (4) Dawki,

and between Dawki and Sylhet ?

254. Will Government be pleased to state—

- (a) The amount spent on the Burnihat bridge ?
- (b) The total amount realised as tolls from the said bridge ?
- (c) Whether Government propose to abolish the tolls after all the expenditure on the construction of the bridge has been realised ?

255. Will Government be pleased to state—

- (a) Whether they propose to remove the Jorabat gate to Burnihat and open the four miles of the Shillong-Gauhati road from Jorabat to Burnihat for both ways traffic ?
- (b) Whether in the opinion of the Executive Engineer, Khasi and Jaintia Hills, the road is safe enough for both ways traffic ?
- (c) The amount realised from the Shillong-Gauhati road and the Shillong-Sylhet road during the last three years and the amount spent during each of the last three years on these roads ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied :

253.(a)—Road Tolls.

(b)—To obtain a return for the heavy cost of these roads from the traffic using the roads without causing undue hardship to any particular kind of traffic.

(c)—The hon. member is referred to this Department Notification No. 29-M.V., dated 20th March 1937, as amended by this Department Notification No.148-C.F., dated 26th August 1938 and No. 103-C.F., dated 17th October 1938, copies of which are placed on the Library Table.

(d)—No.

(e)—(1) ... 3
(2) ... 3
(3) ... 6
(4) ... 13
and 49

254.(a)—(c)—The hon. member is referred to the replies given to starred question No. 140 by Maulavi Muhammad Amjad Ali in the current Session of the Assembly.

255.(a)—Not at present.

(b)—Government is advised by its experts that considerable expenditure will be involved in widening and in cutting back corners to obtain good vision before the road can be made safe for two-way traffic.

(c)—*Shillong-Gauhati Road*

				Rs.	a.	p.	
1937	...	...	6,709	8	0	}	The collection of tolls on the Burnihat bridge on the Shillong-Gauhati road is leased out by calendar year and not financial year.
1938	...	...	7,512	8	0		
1939	...	...	6,207	8	0		

Shillong-Sylhet Road

					Rs.	a.	p.
1936-37	...	...	...	...	37,995	6	0
1937-38	...	...	...	...	8,884	2	0
1938-39	...	...	...	...	9,672	7	0

It is regretted that full details of permit fees collected have not been received.

The amount spent on each of the last three years on these roads is as follows:—

			Shillong-Gauhati road		Shillong-Sylhet road
			Rs.		Rs.
1936-37	...	...	1,73,381	...	2,38,746
1937-38	...	...	1,85,421	...	2,02,104
1938-39	...	...	1,19,266	...	2,83,795

Total amount collected yearly as Chaukidari tax in Sylhet and Goalpara districts

Babu LALIT MOHAN KAR asked :

256. Will Government be pleased to state—

- The total amount collected yearly as chaukidari tax in the districts of Sylhet and Goalpara respectively ?
- The total number of chaukidars maintained in the districts of Sylhet and Goalpara respectively ?
- The total amount of money expended yearly for maintaining the chaukidars in the districts of Sylhet and Goalpara respectively ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

256.(a)—Approximately Rs. 3,15,000 in Sylhet and Rs.75,000 in Goalpara. Exact figures are not yet available.

(b)—4,727 in Sylhet and 1,199 in Goalpara.

(c)—Approximately Rs.3,00,000 in Sylhet and Rs.70,000 in Goalpara.

Number of Public Passenger Motor Vehicles and Public Goods Motor Vehicles registered in Sylhet and Cachar districts

Babu NIRENDRA NATH DEV asked :

257. Will Government be pleased to state—

- The number of Public Passenger Motor Vehicles and Public 'Goods' Motor Vehicles—registered last year in the districts of Sylhet and Cachar respectively ?
- The advantages in choosing Silchar as the headquarters of the Surma Valley Regional Authority under the Central Motor Vehicles Act in preference to Sylhet ?
- Whether any member of the Government of Assam has been nominated a member of the Provincial Transport Authority under the same Act ?
- If so, whether legal opinion was consulted as to the legality of the Government of Assam, nominating one of themselves on the said Authority ?
- If not, whether Government propose to do so now ?

258. Are Government aware that it is required by the Act to hear certain appeals over the orders of the Provincial Transport and Regional Authorities—such as on the complaint of Competitive Railways or Steamer Companies asking for restriction of road traffic ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

257.(a)—The particulars required have been called for but will take time to collect.

(b)—The headquarters of the Authority should for convenience be that of the Secretary, and as the Superintendent of Police of Cachar is the lighter worked he has been appointed Secretary.

(c)—The Minister-in-charge of the Home Department has been appointed *ex-officio* Chairman.

(d)—Yes. As usual in respect of a notification under a statutory enactment, the Law Department was consulted.

(e)—Does not arise.

258.—Yes. It is not clear, however, whether the hon. member refers to the appeal provided by section 64 of the Act, or the procedure laid down in section 43.

Name of Local Boards that give grants-in-aid to the institutions, educational and others

Srijut JOGENDRA CHANDRA NATH asked :

259. Will the Hon'ble Minister-in-charge of Local Self-Government be pleased to state—

- (a) The names of the Local Boards in Assam that give grants-in-aid to the institutions, educational and others that are situated within their respective Municipal areas ?
- (b) The names of such institutions and the amount of recurring grants they receive from different Local Boards of Assam ?
- (c) Whether it is a fact that the Goalpara Local Board passed a resolution in its last Budget meeting stopping all such grants to the educational institutions of the town of Goalpara ?
- (d) Whether it is a fact that the same Local Board decided to take over Venture Schools in the tribal areas of the Goalpara district with the money thus saved ?
- (e) Whether it is a fact that the Educational Budget of the Goalpara Local Board has not yet been finally sanctioned by the Commissioner of Divisions for this reason ?
- (f) How long Government will take to give final sanction to the said Budget ?
- (g) Whether Government propose to interfere with the present educational policy of the Goalpara Local Board ?

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

259. (a) and (b)—A statement is shown below :—

Names of institutions and the amount of recurring grants they receive from different Local Boards in Assam

SURMA VALLEY

Silchar Local Board	...	Rupees 257 to Nritamayi Girls' School and Rs. 2,470 to Silchar Civil Hospital.
Hailakandi Local Board	...	Rupees 1,900 to the Hailakandi Town Committee for maintenance of schools and Rs.4,100 to the Hailakandi dispensary.

Sunamganj Local Board...	Rupees 626 to the Town Girls' School. Rupees 50 for the Cholera shed of the Sunamganj town.
Habiganj Local Board ...	Rupees 60 to the Nityamayee Chatuspathi of the Habiganj town.
South Sylhet Local Board	Rupees 120 to the Maulvibazar Chatuspathi.

ASSAM VALLEY

1. Dhubri Local Board ...	(i) Rupees 20 per month to Bidyapara Muslim Girls' Primary Maktab. (ii) Rupees 15 per month to Matri Mandir Girls' Lower Primary School. (iii) Rupees 25 per month to Hari Sava Sanskrit Toll. (iv) Rupees 1,118 per annum to Cotton Library. (v) Rupees 15 per month to Nareswar Toll.
2. Gauhati Local Board ...	Rupees 10 per month to Machkhowa Majidia Girls' School.
3. Tezpur Local Board ...	(i) Rupees 65 per month to Tezpur Assamese Girls' Middle Vernacular School. (ii) Rupees 45 per month to Tezpur Bengali Girls' Middle Vernacular School.
4. Mangaldai Local Board ...	Rupees 200 per annum to Town Boys' Middle Vernacular School.
5. Nowgong Local Board ...	(i) Rupees 15 per month to the Public Library. (ii) Rupees 6,800 as annual recurring contribution to Sadr dispensary. (iii) Maintain the Veterinary dispensary at town with an approximate annual expenditure of Rs. 2,000. (iv) Rupees 240 per annum for pay of the Lady Health Visitor attached to the Red Cross.
6. Sibsagar Local Board ...	(i) Rupees 600 per annum to Polytechnic Institution. (ii) Rupees 360 per annum to Junior Madrasa. (iii) Rupees 360 per annum to Fuleswari Girls' Middle English School. (iv) Rupees 156 per annum to Sibsagar Municipal Board. (v) Rupees 180 per annum to Sibsagar Reading Club and Library. (vi) Rupees 382 per annum to Nazira Town Committee.

7. Jorhat Local Board ... (i) Rupees 30 per month to Rai Bahadur D. C. Barua Girls' Lower Primary School.
 (ii) Rupees 15 per month to Jorhat Maktab.
 (iii) Rupees 100 to Assam Sahitya Sava for 1939-40.
8. Dibrugarh Local Board ... Rupees 30 per month to Victoria Girls' Middle English School.
9. North Lakhimpur Local Board (i) Rupees 1,000 (recurring) to the Town Girls' Middle English School.
 (ii) A grant of Rs. 2,420 to the Charitable Dispensary.

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

259. (c)—Yes.
 (d)—Yes.
 (e)—The sanction for the whole of the educational portion of the Budget has not been withheld, but in the head under grants-in-aid Rs. 2,340 was provisionally passed, pending decision on the question of withdrawal of grants to certain institutions in the Municipal area.
 (f)—Does not arise.
 (g)—No.

Excise Settlement of Sibsagar subdivision

Srijut JOGESH CHANDRA GOHAIN asked :

260 (a) Is it a fact that the Public of Sibsagar sent representations by two telegrams, one to the Hon'ble Minister of Excise, and the other to the Excise Commissioner, stating that the Excise settlement of Sibsagar subdivision for 1940-41 was seriously irregular and unjust ?

(b) If so, will Government be pleased to state what action has been taken on those telegrams ?

(c) Do Government propose to set aside the settlement and hold the Excise settlement *de-novo* during the next month ?

261. Will Government be pleased to state the names of the members of the Excise Advisory Committee there ?

262. Is it a fact that one member of the said Committee is the own brother of an Excise lessee of a joint family ?

263. Is it a fact that not a single member from the Ahom Community was taken as a member in the said Excise Advisory Committee ?

264. Is it a fact that not a single Excise shop was granted to any new Muhamadan candidate in the Sibsagar subdivision this year ?

265. Is it a fact that not a single new Ahom candidate was granted any shop this year in the said subdivision ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA replied :

260. (a)—Yes.
 (b)—A report has been called for.
 (c) and 261 to 265.—Do not arise.

Damage to pulse and mustard crops by insect pests in the North Lakhimpur subdivision

Srijut SARVESWAR BARUA asked :

266.(a) Are Government aware that the pulse and mustard crops in the North Lakhimpur subdivision have been destroyed by insect pests this year ?

(b) If so, will Government be pleased to state the extent of damage in in each mauza to each of those crops respectively ?

267. What relief, if any, do Government propose to give to the raiyats in those mauzas ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

266.(a)—Yes.

(b)—A report has been called for.

267.—What action, if any is required, will be considered on receipt of the information called for.

President of the Managing Committee of the Government Madrassa, Sylhet, and Mutawalli of the Ehia Estate

Maulavi ASHRAFUDDIN MD. CHAUDHURY asked :

268. Will Government be pleased to state—

(a) Whether the Deputy Commissioner of Sylhet is the President of the Managing Committee of the Government Madrassa, Sylhet, and also the Mutawalli of the Ehia estate of Sylhet ?

(b) Whether the Government Madrassa of Sylhet is to get annually Rs. 2,000 from the said Ehia Wakf estate for Kadaria Scholarship ?

(c) Whether nearly a sum of Rs. 13,000 to Rs. 14,000 is due to be paid by the said estate on this account ?

(d) Whether Government ever took any legal step to recover this amount ?

(e) Whether the Education Department approached the District Judge for enforcing the Mutawalli to pay up this huge sum ?

269.(a) Will Government be pleased to state whether the Deputy Commissioner, Sylhet, receives any remuneration for his work as the Mutawalli of the Khan Bahadur Ehia estate ?

(b) Is it a fact that for the management of this wakf estate, a magistrate is employed ?

(c) If so, will Government be pleased to state whether he receives any remuneration from the Government ?

270. Will Government be pleased to state—

(a) Whether it is a fact that in managing the affairs of the Ehia wakf estate, no Muslim is consulted and that the Mutawalli, the Magistrate and the Manager of the Estate are all non-Muslims ?

(b) Whether it is a fact that there had been a large number of appointments under the present new Manager of this estate ?

(c) If so, what is the number of such appointments and the number held by Muslims ?

(d) Whether from the head office of this wakf estate, Muslim staff have been altogether removed ?

- (e) Whether it is a fact that the present new Manager of the estate has been appointed against the wishes of the Muslim members of the Sylhet Alia Madrassa Managing Committee, other Muslim leaders and all the beneficiaries?
- (f) Whether it is a fact that there was a large number of Muslim candidates for the office of the said Managership?
- (g) Whether it is a fact that the said newly appointed Manager was formerly removed from the Khan Bahadur Md. Bakth Majumdar's ward estate?
- (h) Whether it is a fact that immediately after the appointment of the said new Manager, the Deputy Commissioner, Sylhet, as Mutawalli, has granted remission of rent to the extent of rupees one lakh.

271. Will Government be pleased to state—

- (a) Whether any other previous Deputy Commissioner who worked as the Mutawalli of the said Ehia Estate ever granted such remission?

- (b) If so, to what extent?

272. Will Government be pleased to state whether it is a fact that during the time of previous Deputy Commissioners as Mutawallis of the estate the time barred-rents of the estate used to be realised every year in thousands?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

268.(a)—Yes.

(b)—Yes.

(c)—A sum of Rs. 16,000 as arrear and Rs. 2,000 as current subscriptions are due by the estate to the Madrassa.

(d) and (e)—No information is available.

269.(a)—No.

(b)—No.

(c)—Does not arise.

270.(a)—Yes.

(b) and (c)—Eight appointments, viz., 1 clerk, 2 Tahsildars and 5 peons were made by the present Manager from outsiders. Of them, 4 peons are Muslims.

(d)—Of the 3 clerks in the Manager's office, one was a Muslim. During the incumbency of the present Manager, the Muslim clerk has been transferred to the Tahsil Branch with better prospects, in the interest of the Estate works.

(e)—No.

(f)—Out of 32 candidates for Managership, 8 were Muslims.

(g)—The present Manager of the wakf estate had tendered resignation of his office of Manager, Mazumdari Wards' Estate, in February 1938 as he was not pulling on well with the Wards.

(h)—Yes. Time-barred rents amounting to Rs. 98,000, accrued from before 1910, were remitted.

271.(a) and (b) —Remissions of rents to the extent of Rs. 84,302 were granted by the former Mutawallis in the course of the last ten years.

272.—Some realisations were made from time-barred rents before but the Deputy Commissioner was directed in 1933-34 to take action in the matter for writing off time-barred rents under proper authority by the then Commissioner Sir Walter Scott in his Report on the administration of Wards' Estates and the spirit of the above order was followed in the case of the Wakf Estate. Government is re-examining the position.

Posts of Assistant Superintendents of Agriculture

Srijut GAURI KANTA TALUKDAR asked :

273. Will the Hon'ble Minister in charge of Agriculture Department be pleased to state—

- (a) How many posts of Assistant Superintendents of Agriculture there are in the Province ?
- (b) How many in Assam Valley and how many in the Surma Valley ?
- (c) Whether the post of the Assistant Superintendent of Agriculture, Lower Assam, has been abolished ?
- (d) If so, whether it was done according to the recommendations of the Retrenchment Committee ?
- (e) Whether the Retrenchment Committee recommended the abolition of all the posts of Assistant Superintendents of Agriculture ?
- (f) If so, why the other posts have not yet been done away with ?

274. Will Government be pleased to state—

- (a) Why the post of Assistant Superintendent of Agriculture, Lower Assam, was singled out for abolition ?
- (b) How his functions are being done now ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

273. (a)—(f) and 274. (a) and (b).—The hon. member apparently means the Superintendents of Agriculture and the position with regard to these officers is stated below—

The Retrenchment Committee of 1931 recommended abolition of the entire cadre of Superintendents and the then Government decided to give effect to it as the permanent officers retired or were absorbed elsewhere. Subsequent to this, the Retrenchment Committee of 1938-39 reiterated the above recommendation and the Congress-Coalition Government decided in consequence not to fill up even leave vacancies in this cadre which at present consists of two officers—one on leave preparatory to retirement and the other is working as the Senior Marketing Officer.

Government Cattle Breeding Farms

Srijut GAURI KANTA TALUKDAR asked :

275. Will the Hon'ble Minister in charge of the Live-Stock Department be pleased to state—

- (a) The names of the Government Cattle Breeding Farms in the province with their respective (i) dates of starting, (ii) total expenditures on all heads and the total income up to the end of March, 1939 ?
- (b) The number of cattle supplied to cultivators and others in the province by each of these farms from amongst the cattle born and bred in each farm—mentioning the success or failure of the supplies where possible ?
- (c) Whether these farms were meant for experimental purposes ?
- (d) If so, whether the period of experiment is over ?
- (e) If the period of experiment is not yet over, when it is expected to be over ?
- (f) If those farms were not for experimental purposes, what were the main objects for which they were started ?

- (g) Whether the introduction of foreign cattle of superior breed and the improvement of the breed of the indigenous cattle can be attained by liberal distribution of stud cattle under the supervision and guidance of the Live Stock Staff ?
- (h) If so, do Government propose to take steps on these lines ?
- (i) Whether Government propose to start temporarily, small and less costly farms in the growing and important villages ?
- (j) Whether Government proposes to discontinue the existing cattle farms—keeping only one or two if necessary ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

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

		Date of starting	Total expenditure up to 31st Mar. 1939	Total income up to 31st Mar. 1939
			Rs. a. p.	Rs. a. p.
1. Khanapara Farm	...	1927-28	3,03,081 12 0	73,727 3 0
2. Sylhet Farm	...	1930-31	2,24,673 11 0	33,088 1 0
*3. Cattle Section (Jorhat Farm).		1923-24	.....	.....
*4. Cattle Section (Upper Shillong Farm).		1878-99	.....	.....

*Income and expenditure cannot be calculated as these are mixed farms.

(b)—The information is given below :—

Farms	Bulls	Cows	Young stock	Total
1. Upper Shillong Farm	24	82	57	163
2. Khanapara Farm	174	65	32	271
3. Jorhat Farm	45	23	5	73
4. Sylhet Farm	50	19	12	81

There has been complete success in the Shillong area where there are about 2,000 animals—derived from Farm bulls and cows—capable of yielding over 10 seers of milk a day. The Khanapara Farm has been able to evolve a cross type between Scinde and Assamese, the cow yielding about 6 seers of milk a day and the bullock strong enough to work a plough or a cart. The Sylhet Farm has achieved success in producing pure acclimatised Scinde cattle for milking purposes and the Jorhat Farm in producing general purpose cattle especially suitable for improving the “ khuti ” type.

(c)—Both for experimental purposes and for production and distribution of improved types of cattle.

(d)—No.

(e)—So long as there is need in the country for a better and improved type of cattle, the experiment has to be continued provided of course funds are available. An experiment is carried on until the desired result is achieved and it is difficult to say when an experiment can be expected to be over.

(f)—The hon. member's attention is invited to the reply to question (c) above.

(g)—The hon. member has presumably in mind direct distribution of such cattle and the reply is that such experiments in the past especially with cattle brought from the Punjab and Scinde had failed because of climatic differences. Since the failure of the experiments, these cattle are being used for breeding purposes to evolve cross types for distribution.

(h)—Does not arise.

(i)—A proposal to start six demonstration cattle farms was considered but could not be financed in 1940-41. It will again be considered later in the year in connection with the preparation of the budget for 1941-42.

(j)—The reply is in the negative.

Constitution of Assam Sanskrit Board

Srijut GAURI KANTA TALUKDAR asked :

276. Will the Hon'ble Education Minister be pleased to state—

(a) When the Assam Sanskrit Board was constituted and where its headquarters have been located so long ?

(b) Whether Government received a representation dated the 22nd December 1934 addressed to the Director of Public Instruction, Assam, under the signature of Rai Bahadur Kalicharan Sen and several other important inhabitants of the Assam Valley urging upon the Government, the necessity of shifting the headquarters of the Assam Sanskrit Board to Gauhati where the President lives ?

(c) If so, whether any consideration have been shown to this demand ?

(d) If not, why not ?

277. Will Government be pleased to state—

(a) Who are the present members of the said Board and who are its present office-bearers (*viz.*, President, Vice-President, Secretary, Assistant Secretaries and Treasurer) and how long each of these members and office-bearers have been in office ?

(b) Who appoints these members and office-bearers and on what principles ?

(c) Whether Government propose to make changes in the members and office-bearers of the Board ?

(d) If so, when ?

(e) Whether it is a fact that the said representation of Rai Bahadur K. C. Sen and others stated that the Assam Valley was not fairly and adequately represented in the said Board ?

(f) If so, whether Government have since increased the number of representatives of the Assam Valley and if so, how many and by whom ?

(g) If the answer to question (f) is in the negative, whether Government propose to increase the number of Assam Valley representatives without delay ?

278. Are Government aware—

(a) That the said Assam Sanskrit Board examines candidates in the subject of Ayurveda ?

(b) That there is not a single member who is versed in the knowledge of Ayurveda and who practises Ayurvedic system of treatment ?

(c) That the said representation of Rai Bahadur K. C. Sen and others made it a grievance ?

279. Will Government be pleased to state—
 (a) Whether they propose to include a member in the said Board who is well-versed in the Science of Ayurveda and its practice ?
 (b) If so, when ?
280. Will Government be pleased to state—
 (a) Whether there was an understanding that the headquarters of the said Board would be located in one Valley for some years and then it would be shifted to the other Valley ?
 (b) If so, why this has not been given effect to ?
281. Will Government be pleased to state—
 (a) Whether it is a fact that the said Assam Sanskrit Board is going to be reconstituted soon ?
 (b) If so, do Government propose to give due considerations to the complaint stated above ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

276.(a)—In 1926. The headquarters have always been at Sylhet.
 (b) & (c)—The petitioners were informed that the Director of Public Instruction regretted that he was unable to move Government for the transfer of the headquarters from Sylhet to Gauhati. The grounds are that there would be serious difficulties in removing it from the Sanskrit College where both office staff and accommodation are available.

(d)—Does not arise.

277.(a)—A statement is furnished below :—

Since 1926	...	1. Professor Lakshmi Narayan Chatterjee, Vedasastri.	President.
Since 1932	...	2. Professor Nalini Mohan Sastri, M.A.	Secretary.
Since 1926	...	3. Mr. S. C. Goswami, I.S.O., Inspector of Schools, Assam Valley Circle.	<i>Ex-officio</i> Member.
Since 1938	...	4. Dr. S. C. Gupta, Inspector of Schools, Surma Valley and Hill Districts.	Ditto.
Since 1926	...	5. Pandit Sadanan Tarkatirtha	Ditto.
Since 1935	...	6. Pandit Dayal Krishna Tarkatirtha	Ditto.
Since 1926	...	7. Pandit Akhil Chandra Tarkatirtha	Ditto.
Since 1926	...	8. Pandit Hansanath Smrititirtha	Ditto.
Since 1926	...	9. Pandit Lakshminath Sarma	...
Since 1938	...	10. Srijut Pratap Chandra Goswami	...
Since 1932	...	11. Rai Bahadur Baikuntha Nath Bhattacharyya.	...

(b)—The Director of Public Instruction. As regards the principles on which these appointments are made, the hon. member is referred to rule 6, Part I, Section 70, as amended by correction slip No. 218 at page 331 of the Education Department Rules and Orders.

(c) & (d)—The Board was appointed in 1938 and its term of office will expire in 1941, when Government will consider the question.

(e)—Yes.

(f)—No.

(g)—Government will consider the question in 1941.

278 & 279.—Enquiries are being made.

280.(a)—No.

(b)—Does not arise.

281.—The hon. member is referred to the reply to question No.277 above.

Damages caused to the cultivators by a Jan known as Sakojala

Srijut GAURI KANTA TALUKDAR asked :

282.(a) Is the Hon'ble Minister in charge of the Department of Agriculture aware that a *Jan* (Channel) known as Sakojala in the Batahgila mauza in the Kamrup district is causing great harm to the cultivators of Barkhetri-Baneykuchi, Barnagar-Baneykuchi, Nij-Baneykuchi, Rajakhat-Baneykuchi, Danguapara, Buri-nagar and some other villages by carrying away the rain water from their fields during the cultivation season ?

(b) Are Government aware that this *Jan* has changed its old course and has made a short cut through the Nij-Baneykuchi village and has fallen in the Buradia river ?

(c) Are Government aware that this *Jan* while running in its old course which passed in a round about way, could do no harm, as it could not carry the rain water swiftly as it is doing now ?

(d) Did Government receive a resolution dated the 15th April 1938 passed at a meeting of the Sako-Jala Bundh Committee requesting the Government to erect a *bundh* on the mouth of the new channel and to direct the *Jan* to its old bed ?

(e) Have Government received another representation from the cultivators of the said villages repeating the same request ?

(f) Did Government receive my letter, dated the 30th April 1938 in reply to letter No.1367-1475-E., dated the 1st April 1938, from the Deputy Secretary to the Government of Assam, Education and Local Self-Government Departments, containing suggestions for diverting the course of the said *Jan* ?

(g) If so, did Government take those suggestions into consideration and did anything in furtherance of the suggestions ?

(h) If so, what ?

(i) If not, why not ?

(j) Do Government propose to examine the proposition and undertake the action of diverting the course of the *Jan* as requested by the people ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

282.(a)—It is reported that some damages are being caused by the *Jan* referred to.

(b)—Yes.

(c)—Government have no information.

(d) & (e)—It is understood that the Director of Agriculture received the communications referred to.

(f)—Yes.

(g) & (h)—Government considered the suggestions in this respect along with many other projects concerning the whole province but owing to certain *technical difficulties* no further progress could be made.

(i)—Does not arise.

(j)—Government will consider this along with other pending projects as soon as the technical difficulties in the matter have been removed.

Investigation into the possibilities of Cotton cultivation in the Province

Babu RABINDRA NATH ADITYA asked :

283.(a) Did the Central Cotton Committee ask the Government of Assam to investigate into the possibilities of cotton cultivation in the province between 1912—1918 or at any time ?

(b) Did Government take up the question for experiment ?

(c) Did the Central Cotton Committee assure the supply of funds for the purpose ?

(d) Are Government aware of the demand for cotton stimulated by the establishment of cotton mills in the neighbouring province of Bengal ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

283.(a)—Yes.

(b)—Yes.

(c)—No.

(d)—There is no demand for rough linted Garo Cotton. The demand is for fine long-linted cotton, which is not produced in Assam.

Sugarcane plantations

Babu RABINDRA NATH ADITYA asked :

284. (a) Are Government aware that improved variety of sugarcane exists in a very small percentage in the cane plantations of the Surma Valley ?

(b) If so, what steps, if any, Government propose to take in order to popularise the cultivation of improved variety of sugarcane in that part of the province ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

284. (a) — Yes.

(b) — For some time past attempts are being made to increase the area under sugarcane in the Surma Valley by the distribution of improved varieties of sugarcane setts on the return system.

Tour of *Ex-Premier* Srijut Gopinath Bardoloi to the Tezpur Sub-division

Srijut OMEO KUMAR DAS asked :

285. Will Government be pleased to state—

(a) Whether it is a fact that the *ex-Premier* Srijut Gopinath Bardoloi went on tour to Tezpur subdivision immediately before he resigned ?

(b) Whether it is fact that the Inspector of Schools, Assam Valley Circle accompanied him throughout his tour ?

(c) Whether it is a fact that in many important places the public received the said Premier and presented him with addresses of welcome ?

(d) Whether it is a fact that during the said tour the *ex*-Premier visited many schools of important centres himself and granted holidays to those schools ?

(e) Whether it is a fact that during the said tour the *ex*-Premier was received by various schools (including teachers and students) which were situated near about the roads through which he passed ?

(f) Whether it is a fact that he granted holidays to those schools also ?

(g) Whether it is a fact that some time after the Chairman of the Tezpur Local Board issued a circular letter calling for explanation from those Pandits who granted holidays under the order of the then Premier ?

(h) Whether it is a fact that the Pandits have been threatened by that circular letter for receiving the *ex*-Premier as Education Minister ?

(i) Will Government be pleased to lay on the table a copy of the said circular letter ?

(j) Whether any action has been taken against any such Pandits ?

286. Will Government be pleased to state—

(a) Whether it is a fact that the Chairman of the Tezpur Local Board accompanied the Hon'ble Minister for Education during his recent tour in the Tezpur subdivision ?

(b) How many schools they visited ?

(c) Whether any holidays were granted to those schools ?

(d) Whether it is a fact that many school Pandits of different schools at various places in the Tezpur subdivision had to spend the whole night to protect the gates, as the Hon'ble Minister could not arrive in those schools in time ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

285.(a) to (f)—Yes.

(g) to (j)—Under the rules no holiday can be granted to any school unless it is actually visited by the official or Minister (visiting the school). If for breach of the rule any action has been taken against any Pandit, Government will not interfere as it has nothing to do with internal administration of the Board and will not adjudicate between Chairman of a Board and its employees unless the party aggrieved appeals or represents the matter to Government.

286.(a)—Yes.

(b)—Eight.

(c)—Yes.

(d)—Government have no information as no such grievance has been brought to their notice.

Question papers for Middle Vernacular and Lower Primary Scholarship Examinations

Srijut MAHADEV SARMA asked :

287. Will Government be pleased to state in whose custody, the question papers for Middle Vernacular and Lower Primary Scholarship Examinations are kept ?

288. Is it a fact that the question papers for all scholarship examinations are to be kept in the Treasury ?

289. Will Government be pleased to state where the Deputy Inspector of Schools, Tezpur, kept the question papers this year for the last Middle Vernacular and Lower Primary Scholarship Examinations ?

290. (a) Has the attention of Government been drawn to a letter in the "Assam Sevak" dated the 25th February 1940 under the caption "তেজপুৰত প্ৰাইমাৰী বৃত্তিৰ পৰীক্ষাত ভীষণ বেমেজালি" alleging that question papers for Lower Primary Scholarship Examination were out this year before the Examination time ?

(b) If so, do Government propose to enquire into the matter and take proper steps ?

291. Is it a fact that the Deputy Inspector of Schools, Tezpur, kept the question papers for Lower Primary and Middle Vernacular examination at his own residence this year ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

287-291.—The information is not available here and has been called for and will be supplied to the hon. member when received.

Kulaura High English School

Maulavi NAZIRUDDIN AHMED asked :

292. (a) Is it a fact that in 1937-38, two vacancies occurred in the teaching staff of the Kulaura High English School ?

(b) Is it a fact that Mussalmans being under-represented in the teaching staff of the school, the Mussalman members of the Managing Committee claimed both the appointments for the candidates of their own community ?

(c) Is it a fact that among the candidates, there were qualified Mussalmans including a B.A., B.T., with teaching experience for a considerable number of years at his credit ?

(d) Is it a fact that the said Mussalman B.T. is a teacher in one of the Government Aided High Schools in the Province and that he has been drawing Rs.55 per month in that school ?

(e) Is it a fact that for each of the said 2 posts, Rs.40 per month was sanctioned and the said Mussalman B.T., having agreed to join one of the posts at Rs.50 per month, some of the members of the Managing Committee made a reference with a note of dissent to the Inspector of Schools ?

(f) Is it a fact that the Inspector of Schools, Surma Valley and Hill Districts, in reply to that reference, gave his decision that the said Mussalman B.T. could be appointed on Rs.50 per month and a Mussalman under-graduate who was recommended for appointment could be appointed on Rs.30 per month ?

(g) Is it a fact that the said decision of the Inspector of Schools was disregarded and a Hindu graduate was appointed on Rs.50 per month, and the Mussalman under graduate on Rs.30 per month ?

(h) If the replies to the above questions are in the affirmative, does the Hon'ble Minister-in-charge propose to take steps to remedy the unjust actions of the school authorities as early as possible ?

(i) Is it a fact that one of the conditions under which the said Mussalman under-graduate was appointed was that he was to pass the B.A. Examination within a stipulated time ?

(j) If so, has he passed the examination within the given time ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

292. (a)—Yes.

(b)—Such a claim was made under the misapprehension that the Muslims were under-represented.

(c)—Yes.

(d)—As regards the first part the reply is in the affirmative. As regards the second part it is in the negative. He was drawing Rs.51 per mensem.

(e)—Yes.

(f)—Yes.

(g)—The Managing Committee of the school calculated and found that the Muslim community was entitled to only one out of the 2 new posts. So they appointed one Hindu (a B.A., B.T.) and one Muslim (an under-graduate) both on Rs.40. The pay of the Muslim under-graduate was subsequently reduced to Rs.30 from 1st November 1938.

(h)—Does not arise.

(i)—His B.A. qualification was made a condition of his confirmation without any time limit.

(j)—He has not yet passed the examination and he has not yet been confirmed.

Re Maulavi Muhammad Masud, Extra Assistant Commissioner, Sylhet

Babu KARUNA SINDHU ROY asked :

293. Will Government be pleased to state why Maulavi Muhammad Masud, Extra Assistant Commissioner, Sunamganj, remained in Bhatipara for a fortnight in April 1939 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

293.—An enquiry has been made. Presumably however he was deputed to deal with any disputes that might occur on the spot.

Ujirpur Lower Primary School No. 224, Sunamganj

Babu KARUNA SINDHU ROY asked :

294. Is it a fact that Rakesh Chandra Das Laskar and Rustom Ali, two teachers of the Ujirpur Lower Primary School No 224, have been dismissed and suspended after 11 years and 18 years service respectively.

295. (a) Is it a fact that the said teachers have been punished on the reports of the Sub-Inspector of Schools, Sadar Circle, Sunamganj and that their representations to the Deputy Inspector of Schools and to the Chairman, Local Board, Sunamganj, have been rejected ?

(b) If so, do Government propose to enquire and find out the real cause of such punishment and ask the Chairman, Local Board, Sunamganj, to reconsider the case of their re-instatement ?

296. Will the Government be pleased to state if any other Lower Primary School teachers in Sunamganj have been punished on the reports of the aforesaid Sub-Inspector of Schools ?

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

294-296.—Government have called for a report.

Veterinary Field Assistants

Maulavi ABDUL BARI CHAUDHURY asked :

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

- (a) The names of the Veterinary Field Assistants who have been recently recruited for training at Gauhati ?
- (b) Their home districts and the subdivisions to which they belong ?
- (c) Their respective qualifications ?
- (d) The number of applications received for the post of those Veterinary Field Assistants ?
- (e) What was the basis of selection of these Assistants ?
- (f) Who made the selections ?
- (g) Is it a fact that a son of the Hon'ble Minister for Industries has been selected for this training ?
- (h) Are Government aware, that no course of studies, or training, theoretical or practical has been prescribed for these Assistants ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

297. (a), (b) & (c)—A statement containing the information is furnished below :—

Name of Veterinary Field Assistants with their home districts and qualifications

Name	District	Subdivision	Qualifications
1. Monomohan Das ...	Sylhet ...	Sunamganj	Read up to class VI.
2. Udoi Chand Namasudra	Cachar ...	Silchar ...	Matriculation plucked.
3. Atul Chandra Das ...	Sylhet ...	Karimganj	Matriculate.
4. Lakshmi Datta Bhuyan	Kamrup ...	Gauhati ...	Class VII.
5. Hirendra Mohan Das...	Sylhet ...	Sunamganj	Matriculate.
6. Manik Chandra Hazarika.	Sibsagar ...	Sibsagar ...	Class IX.
7. Satya Brata Das Gupta	Sylhet ...	North Sylhet.	Class VIII.
8. Gauranga Mohan Das	Sylhet ...	Habiganj	Class IX.
9. Shaktikesh Biswas ...	Sylhet ...	Habiganj	Class X.
10. Benode Behari Das Gupta.	Sylhet ...	Karimganj	I. A. plucked.
11. Jitendra Chandra Chaudhuri.	Kamrup ...	Gauhati ...	Matriculate.
12. Radhanath Sarma Katakati.	Kamrup ...	Gauhati ...	Matric. plucked.
13. Rameswar Deka ...	Kamrup ...	Gauhati ...	Matriculate.
14. Jitendra Nath Sarma ...	Nowgong	Nowgong	Matriculate.

Name	District	Subdivision	Qualifications
15. Ganeswar Sarma ...	Kamrup ...	Gauhati ...	I. Sc. plucked.
16. Joynath Barua ...	Lakhimpur	North Lakhimpur.	Matriculate.
17. Ranti Ram Saikia ...	Darrang ...	Mangaldai	Matriculate.
18. Bholanath Tamuli ...	Darrang ...	Tezpur ...	Matriculate.
19. Prafulla Kumar Das ...	Goalpara	Goalpara	Class VIII.
20. Prabodh Chandra Gilson.	Garó Hills	Tura ...	Matriculate.
21. Jagadish Chandra Basumatari.	Goalpara	Goalpara	Class VIII.
22. Ananda Kachari ...	Kamrup ...	Gauhati ...	Class VI.
23. Henson Sangma (Garo)	Kamrup ...	Gauhati ...	Matric. plucked.
24. Sona Ram Hazarika ...	Lakhimpur	North Lakhimpur.	Matric. plucked.
25. Sudhir Kumar Ghosh Roy Chowdhury.	Darrang ...	Tezpur ...	Matriculate.
26. Md. Rafunuddin ...	Sylhet ...	Sunamganj	Matriculate.
27. Abdur Rashid ...	Sylhet ...	Karimganj	Class IX.
28. Habibur Rahman ...	Sylhet ...	North Sylhet	Matriculate.
29. Md. Ramizuddin ...	Nowgong	Nowgong	Matriculate.
30. Md. Harroz Ali ...	Kamrup ...	Gauhati ...	Read up to I. A. 1st year.
31. Md. Amsher Ali ...	Nowgong	Nowgong	Matriculate.
32. Syed Abdur Rahman Kazi.	Kamrup ...	Gauhati ...	Matriculate.
33. Abdul Gani ...	Sibsagar ...	Sibsagar ...	Class IX.
34. Mutlubar Rahman ...	Kamrup ...	Gauhati ...	Matric. plucked.
35. Sirajuddin Ahmed Laskar.	Cachar ...	Silchar ...	Matriculate.
36. Md. Maksid Ali ...	Kamrup ...	Gauhati ...	Matric. Standard.
37. Barada Kanta Goswami	Darrang ...	Tezpur ...	Class VII.
38. Jogendra Chandra Das	Kamrup ...	Gauhati ...	Class X.
39. Dehi Ram Borah ...	Sibsagar ...	Jorhat ...	Matric. plucked.
40. Md. Majidur Rahman	Goalpara	Dhubri ...	Matriculate.
41. Gunadhar Das ...	Sibsagar ...	Sibsagar ...	Class X.
42. Bepin Chandra Baruah	Kamrup ...	Gauhati ...	Class X.
43. Surendra Nath Roy Chaudhury.	Kamrup ...	Barpeta ...	Class IX.

The Hon'ble Maulavi MUNAWWAR ALI replied :

297. (d)—1,355.

(e)—Representation of all communities as far as possible, limiting educational qualifications up to Middle English Standard.

(f)—Government.

(g)—Yes, if the hon. member refers to the *ex-Hon'ble* Minister, Industries.

(h)—No. The stipendiaries have been given a regular practical training with necessary instructions for the work for which they were meant, *e. g.*, dressing of wounds and sores, casting, securing bandaging, etc., of animals, castration with Burdizzio's castrators, inoculation and vaccination of cattle.

**Number of appointments held by different communities in the
Forest Department, Assam**

Maulavi NAZIRUDDIN AHMED asked :

298. (a) Has the attention of Government been drawn to an article published in the *Naquib*, dated the 28th December 1939, regarding the alleged supersession of claims of the Muslim Community in the Assam Forest Department ?

(b) If so, will the Hon'ble Minister in charge of Forests be pleased to state the total number of officers serving in each of the following cadres showing the number of Christians, Hindus and Muslims in each case—

- (i) Indian Forest Service,
- (ii) Extra Assistant Conservator of Forests,
- (iii) Rangers,
- (iv) Deputy Rangers,
- (v) Foresters, and
- (vi) Clerks.

299. Will Government be pleased to state—

(a) The number of posts in each cadre in the Forest Department to which each community is entitled according to the principle of proportionate representation of various communities in public services and to what extent they are represented at present ?

(b) The measures Government propose to adopt to secure services for the under-represented communities in future vacancies in the said Department ?

300. (a) Is it a fact that in supersession of the claims of Senior Extra Assistant Conservators, one Engineer was appointed in the Indian Forest Service and one Junior Extra Assistant Conservator was promoted to the Indian Forest Service cadre and is still holding that temporary post ?

(b) If the answers are in the affirmative, will the Government be pleased to state if they will remedy these as early as possible ?

301. Will Government be pleased to refer to pages 96-97 of the Assam Civil List corrected up to the 1st November 1939 and state if they propose to abolish the post of one temporary Deputy Conservator of Forests mentioned therein as a measure of economy ?

302. (a) Is it a fact that recently some vacancies occurred in the cadre of the Extra Assistant Conservator of Forests ?

(b) If so, do Government propose to fill up the said vacancies by Muhammadans, both by promotions and by direct recruitment ?

303. Will Government be pleased to state whether they propose to frame rules so as not to keep officers of the Forest Department in unhealthy centres for over a year ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

298. (a)—Yes.

(b)—A statement is furnished below :—

Statement showing the number of appointments held by different communities in the Forest Department, Assam

Designation	Hindus	Muslims	Christians	Brahmo	Remarks
Indian Forest Service ...	5	...	6	...	
Extra Assistant Conservators of Forests.	9	1	2	1	
Rangers ...	40	3	3	...	
Deputy Rangers ...	55	9	1	...	
Foresters ...	115	61	13	...	
Clerks ...	40	18	2	...	
Forest Veterinary Assistant Surgeon.	...	1	...	...
Total ...	264	93	27	1	

299. (a)—A statement is furnished below :—

Statement showing the number and percentage of posts held by each community in the Forest Department

Name of cadre	Total number of posts in each cadre	Number of appointments to which community is entitled				Number of posts at present held by each community				Remarks
		Hindus	Muslims	Christians	Brahmo	Hindus	Muslims	Christians	Brahmo	
Indian Forest Service.	11	3·8	3·4	..	..	5	..	6	..	
Extra Assistant Conservators.	13	4·5	4	..	..	9	1	2	1	
Rangers ..	46	16	14·2	..	..	40	3	3	..	
Deputy Rangers	65	22·7	20·1	..	..	55	9	1	..	
Foresters ..	189	66	58·5	..	..	115	61	13	..	
Clerks	60	21	18·6	..	..	40	18	2	..	
Forest Veterinary Assistant Surgeons.	1	35	31	..	..	..	1	..	..

(b)—Recruitment to the Indian Forest was stopped a number of years ago. In the case of other services to which recruitment is made, it is the policy of Government to rectify inequalities as and when recruitment is undertaken.

300. (a)—An officer of the Indian Forest Engineering Service was transferred to the Indian Forest Service many years ago by the then administration. An officer of the Provincial Service was appointed to a temporary post on the scale of the Indian Forest Service before the Government of India Act, 1935, came into force. He is still holding such a post pending the establishment of the new Assam Forest Service.

(b) The question is not understood. The Assam Government are not concerned with appointments formerly made by the Secretary of State. The various questions involved in the establishment of the new service are engaging their attention.

301. This question is, as already stated, under consideration in connection with the new service.

302. (a)—No. One officer of the Provincial Forest Service died, but the cadre proposed at present for the new service is complete, as there was one officer in excess.

(b)—Does not arise.

303.—This is not a matter susceptible of reduction to rule. There are no doubt many degrees of comparative unhealthiness.

Re Assam Government Press

Maulavi JAHANUDDIN AHMED asked :

304. Will Government be pleased to state—

- (a) The number of Readers in the Government Press, Shillong ?
- (b) The number and names of the Senior Readers there ?
- (c) Whether the Readers are required to show the amount of work in their daily outturn book ?
- (d) Whether Babu D. K. Das is a Senior Reader there ?
- (e) If so, whether he is to show in his daily outturn book the amount of work he does daily ?
- (f) If the reply to question 304(e) above is in the affirmative will Government be pleased to lay on the table a copy of outturn of the said Reader from 1st April 1939 to 31st January, 1940 ?
- (g) Whether the said Reader is allowed any overtime allowance in his capacity as one of the members of the Supervising Staff.
- (h) If so, is it admissible ?
- (i) The amount drawn by the said D. K. Das, who is allowed to work in the Supervising Staff, as overtime allowance since 1st April 1939 to the 31st January 1940, month by month ?
- (j) Since when the Reader in question is exempted from showing his daily outturn and allowed to work in the Supervising Staff and whether any sanction of Government was taken in the matter ?
- (k) Whether Government have received any memorial from the General Foreman of the Press, for depriving him of his duties by allowing the said Babu D. K. Das, a Reader, to interfere with the works of the General Foreman ?

305.(a) Are Government aware of a prayer by the Assam Government Press Industrial Association, for a room to be provided for its Registered Office ?

(b) If so, when the Government is going to give effect to their prayer ?

(c) Is it a fact that the said Press Association is a Registered and Government recognized body ?

306. Do Government propose to direct the Superintendent of Press to give due regard to the legitimate activities of the Association in consultation with its officers ?

307.(a) Is it a fact that Government has sanctioned 10 Distributors to cope with the work and supply necessary types and materials to the Compositors ?

(b) If so, why the Compositors are forced by the Superintendent to do the works of the Distributors without giving them their emoluments on their class rates as Compositors which are provided in the Government Hand Book ?

308. Do Government propose to revive the posts of Distributors in the Government Press and issue necessary orders to appoint those persons who were the Distributors at the time while these posts were abolished ?

309.(a) Are Government aware of various appeals and memorial from the employees of the Government Press for supersession, dismissal, arbitrary withholding of wages and forcibly compelling superior Government servants to do the work of inferior servants ?

(b) If so, what measure Government propose to adopt to put an end of such activities and high-handedness of the officer concerned ?

310.(a) Is it a fact that the Surma Valley-Shillong Press Workers' Conference have passed certain resolutions regarding the grievances of the Assam Government Press employees?

(b) If so, when Government propose to take them into account?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

304.(a)—Seven, who are helped by two Revisers and seven copyholders.

(b)—There are two Readers in the senior-most grade, Babus Mahendra Chandra Purkayastha and Digendra Kumar Das.

(c)—Yes, so far as the work on which they are engaged by the Superintendent is actual reading.

(d) & (e)—Babu D. K. Das is a senior Reader but is not at present required to show a daily outturn of reading work because he is specially occupied by way of *liaison* between the composition room, the standing form branch, the reading section and the Press and Machine Branch to co-ordinate their work. This arrangement, which was made in order to improve the efficient working of the Press, has enabled the Press to carry on without additional staff so far and without any additional cost, though the work constantly increases.

(f)—Does not arise.

(g)—He draws his overtime allowance as a Reader when he actually works overtime. At present he is hardly drawing any overtime as he is now in charge of the reading section as well as his ordinary duties. He is not a member of the Supervising staff except when he is acting as Reader in charge.

(h)—Yes.

(i)—As already stated, he is not a member of the Supervising Staff.

(j)—Since last budget session.

(k)—A memorial was received by the late Ministry and another has been received by the Superintendent a few days ago.

305.(a)—Yes.

(b)—The question is under consideration.

(c)—It is a Registered Union.

306.—Government will always give due consideration to the representations of the Association forwarded through the proper channel, i.e., the Superintendent of Press, who is not and cannot be a member of the Association.

307.(a) & 308.—The question of reappointing a staff of Distributors is under consideration.

307.(b)—Government ordered abolition of the cadre of Distributors in 1937 and directed the present arrangement. There is no question of the Compositors being forced to do the Distributor's work by the Superintendent. Such distribution work as has still to be done, now that the type caster is fully employed, is done in practice by all Compositors, except three, on the piece rates of distributors. There is no class rate for distribution work, nor would it be possible to have one in operation.

309.(a)—A number of representations dealing with one or more of these allegations have been received from time to time.

(b)—All such representations have been dealt with as they came to Government.

310.(a)—Government have not received any such resolutions.

(b)—Does not arise.

Re Arrangement of Business for the disposal of the Assam Money-Lenders' (Amendment) Bill, 1937, by Maulavi Abdul Aziz

The Hon'ble the SPEAKER: Order, order. We have devoted the whole question hour to questions. So item No. 20 (consideration of further amendments to the amendments made by the Assam Legislative Council on Maulavi Abdul Aziz's Assam Money-Lenders' Amendment Bill, 1937, if time permits) which was specially fixed up for being taken up after questions had been answered, will not be taken up and cannot be taken up.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: Will it not be possible to take up item No. 20 after the Assembly is over to-day? It will only take a few minutes' time.

The Hon'ble the SPEAKER: No. The hon. member will kindly remember that when we postponed this matter the other day, Mr. Mookerjee was making a speech. He said that he would take at least 20 minutes more to finish his speech. I do not know whether any other member will follow him. Therefore, I think, the hon. member cannot say that this matter will take only a few minutes.

Babu RABINDRA NATH ADITYA: It seems that there is no chance of the two Tenancy Bills being finished to-day. It is highly desirable that these two Bills be passed by this House during the course of this session. The Ministers' Salaries Bill was given precedence over these two Bills, so there is very little time left. May I know from the Hon'ble the Premier if it is possible to convene a session by the first week of May for the purpose of the Tenancy Bills?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will consider the suggestion. It is impossible for me to make a statement off-hand.

Srijut GOPINATH BARDOLOI: We are not taking up the two Tenancy Bills, the Assam Money Lenders' (Amendment) Bill and the Temporary Postponement of Execution of Decrees Bill.....

The Hon'ble the SPEAKER: The Assam Money Lenders' (Amendment) Bill cannot come up now, because this is a private members' Bill. Moreover it was arranged that it would be taken up after questions if there was time available within the question hour. Government business must have precedence over private members' business.

Srijut GOPINATH BARDOLOI: I quite agree to the Temporary Postponement of Execution of Decrees Bill being taken up. But after that, we may, with the consent of the House, take up the other unfinished Bill, viz., the Money Lenders' Bill even if it were a private Member's Bill.

The Hon'ble the SPEAKER: The Temporary Postponement of Execution of Decrees Bill is the first item to be taken up.

Srijut GOPINATH BARDOLOI: We can take up these Bills before the Tenancy Bills are taken up.

The Hon'ble the SPEAKER: We shall see. Let us proceed with the business now.

Reply from Lord Zetland, the Secretary of State for India, in connection with the message sent by the Assembly on the death of Sir Michael O'Dwyer.

The Hon'ble the SPEAKER: In reply to the message which this House sent to the Secretary of State, Lord Zetland, in connection with the Caxton Hall incident we have received the following message from his Lordship:—

"Kindly convey to members of the Assam Legislative Assembly my appreciation of their message and warm thanks for kind sentiments expressed by them—Zetland."

Re Arrangement of business for the disposal of the Assam Maternity Benefit Bill, 1940 and the Assam Embankment and Drainage Bill, 1940

Mr. D. B. H. MOORE: Sir, may I be permitted to request that items 16 (The Assam Maternity Benefit Bill, 1940) and 17 (The Assam Embankment and Drainage Bill, 1940), in the List of Business be taken up after item 5 (The Temporary Postponement of Execution of Decrees Bill, 1938). They will take very little time to deal with.

The Hon'ble the SPEAKER: It entirely rests with Government. If the Hon'ble Premier thinks that these items should be taken up, that may be done. Government have fixed the course of business for to-day. Therefore it entirely rests with Government to decide whether these items should be taken up or given precedence over other items.

Re Supply of explicit answers to questions

Mr. BAIDYANATH MOOKERJEE: May I make a submission, Sir? In reply to unstarred question No.232 the answer has been given in a very clever way. I hope that such courtesy will be shown to other questioners also. May I know if Government is justified in giving answers in this way? Is that an answer at all, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No other answer could be given because very minute details were asked for. The questions were about the number of tea gardens in the Habiganj subdivision. How many of them were European concerns, the number of employees in each of the European tea gardens, the number of Muslim employees in each of them and the number of Muslim employees in each of them from the Habiganj subdivision were asked for.

Mr. BAIDYANATH MOOKERJEE: That is not my point. To this question, the reply was that particulars have been called for, but will require time for collection. My point is this that the same kind of courteous reply that has been given in this case might be extended to other questions as well.

The Hon'ble the SPEAKER: Let us now proceed with the business in the order paper.

Presentation of the authenticated Schedule of authorised Expenditure for the year 1940-41

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to present the authenticated Schedule * of authorised expenditure for the year 1940-41.

The Schedule has been laid on the table of each hon. member.

* See Appendix I

Presentation of the authenticated Schedule of authorised expenditure in relation to Supplementary Demands for Grants for the year 1939-40

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to present the authenticated Schedule* of authorised expenditure in relation to Supplementary Demands for Grants for the year 1939-40.

The schedule has been laid on the table of each hon. member.

Government motion for re-constructing the Tinsukia Hospital

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I beg, Sir, to move that this Assembly advises Government to accept the offer of Babu Surajmall Jalan, M.B.E., to rebuild the Tinsukia Hospital in accordance with the terms of the Scheme† of which a copy has been laid on the table.

The Hon'ble the SPEAKER: Motion moved:

"That this Assembly advises Government to accept the offer of Babu Surajmall Jalan M.B.E., to rebuild the Tinsukia Hospital in accordance with the terms of the Scheme† of which a copy has been laid on the table."

Srijut GOPINATH BARDOLOI: There can hardly be any debate about this matter. I would like to get from the Hon'ble Minister more detailed information as to the whole thing. I would request the Hon'ble Minister to place before the House the circumstances under which this sum has been accepted, I mean about this donation. We, of course, do not find any difficulty in agreeing to this proposal but we would like to know the whole circumstances about it, since after we left office.

The Hon'ble the SPEAKER: A copy of the scheme has already been circulated to each hon. member. If the hon. Leader of the Opposition wants to know anything outside the scheme, then of course the Hon'ble Minister may supply him with that information.

Babu RABINDRA NATH ADITYA: What is the purpose in placing this scheme before the House? There are other schemes also for which Government receive contributions and accept them without any vote of the Assembly. But why in this particular instance has this motion been made?

The Hon'ble the SPEAKER: Very well, the Hon'ble Minister will explain the whole position.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: May I know what the hon. member wants to know from Government? As far as I understood him, perhaps he wants to know why this scheme has been placed before the House. If that is his point, then I would say that the scheme has been placed for the information of the House, and...

The Hon'ble the SPEAKER: For mere information, a motion is not necessary. Government have come forward with a motion. The hon. member wants to know why this motion is necessary?

* See Appendix J.

† See Appendix K.

The Hon'ble Maulavi Saiyid Sir. MUHAMMAD SAADULLA : Mr. Speaker, Sir, there is a history behind this motion. During the time of the first Ministry of my humble self, a proposal was received from the Dibrugarh Local Board that a magnanimous offer of a rich Marwari merchant, namely Babu Surujmall Jalan, M.B.E., who wanted to construct a hospital at his own cost at Tinsukia, should be accepted, and that Government should lend an Assistant Surgeon to man that hospital. The question of maintenance in future years cropped up and during that time the Local Board proposed that a Government Assistant Surgeon be lent to the Local Board. There was some difference between the donor and the proposal of the Local Board. The then Minister-in-charge, my hon. friend Rev. Nichols-Roy, personally went to Tinsukia and had discussions with the donor as well as the Local Board. Things were shaped for a settlement when we resigned. Later on when my hon. friends of the Congress-Coalition Ministry came into power, they also had a discussion with the Local Board and Mr. Jalan. They arrived at a settlement, the terms of which are embodied in the scheme that the Dibrugarh Local Board should, with the permission of Government, be allowed to substitute the Government Sub-Assistant Surgeon there by a doctor of their own as soon as there was a vacancy in which the Sub-Assistant Surgeon could be absorbed. "The donor will construct a hospital consisting of (i) a male ward, (ii) a female ward, (iii) an operating theatre, (iv) isolation wards, (v) a mortuary, and staff quarters consisting of the items given in the scheme." All the buildings mentioned are to be *pucca* and built according to plans and specifications supplied by the Civil Surgeon, at a cost which should not exceed Rs.33,169.

The question that had to be decided was who should be responsible for the finances of the hospital, and who should have the custody of the hospital fund. This point was also settled during the time of the late Ministry. The present proposal is that "the Provincial Government will loan the services of a Sub-Assistant Surgeon, and will make a compensatory grant to cover in full the contribution required on account of his services; and they will be prepared to consider at a later date should it prove necessary, the provision of a second Sub-Assistant Surgeon on similar terms. They will also, on the understanding that the following contributions are annually made by the parties concerned, *viz.*, the Dibrugarh Local Board—Rs.2,000, the Tinsukia Municipal Board—Rs.1,000, the Donor—Rs.250, make such a grant as may be necessary to cover any deficit, subject to a maximum of Rs.1,000 per annum".

It is on account of this financial responsibility of Government that the motion has been placed before the House. Tinsukia is becoming a big commercial centre, it is growing in population, and a dispensary is indispensably necessary there. Considering all these things, when the magnificent offer of the donor was received it was proposed to be accepted by all parties including the Dibrugarh Local Board and the Tinsukia Municipal Board, and my hon. friend the Leader of the Opposition, when he was Premier, accepted these very terms. It is on account of the financial responsibility, that the Government should lend the services of a Sub-Assistant Surgeon, and also if there be a deficit in the funds, would reimburse the Hospital Committee to the extent of Rs.1,000, that this motion has been moved in the House.

Babu RABINDRA NATH ADITYA : Perhaps, I am not quite clear. My point was that Government generally undertake recurring liabilities even without consulting the House. They only come forward with a demand for grant and ask the House to vote the supplies, and it is presumed that the House has consented to the various proposals embodied therein if the demand

is granted. In this particular instance the Government want the House to consider the matter separately. I want to know the reasons for this deviation from the ordinary rules and standing orders of Government. Of course, if it is not covered by the general rules and regulations then it may be necessary for Government to get sanction of this House. Otherwise there is no necessity for getting the sanction of this House. Generally Government undertake financial responsibilities, both recurring and non-recurring, without the previous consent of the House. So, my question is whether in this particular instance there has been any deviation from the rules.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My learned friend knows fully well that so far as Government dispensaries are concerned, Government make provision in their Budget and request the House to vote the supplies. So far as grants to local bodies are concerned, the demands are put down as contributions to Local Boards. We had heard earlier this morning from my hon. friend the Chairman of the Gauhati Local Board that they were not getting any grant for medical purposes. So far as this dispensary is concerned, the Local Board wanted to improve it, but they had no finance. The charitable merchant has come out with a big donation, and they wanted to convert it into a well equipped hospital. It is apprehended that the limited resources of the three combined, i.e., the Local Board of Dibrugarh, the Tinsukia Municipal Board and the donor, may not be sufficient, and so an extra sum of Rs.1,000 is being provided, as the maximum liability of the Government, and as this is an extraneous grant, the vote of the House is being solicited.

Mr. NABA KUMAR DUTTA: On a point of information, Sir. May I enquire if this Dispensary will be in charge of a Sub-Assistant Surgeon and not an Assistant Surgeon?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The scheme proposes a Sub-Assistant Surgeon, Sir.

The Hon'ble the SPEAKER: The question is :

"That this Assembly advises Government to accept the offer of Babu Surajmall Jalan, M.B.E., to rebuild the Tinsukia Hospital in accordance with the terms of the Scheme of which a copy has been laid on the table".

The motion was adopted.

The Temporary Postponement of Execution of Decrees Bill, 1938

Clause 3

The Hon'ble the SPEAKER: Now we shall take up the consideration of the Temporary Postponement of Execution of Decrees Bill, 1938 clause by clause. Babu Karuna Sindhu Roy to move his amendment with regard to clause 3.

Babu KARUNA SINDHU ROY: Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 3, after the words "Civil Court" occurring in the fifth line, the words "on the basis of a liability incurred before the passing of this Act" shall be inserted.

If past liabilities incurred before the passing of the Act are not included in the proceedings for the execution of decrees, the enactment of this piece of legislation will become futile. A very few of the agriculturist will get benefit from such measure. So my request to hon. members of this House is to press for the inclusion of the above phrase which was deleted by the Select Committee.

The Hon'ble the SPEAKER : Amendment moved :

"That in sub-clause (1) of clause 3, after the words 'Civil Court' occurring in the fifth line, the words 'on the basis of a liability incurred before the passing of this Act' " shall be inserted.

Mr. BAIDYANATH MOOKERJEE : Mr. Speaker, Sir, I think the whole object of inserting this clause is to give retrospective effect about this vexed point. I think, it is needless to add anything more to what I and many other hon. members have already said on the floor of this House. Sir, after carefully considering all sides of the question, the Select Committee unanimously decided to delete this portion. Now my hon. friend the mover wants to insert the same wordings again in the body of the Bill. Sir, as I said before that in inserting these words there is nothing behind the mind of the hon. mover but to place before the House the clause as it was embodied in the original Bill itself. So, Sir, when the question of retrospective effect is coming in here again I oppose this amendment, and I hope the hon. members will consider whether in such a case retrospective effect should be given at all.

Babu RABINDRA NATH ADITYA : Mr. Speaker, Sir, I support the motion of my hon. friend Babu Karuna Sindhu Roy. The Bill was sponsored by the Government with a view to remove the difficulties of the peasantry in which they were flung. The piteous condition in which they were plunged was the primary consideration which made the Government to sponsor the Bill. So if this Bill fails to solve the problem that was in existence when the Bill was originated the whole object of the Bill will be frustrated. The principal difficulty which the present Bill seeks to tackle is the present financial condition of the agriculturists under which they cannot clear up their past liabilities and decrees. To give them breathing time to tide over their present difficulties, period of moratorium has been provided for in this Bill. This is why it is all the more necessary that all the past decrees should be brought within the purview of this Bill. Sir, at the present time though the tenants may be a bit in a better condition in view of the rise in prices, it is extremely difficult for them to pay up their past liabilities and these decrees should be put off for a certain period till better days come. In that view of the case I have to support this motion, and I think it is quite reasonable that the amendment of my hon. friend Babu Karuna Sindhu Roy should be accepted by all sections of the House.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI :** Mr. Speaker, Sir, in the original draft of the Bill, the amendment as proposed by my hon. friend Babu Karuna Sindhu Roy was embodied, but in the Select Committee stage, the Committee found no reason to differentiate between the liabilities incurred before or after the passing of the Bill. So in the Committee this provision was deleted. And as for myself, I do not understand the force of the argument that has been advanced by Mr. Aditya. The position remains the same if these wordings are not even included.

So with these few remarks, I oppose the motion.

The Hon'ble the SPEAKER : The question is :

"That in sub-clause (1) of clause 3, after the words 'Civil Court' occurring in the fifth line, the words 'on the basis of a liability incurred before the passing of this Act' shall be inserted".

The motion was negatived.

Babu RABINDRA NATH ADITYA: Sir, I beg to move that the explanation after sub-clause (4) of clause 3 shall be deleted.

Mr. Speaker, Sir, the explanation was inserted with a view to exclude the rent decrees from the operation of this Act. This is the age of trans-valuation of values. The views that were held with regard to rent decrees must be changed and new values put. The decrees of a landlord should not be placed in a better position than the decrees of other creditors. What is the justification for treating the rent decrees on a different basis? It is also a question of contract between the landlord and the tenant just as there are other contracts between the money-lender and the debtor. Then should be dealt with specially.

Of course there are tenancy laws which regulate the relationship between the landlord and the tenant. But tenancy laws are enacted primarily for the benefit of the tenant. That is why rent suits were treated specially with a view to give relief to the tenantry. But it seems that the Select Committee have placed an extra premium on the rent decrees of the landlords. The tenants are primarily suffering on account of heavy arrears of rent specially in the district of Sylhet where the rental is high and failure of crops and diminution in the prices have all led to the accumulation of heavy arrears of rent.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir, is this Act meant for the Sylhet district only where the rent is very high?

Babu RABINDRA NATH ADITYA: In the district of Sylhet, the number of tenantry would be a little less than 3 millions and I have the experience of the district of Sylhet. I cannot say with first hand knowledge of other places.

Mr. BAIDYANATH MOOKERJEE: Then to leave a bad case.

Babu RABINDRA NATH ADITYA: Only a fraction of the debtors would be benefited by this Act if rent suits are excluded. I am reminded of a story which I may give to elucidate my point. A man was bitten by a snake and when the *Sraddha* ceremony came in, some Pandits appeared on the scene and enquired where the person was whose funeral they had come to perform. They were told that the man died of snake bite and the Pandits asked in which part of the body the snake had bitten him. The reply was that the snake bit the man in the eye brows. The Pandits said, "thank God, the eyes have been saved". If this can be called saving the eyes then this Bill may as well be saving of the tenants similarly with rent decrees excluded. Ninety per cent. of the debtors are debtors with respect to rent. So if this Act is meant for anybody it should primarily be meant for the tenants. That is why I would request all sections of the House to consider whether this Bill is intended to benefit the tenants. But if you exclude rent suits how could you help them? I would specially invite the attention of the Government Benches.

The Hon'ble the SPEAKER: Does not the hon. member want that money decrees should be interpreted to include also rent decrees?

Babu RABINDRA NATH ADITYA: That is my intention. Rent decrees should be placed in the same footing as other money decrees.

This is why I request all sections of the House that if their sympathy for the raiyats is genuine they must all unanimously lend their support to the deletion of this clause so that the rent decrees may be included within the orbit of the Act and there should be no invidious distinction made

between money decrees and rent decrees. With these words, I commend my motion for the acceptance of this House.

The Hon'ble the SPEAKER: Amendment moved :

"That the explanation after sub-clause (4) of clause 3 shall be deleted".

Then comes amendment No. 9 standing in the name of Babu Karuna Sindhu Roy. That amendment has also got the same object in view as amendment No. 8 moved by Mr. Aditya, but there is a little difference. Whereas Mr. Aditya wants to leave it to interpretation only whether rent decrees should be included in the expression money decrees, Mr. Roy wants explicitly that money decrees shall include rent decrees. Therefore both the amendments will have to be voted upon. The first question for the House to decide is whether rent decrees should be included in money decrees and the next is whether it should be done impliedly or explicitly. Therefore there is the necessity for both the amendments to be moved.

Babu KARUNA SINDHU ROY: Sir, I beg to move that in the explanation after sub-clause (4) of clause 3, the word "not" occurring in the second line shall be deleted.

Of all the grievances those are placed before us when we go amongst the tenant agriculturists, the burden of arrear rent is the common factor. In these days of economic depression, payments of arrear rent by the tenants in the permanently-settled areas are an impossible task. It is beyond the means of the most of the tenants of the Sylhet district to pay arrear rents which have accumulated. If rent decrees are executed against them most of the peasants will totally be annihilated. From 1937 up till now the Kishans of the Surma Valley are adopting resolutions in the provincial conference, district conference and *thana* conference demanding the cancellation of arrear rents. Under these circumstances there should be clearly defined in the Bill that the rent decrees also should be included in the money decrees. May I remind the hon. members of the House who advertise themselves when they go to their constituencies that they would give their active support to the demand of the Kishans for the cancellation of arrear rents to vote for my motion. Specially I request the hon. members who come from my Subdivision to vote for my motion because there are persistent demands from their constituencies for the cancellation of the arrear rents. With these words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved :

"That in the explanation after sub-clause (4) of the clause 3, the word 'not' occurring in the second line shall be deleted."

A debate may now follow on these two amendments.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, the whole idea behind deleting the explanation and also keeping the whole thing only deleting the word "not" is that the money decrees passed by the Court will include decrees for arrears of rent also, *i.e.*, rent decrees should also be included in money decrees. Sir, I propose to say just a few words relating to only one point and the point is this: What is the cause of rent decrees? Generally after how many years a landlord goes to the Court for his dues? Sir, it is well-known to all hon. members of this House that rent suit is filed in the Court only in the fourth year, that is when the rent for the past three years as well as the current year is in arrears.

Maulavi ABDUR RAHMAN: The Deputy Leader of the Opposition is reading a book. Is he in order? Is he following the debate? (*Laughter*).

Mr. ARUN KUMAR CHANDA: I know my friend is a conscientious objector to reading of books. I am comparing the condition of Persia with that of India. Persia also is in a very bad financial state so far as the masses are concerned. (*Laughter*).

The Hon'ble the SPEAKER : Newspapers and books which have no connection with the subject under discussion should not be read. But the hon. the Deputy Leader of the Opposition has assured me that he is reading this book for the purpose of this debate.

Mr. BAIDYANATH MOOKERJEE : When a landlord has waited for four years and when he cannot realise his dues from the tenants he goes to the Court and at least after another year he gets a decree against the tenant. If after waiting for 5 years the landlord cannot realise his legal dues passed by the Court, Sir, I request the hon. members to think of the poor landlord also. Now-a-days it is quite well-known that the landlords borrow money to pay their Government revenue and on the sale date it is found that large number of small landowners cannot deposit their dues and their estates are sold. Sir, if it is desirable and if it is thought just and equitable that one section of the society should be given all sorts of relief and the other section should be ruined in that case of course my reasonings will be of no avail. But if it is the policy of the hon. members to make adjustments between different sections of the society and to give relief to all, I believe the decrees for arrears of rent should not be included in money decrees. Sir, with these words I oppose the amendments.

Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir, in this connection I would like to make a few observations which I am sure will be helpful to the Hon'ble Minister when he gives his reply to the amendments moved by two hon. members on this side of the House. I remember aright, he informed us when this Bill was discussed only the other day that Goalpara and Sylhet Tenancy Bills are two provisions which would give specific relief to the tenants of the province and till those measures are passed the Temporary Postponement of Execution of Decrees Bill will provide the temporary relief to the tenants. Sir, I would ask him to remember that, if such was the view of the Government, it would be inconsistent for the Government to oppose the amendments, moved by my hon. friends. If such decrees are excluded from the purview of this Bill how can he suggest that the tenants would get any relief by the Bill how this Bill ? So, I hope, Sir, that before he makes up his mind to support or to oppose the amendment moved by my hon. friends he will remember the statement which he himself made on the floor of this House only a few days ago. If there is any truth in what he said, Sir, consistency demands that he should support these amendments. He should also realise that if rent decrees are excluded from the money decrees the tenants, in whose interest this Bill has been sponsored and in whose interest Government want to pass this legislation, will not get any relief whatsoever. That Government will do justice to the people for whom they have sponsored this Bill. I hope, Sir,

Mr. BAIDYANATH MOOKERJEE : On a point of information from my hon. friend Mr. Fakhruddin Ali Ahmed. Am I to understand that the tenants have got against themselves only decrees for arrears of rent and that they have no other decrees due to other causes ?

Mr. FAKHRUDDIN ALI AHMED : Yes, they have got other decrees also but they have got decrees mostly on account of arrears of rent.

Mr. BAIDYANATH MOOKERJEE : As he is saying that the tenants have mostly rent decrees against themselves will the hon. member exclude other decrees from present consideration ? He was practically misleading the House, Sir.

Babu NIRENDRA NATH DEV : Mr. Speaker, Sir, I beg to support the amendment moved by my hon. friends. So far as I have been able to study the agrarian movement in my part of the country, I ascribe

the whole movement mainly to accumulated rent. Of course, there are other items in the agenda of Kishan movement such as preparation of record of rights and some other minor demands, with regard to tenancy. I think, Sir, the whole movement had its inception mainly from this accumulated rent. From the year 1928-29, economic depression set in and for all these years the Zemindars have been instituting rent suits and carrying over arrear rents from year to year but practically speaking most of these arrear rents are remaining unrealised. Now when the tenants are not in a position to clear the accumulated rent, why should not the Government put them on clean slate by wiping out all the arrear rent? I should like to mention here that the Congress Government in Madras had, by an ordinance, given that sort of relief to the peasants there. As far as I remember, my hon. friend Babu Harendra Narayan Chaudhuri gave a suggestion in connection with the tenancy Bill to Mr. Fakhruddin Ali Ahmed when he was the Revenue Minister to make some such provision by which the arrear rents could be wiped off. If that is not possible, I do not see why some relief should not be given to the tenants in the matter of arrear rents by this Bill? As has been pointed out by my hon. friends who spoke on behalf of this motion, practically the major portion of the financial burden over the tenants is due to this accumulated rent and I think, Sir, if we want to give relief to the peasants, we should deal firstly with this question of accumulated rent and try to give some relief to them. With these words, Sir, I support the amendments of my hon. friends.

Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY : Mr. Speaker Sir, অদ্য গভর্ণমেন্ট যে ডিগ্রি স্বীকৃত বিল এই হাউসে উপস্থিত করিয়াছেন সেই বিল আমি অন্তরের সহিত সমর্থন করি কেননা আমি জানি যে মহাজন শ্রেনীর উৎপীড়নে কি ভাবে দিন দিন দেশের দরিদ্র জনগণের অবস্থা অবনতির চরম শিখায় উপস্থিত হইয়াছে। আমি জানি যে এই সমস্ত ক্ষুদ্রদলীন কুসিদ্ধান্তবিরোধী কিভাবে মানুষের রক্ত শোধন করিয়া নিজের ভূড়িকে ক্ষিত করিয়া লইতেছে। আমি জানি যে এই সমস্ত নরঘাতকগণ.....

The Hon'ble the SPEAKER : Order, order. The hon. Member will please take his seat. He will speak afterwards when he wants to speak on the whole Bill. আপনার এই বক্তৃতা আমার মনে হয় বিলটা যখন সম্পূর্ণ উপস্থিত করা হবে তখন সম্ভব হবে। এখন যে বিষয়ে আলোচনা হচ্ছে সেই বিষয় সম্পর্কে বলতে চেষ্টা করুন। সমস্ত বিল সম্পর্কে না বলে আপনার সম্মুখে যে দুইটি সংশোধনি প্রস্তাব আছে সেই সম্বন্ধে বললেই ভাল হয়।

Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY : আমি পরে বলবো।

The Hon'ble the SPEAKER : এই সংশোধনি প্রস্তাবগুলির সম্বন্ধে যদি বলবার কিছু না থাকে তা'হলে সর্বশেষে বললেই ভাল হয়।

Khan Bahadur Dewan EKLIMUR ROZA CHAUDHURY : হা আমি পরেই বলবো।

Adjournment

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

After lunch

Re: arrangement of business to dispose of the Assam Maternity Benefit Bill, 1940 and the Assam Embankment and Drainage Bill, 1940

Mr. D. B. H. MOORE: Sir, may I ask if Government have considered our request that items Nos. 16 (The Assam Maternity Benefit Bill, 1940) and 17 (The Assam Embankment and Drainage Bill, 1940) be taken after the present item of business, particularly as the hon. Leader of the Opposition has also given his approval to our suggestion. I may say that we, Sir, shall move in respect of item No. 17 for reference to Select Committee.

The Hon'ble the SPEAKER: If the House permits, we have got no objection to take certain non-contentious small matters like these. It will not be possible to pass even one clause of the Goalpara Tenancy (Amendment) Bill. I have consulted the hon. members from Goalpara and they say that even one clause cannot be passed. The matters mentioned by the hon. members are very many small matters which are non-contentious and I have no objection to their being taken up. One is for circulation for public opinion and the other for reference to Select Committee. As the Hon'ble Premier has agreed these items may be taken after this Bill is finished.

Re Early return of speeches by members

The Hon'ble the SPEAKER: Before the House proceeds with the business, I should like to draw the attention of hon. members to one very important fact. I have been informed that many hon. members have not returned the transcripts of their speeches. As to-day is the last day of the session, it is imperative that those transcripts should be at once returned. So far as the speeches of to-day are concerned, I would also request them to return the transcripts of their speeches by to-morrow. I hope hon. members will pay special attention to my request.

The Temporary Postponement of Execution of Decrees Bill, 1938

Clause 3—(contd.)

Srijut SANTOSH KUMAR BARUA: Sir, I oppose both the amendments moved by the two hon. members. They want to bring the rent decrees within the purview of the Bill—and this clearly is not within the scope of the Bill. It was never the object of the original Bill that the execution of rent decrees should be postponed.

There is another aspect of the case, Sir. If we all allow all sorts of liabilities of the agriculturists to accumulate when the prices of all agricultural produce have gone up considerably, I do not know whether the Bill, and particularly these amendments, will be for the benefit of the agriculturists themselves.

There is yet another aspect to consider in this connection. As it was the object of the Bill to postpone the execution of money decrees, it was provided in the Bill that those who pay income-tax under the Indian Income-tax Act would not be regarded as agriculturists fit to come under the protection of this Bill. Now, if we include rent decrees in the Bill and if the agriculturists who pay agricultural income-tax are not excluded from the protection of the Bill then we will only be encouraging non-payment of rent even in the case of those who are able to pay. I think this can never be the intention of hon. members. With these words, Sir, I oppose the amendments.

The Hon'ble the SPEAKER: With regard to the point that the hon. member is trying to make that these two amendments are beyond the scope of the Bill, I am afraid that I cannot agree with him. The object of

the Bill as stated in the preamble is "to provide for the temporary postponement, pending improvement of the financial condition of agriculturists and certain other classes of persons for granting relief from indebtedness to agriculturists and such persons, of the execution of certain decrees passed against them by Civil Courts". As the preamble stands, there is scope for this amendment. Of course, these amendments may be beyond the scope of the sections or the provisions of the Bill. But when these amendments come within the scope of the Bill as stated in the preamble, I think they are perfectly in order.

As regards the other points which have been urged, it is the House which will judge the desirability or otherwise of these amendments on their merits.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I think I should raise a point of order with regard to both the amendments that have been moved by my hon. friends Mr. Aditya and Mr. Karuna Sindhu Roy. It is a recognised right of the landlords, Sir, to realise rent in respect of the land which is in the occupation of their tenants. And this right is going to be modified or at least extinguished for two years.

The Hon'ble the SPEAKER: The object is not to extinguish but only to postpone.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Sir, it is going to be modified for two years. Therefore these amendments offend against the provisions of section 299(3) of the Government of India Act. I shall read, Sir, the relevant portion of that sub-section.

"No Bill or amendment making provision for transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion". Sir, in this respect I do not think that either of the movers has got the previous sanction of the Governor. Moreover, Sir, if the explanation to sub-clause (4) to clause 3 be deleted, then it also goes against the rights and privileges in respect of arrears of land revenue.

The Hon'ble the SPEAKER: Land revenue?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Yes. (Voices. No). Yes, Sir, in the explanation it has been mentioned, "for the purpose of this Act decrees for money shall be deemed to include decrees for arrears of rent.....as arrears of land revenue." Decrees for arrears of land revenue will also be included in the purview of this enactment. Decrees for arrears of land revenue will also be included in this.

The Hon'ble the SPEAKER: How will that be? Land revenue is that which is paid to a public authority and here the public authority is Government.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** It will have the effect of obtaining realisation of land revenue.

In this view, I think, Sir, that both the movers are not in order in moving these two amendments because they have not got the previous sanction of the Governor in his discretion. After I have heard your ruling I shall try to meet the arguments advanced by my friends.

Babu RABINDRA NATH ADITYA: This Bill does not make any provision for transference of public ownership of any land or for the extinguishment or modification of rights therein. I do not know by temporary postponement of rent decrees, how we are going to affect transference of ownership or extinguishment or modification of rights therein. The rights of landlords to the realisation of rent has not been questioned here. It is only that the execution of decrees may be postponed for two years. This is the sum and substance of the amendments.

Secondly as regards land revenue, I think, the Hon'ble Minister has misunderstood the section itself. It speaks of every demand which is recoverable as arrear of land revenue. There are other demands for money which are realised in the same manner as land revenue. You have rightly observed that land revenue does not come in the form of a decree. This is only applicable in respect of other demands realisable by the same procedure. So this section does not help the Hon'ble Minister to throw out the amendments which have been moved by my friends.

The Hon'ble the SPEAKER: With regard to this point of order, I should tell hon. members that I am not in a position to hold that sub-section (3) of section 299 stands in the way of these two amendments being considered in this House. Sub-section (3) of section 299 only contemplates extinguishment or modification of rights in land. A rent decree may come within the category of rights, no doubt. But the object of these amendments is certainly not to extinguish or modify these rights. The object of the whole Bill is to postpone the execution of certain decrees for some time and these two amendments do not go beyond that object. To enforce a rent decree there is a procedure laid down in the Civil Procedure Code and there is also a time limit prescribed by the Limitation Act and the object of this Bill is to lay down a different procedure according to which rent decrees are not to be enforced for a certain time. Now to prescribe a procedure is not to modify a right. The right will be there all right, but the enforcement of the right is to be postponed for a period prescribed by the Bill. So, I think, by no stretch of imagination it may be held that the object of the Bill or for the matter of that the object of the amendments is to modify the right. Landlords will have their right to enforce the execution of rent decrees but they will be prevented to follow the procedure that is now in force only for a limited period.

Therefore I think that these amendments cannot be construed to mean that the object is to modify the right.

Then as to the other question whether anything connected with land revenue comes within the purview of this amendment, I do not really understand the line of argument that has been adopted by the Hon'ble Minister. But I have no doubt in my mind that the amendments do not relate to any question of land revenue as contemplated by sub-section (3) of section 299 of the Constitution Act. So I hold that there is no substance in the point of order raised. The House is therefore, quite entitled to consider these amendments and give their verdict.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** With regard to the point that has been raised by my friend Mr. Aditya that we are giving relief to the poorer section of the agriculturist by this amendment and that rent decrees are not included within the purview of this Bill, so the relief that has been suggested will be a half measure. Sir, in the district of Sylhet, the great majority of the estates are very small estates and they are permanently settled with persons who are more or less peasant proprietors. Their condition is, I think,

no better than that of the tenants. Their main source of livelihood is rent and if they cannot realise their rent from the tenants, even if it be for a small period, their condition would be hopeless. If we include rent decrees within the purview of this Bill, then it will have the effect of robbing Peter to pay Paul. So, I think, Sir, that having regard to the conditions of the small Mirashdars, particularly of the Sylhet district, rent decrees should under no circumstances be included within the purview of this Bill.

Again, Sir, another point has been raised by hon. Mr. Fakhruddin Ali Ahmed. He said that I mentioned in my speech that we are going to have two Tenancy Bills passed in order to give relief to the tenants, and he asked in what way we intend to give that relief to the tenants or the agriculturists by those two Tenancy Bills if rent decrees are not included in this Bill. My reply is, Sir, in those two Bills provision has been made and power has also been given to revenue authorities for reducing the rate of rent in cases of genuine grievances. If the rate of rent is reduced surely the poorer section of the agriculturists will get relief. But our suspicion is, Sir, whether that relief would not ultimately be consumed by those money-lenders who have already got decrees against the poor tenants for the money advanced by them. That was the intention with which I mentioned that these two Tenancy Bills intend to give relief to the poorer section of the tenants, i.e., those who are actually unable to pay higher rate of rent that has been fixed upon them.

With these few words, Sir, I think we should oppose these two amendments.

Mr. FAKHRUDDIN ALI AHMED: On a point of personal explanation, Sir. The Hon'ble Minister-in-charge has entirely missed the point which in this connection I placed before the House.

I never said that the Tenancy Bills did not include provisions for reducing the rent of the tenants. The relief provided by those legislations would be permanent relief. But the purpose of this Bill is to give a temporary relief. If it is the intention of Government to give permanent and substantial relief of this nature to the tenants, I cannot personally understand why they are hesitating to provide this temporary relief while the equivalent permanent relief provided in the tenancy Bills are awaiting the sanction of this House, the Upper House and the assent of His Excellency the Governor.

The Hon'ble the SPEAKER: The intention of Babu Karuna Sindhu Roy's amendment is to make the provision, for including rent decrees as money decrees, more explicit. Therefore I shall put his amendment first.

The question is—

“That in the explanation after sub-clause (4) of clause 3, the word ‘not’ occurring in the second line shall be deleted”.

The Assembly divided.

Ayes—39

- | | |
|---|--------------------------------------|
| 1. Babu Akshay Kumar Das. | 11. Srijut Gopinath Bardoloi. |
| 2. Mr. Arun Kumar Chanda. | 12. Srijut Haladhar Bhuyan. |
| 3. Srijut Beliram Das. | 13. Babu Harendra Narayan Chaudhuri. |
| 4. Srijut Bepin Chandra Medhi. | 14. Srijut Jadav Prasad Chaliha. |
| 5. Babu Bipin Behari Das. | 15. Srijut Jogendra Chandra Nath. |
| 6. Srijut Bishnu Ram Medhi. | 16. Srijut Joges Chandra Gohain. |
| 7. Babu Dakshinaranjan Gupta Chaudhuri. | 17. Babu Kamini Kumar Sen. |
| 8. Srijut Debeshwar Sarmah. | 18. Babu Karuna Sindhu Roy. |
| 9. Srijut Ghanashyam Das. | 19. Srijut Krishna Nath Sarmah. |
| 10. Srijut Gauri Kanta Talukdar. | 20. Srijut Lakshesvar Borooah. |

21. Babu Lalit Mohon Kar.
22. Srijut Mahadev Sarma.
23. Srijut Mahi Chandra Bora.
24. Srijut Omco Kumar Das.
25. Srijut Paramananda Das.
26. Babu Nirendra Nath Deb.
27. Srijut Purandar Sarma.
28. Srijut Purna Chandra Sarma.
29. Babu Rabindra Nath Aditya.
30. Srijut Rajani Kanta Barooah.
31. Srijut Rajendra Nath Barua.

32. Srijut Sankar Chandra Barua.
33. Srijut Sarveswar Barua.
34. Babu Shibendra Chandra Biswas.
35. Srijut Siddhi Nath Sarma.
36. Mr. Fakhruddin Ali Ahmed.
37. Khan Bahadur Maulavi Mahmud Ali.
38. Srijut Bideshi Pan Tanti.
39. Srijut Karka Dalay Miri.

Noes—56

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 Saiyidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Mr. Baidyanath Mookerjee.
12. Srijut Jogendra Narayan Mandal.
13. Babu Kalachand Roy.
14. Mr. Kedarmal Brahmin.
15. Srijut Santosh Kumar Barua.
16. Maulavi Abdul Aziz.
17. Maulavi Abdul Bari Chaudhury.
18. Maulana Abdul Hamid Khan.
19. Khan Bahadur Hazi Abdul Majid Chaudhury.
20. Maulavi Abdul Rahman.
21. Maulavi Syed Abdur Rouf.
22. Maulavi Md. Abdus Salam.
23. Maulavi Dewan Muhammad Ahbab Chaudhury.
24. Maulavi Dewan Ali Raja.
25. Maulavi Muhammad Amiruddin.
26. Maulavi Muhammad Amjad Ali.
27. Maulavi Ashrafuddin Md. Chaudhury.
28. Maulavi Badaruddin Ahmed.
29. Khan Bahadur Dewan Eklmur Roza Chaudhury.
30. Maulavi Ghyasuddin Ahmed.
31. Khan Bahadur Maulavi Keramat Ali.
32. Maulavi Muhammad Maqbul Hussain Chaudhury.
33. Maulavi Matior Rahman Mia.
34. Maulvi Mabararak Ali.
35. Khan Bahadur Maulavi Mufizur Rahman.
36. Maulavi Muzarrof Ali Laskar.
37. Maulavi Namwar Ali Barbhuiya.
38. Maulavi Naziruddin Ahmed.
39. Maulavi Sheikh Osman Ali Sadagar.
40. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
41. Mr. A. H. Ball.
42. Mr. A. F. Bendall.
43. Mr. F. W. Blennerhasset.
44. Mr. N. Dawson.
45. Mr. W. R. Faull.
46. Mr. D. B. H. Moore.
47. Mr. C. W. Morley.
48. Mr. R. A. Palmer.
49. Mr. A. Whittaker.
50. Mr. Benjamin Ch. Momin.
51. Srijut Bhairab Chandra Das.
52. Srijut Binode Kumar J. Sarwan.
53. Rev. L. Gatphoh.
54. Mr. C. Goldsmith.
55. Srijut Khorsing Terang.
56. Srijut Rabi Chandra Kachairi.

The motion was negatived.

The Hon'ble the SPEAKER : The question is :
"That the explanation after sub-clause (4) of clause 3 shall be deleted."

The motion was negatived.

The Hon'ble the SPEAKER : The question is that Clause 3 of the Bill stands part of the Bill.

This was adopted.

Clause 3A

The Hon'ble the SPEAKER : The question is that Clause 3A of the Bill stands part of the Bill.

This was adopted.

Clause 4

The Hon'ble the SPEAKER : The question is that Clause 4 of the Bill stands part of the Bill.

This was adopted.

Clause 5

The Hon'ble the SPEAKER : The question is that Clause 5 of the Bill stands part of the Bill.

This was adopted.

Clause 6

The Hon'ble the SPEAKER : The question is that Clause 6 of the Bill stands part of the Bill.

This was adopted.

Title and preamble

The Hon'ble the SPEAKER : The question is that the title and the preamble of the Bill stand part of the Bill.

This was adopted.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : I beg to move that the Temporary Postponement of Execution of Decrees Bill, 1938 be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Temporary Postponement of Execution of Decrees Bill, 1938, be passed".

Khan Bahadur Dewan EKLIMUR ROZA CHOUDHURY : Mr. Speaker, Sir, অদ্য গভর্ণমেন্ট যে ডিক্রি স্থগিত বিল এই হাউসে উপস্থিত করিয়াছেন সেই বিল আমি অন্তরের সহিত সমর্থন করি কেননা আমি জানি যে মহাজন শ্রেণীর উৎপীড়নে কি ভাবে দিন দিন আমাদের দেশের দরিদ্র জন গণের অবস্থা অবনতির চরম শিখায় উপস্থিত হইয়াছে। আমি জানি যে এই সমস্ত হৃদয়হীন কুসীদাশীবিগণ কি ভাবে মানুষের রক্ত শোষণ করিয়া নিজের ভুড়িকে ক্ষিত কারয়া লইতেছে (loud laughter)। আমি জানি যে এই সমস্ত নরবাতকগণ কি ভাবে দরিদ্র জনসাধারণকে নিঃশেষ করিবার পারদর্শিতা অর্জন করিয়াছে সুতরাং অগোণে যদি এই বিল পাশ না হয় তাহা হইলে

অদূর ভবিষ্যতে দেশের অবস্থা যে কি হইবে তাহা ভাবিয়া? আমরা হৃদকম্প উপস্থিত
হই। (loud laughter) সুতরাং আমি আমার সমস্ত অনারেবল বন্ধুগণকে অনুরোধ
করিতেছি তাহারা যেন বিরক্তি না করিয়া এই বিলটি গ্রহণ করেন এবং এতদ্বারা
দেশবাসী দারিদ্র জনগণের অশেষ আশীষ গ্রহণ করেন। তবে তথা কথিত দরিদ্র হিতৈষী
কংগ্রেস পক্ষ আমার এই আবেদন—আমার এই আকুল আহ্বান—গ্রহণ করিবেন কি না
তাহা বলা বড়ই শক্ত (loud laughter)। কেননা কংগ্রেস পক্ষে এমন কতজন দরিদ্র
লোক আছেন যাহারা কুদা না হওয়ার দরুন খাইতে পারেন না এবং এান কতজন
পীড়িত লোক আছেন যাহারা চক্ষে চসমা না লাগাইয়া মোটেই দেখিতে পারেন না
(loud laughter)। সুতরাং এই সমস্ত কংগ্রেস হিতৈষী ধুরন্ধরগণ মুটে মজুর ও শ্রমিকগণের
কোন ভাগ শাস্ত করিতে কংগ্রেসী মহাপ্রাণ সাহস করিবেন কিনা তাহা আমি শক্ত
করিয়া বলিতে পারি না। কেননা কংগ্রেস পক্ষের বর্তমান অবস্থা এই যে তাহারা শ্যামকে
রাখিতে গেলে কুল হারাইয়া বসিতে হয় আবার কুল রাখিতে হইলে শ্যামের প্রেমে
চিরতরে জলাঞ্জলি দিতে হয়। সুতরাং আমি কংগ্রেস পক্ষকে জিজ্ঞাসা কর তাহারা শ্যাম
রাখিতে চান না কুল রাখিতে চান (loud laughter)। অর্থাৎ তাহারা দরিদ্র নরনারীকে চান
না ইহাদের রক্ত চুষিয়া যে সমস্ত লোক সদাগরি ভূড়ি হওয়ার করিতেছে তাহাদিগকে চান?
(loud laughter)। যাহা বাস্তবিকই তাহারা অন্তরের সহিত এই সমস্ত গরীব উৎপীড়িত জন
গণকে মহাজন শ্রেণীর নিপ্পন হইতে বাঁচাইতে ইচ্ছা করেন, যদি তাহারা সত্য সত্যই
কৃষক শ্রেণীকে রক্ষা করিয়া দেশের কল্যাণ সাধন করিতে উৎসুক হইয়া থাকেন তাহা
হইলে এই বিল কায়মনোবাক্যে সমর্থন করিতে আমি তাহাদিগকে নিরতিশয় অনুরোধ
করিতেছি। কিন্তু ইতিপূর্বে জনহিতকর বিল সম্পর্কে কংগ্রেস পক্ষ যে সমস্ত আচরণ
করিয়াছেন অর্থাৎ বন্ধে বক্তৃতা দিয়া এমন ভাবে সময় নষ্ট করিয়াছেন তাহাতে আমি
উক্ত পক্ষকে দিয়া বিশেষ আশা করিতে পারিতেছি না (laughter) কেননা যাহাদের
সহিত দরিদ্র নরনারীর খাদ্য খাদক সম্পর্ক (laughter) অর্থাৎ বলির পাঠার সহিত কালীর
যে সম্পর্ক সেই সম্পর্ক; অর্থাৎ এই সমস্ত বিপরীত স্বার্থবিশিষ্ট লোকের সাহায্যেই কংগ্রেস
পক্ষ আসামে একটিরামরাজ্য স্থাপন করিয়াছিলেন এবং এতদ্বারা বহুতর হনুমান শ্রেণীর
জীবন পোষণ করিয়াছিলেন (laughter) অর্থাৎ যদি বর্তমান ক্ষেত্রে তাহারা তাহাদের
বিপদের বন্ধুগণকে ত্যাগ করিতে উদ্যত হন তাহা হইলে ইহাতে সংসারের লোক
হাসিবে (laughter)।

The Hon'ble the SPEAKER: আমি আশা করি যে অনারেবল খাঁ বাহাদুর
সাহেব অপ্রাসঙ্গিক কোন বিষয়ের অবতারণা না করেন সেই জন্য আমি বিশেষ অনুরোধ
করিতেছি।

Khan Bahadur Dewan EKLIMUR ROZA CHOUDHURY: আপনি
কাটিয়া দিবেন। আপনার নিকট ত ছুরি আছেই। এতদ্ব্যতীত তাহাদের দাতব্য ব

পদ্যরূপে নবাব রাণা প্রভৃতিগণ অর্থাৎ উপদেবতাগণ নিঃশব্দে চাড়াইয়া কহিবেন...হায়,
আমারে চাড়াইয়া উক্ত চরিত্রে কোণায় (loud laughter) ?

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, that this Bill will be passed is a known fact, although the somersault that was played by some hon. members of this House in connection with amendments for including rent decrees in this Bill is one of the outstanding features of to-day's discussion.

Maulavi ABDUR RAHMAN: That is certainly not a new feature to-day.

Babu RABINDRA NATH ADITYA: The pitiable condition of the tenants with a burden of rent decrees received no sympathy from the supporters of the Government when the provisions which were meant for postponing the rent decrees for two years, were defeated. This is the way how they show their sympathies towards the tenants. The sooner the country understands these people the better for them and the better for the country also.

Sir, the Government party had selected their mouth-piece in this discussion in Khan Bahadur Eklimur Roza Choudhuri and I think he represents the type of the members of the Government Benches whose professions and practices are quite fundamentally different. This Bill has been hastily drafted and as such there are some palpable defects and I am sure in the working of the Act obvious difficulties will be experienced.

Khan Bahadur Maulavi KERAMAT ALI: On a point of information. Who drafted the Bill ?

The Hon'ble the SPEAKER: The hon. member was one of the members of the Select Committee, I think.

Babu RABINDRA NATH ADITYA: No, Sir, I was not a member of the Select Committee. We do not raise any objection at this stage because it may delay the passing of the Bill; so in whatever form it is passed let it be passed. I think Government will have to come up with some amendments in order to translate the intentions of the Legislature into action. For example in clause 3 we find "All proceedings in execution of any decree for money or for foreclosure or sale in enforcement of a mortgage passed by a Civil Court in which the sole judgment debtor or the entire body of the judgment-debtors is, at the date of the passing of this Act an agriculturist or a person or persons who live mainly by manual labour shall be stayed during the period this Act shall remain in force". What is meant by the words "shall be stayed" ? Does it follow that soon after this Bill is passed into law all the decrees will be automatically stayed or will it be necessary for the judgment-debtors to apply in the Civil Court to have their decrees stayed on the proof that they are agriculturists ? Sir, this is not clear. I think the scope of the Bill cannot mean an automatic postponement of the execution in view of the fact that nobody knows who of the debtors come within the definition of agriculturist. Again in clause 4 we find "within a fortnight of the date on which this Act comes into force, all persons in detention in civil prison in execution of any decree for money, passed by a civil court in which the sole judgment-debtor or the entire body of judgment debtors is an agriculturist, or a person or persons who live mainly by manual labour, shall be released". How within 15 days these persons are to be released ? Is it possible for the Jailor and the Superintendent of the jail to determine which of the persons come within the definition of the word "agriculturist" ? It does not naturally follow

that soon after this Bill becomes a law all the judgment-debtors in the prison will at once run to the civil court to establish their status as agriculturist. So how within 15 days of the passing of this Act, is it possible for the judgment-debtors and manual labourers to be automatically released and to establish their status as agriculturists or manual labourers? Therefore, it is impossible to give effect to the provision of clause 4. Similarly in clause 5 we find "In computing the period of limitation prescribed by the Indian Limitation Act, 1908, or any other law for the time being in force, for (a) the institution of a suit in a Civil Court against an agriculturist or a manual labourer for money or for foreclosure or sale in enforcement of a mortgage, and (b) the execution of such decree as is referred to in section 3, and not covered by section 6, the period during which this Act, shall remain in force shall be excluded". Whether the limitation period for institution of suits will remain in abeyance during the time this Act remains in force is a question. This Act is mainly intended to postpone execution of certain decrees. So it is not quite clear why the law of limitation ceases to operate with regard to the institution of certain suits. Again in clause 3 it is stated "All proceedings in execution of any decree for money or for foreclosure or saleshall be stayed". In a foreclosure decree there is no necessity for execution. After the final decree is passed the matter is set at rest there. So what do Government understand by referring to execution of any decree for money or for foreclosure or sale is beyond our comprehension. There will be other difficulties also in giving effect to the provisions of the Act. Suppose a judgment-debtor has got several decree-holders and the decree-holders do not know whether the judgment-debtor comes within the definition of agriculturist. So to be in the safe side, decree-holders will put their decrees into execution. Now when one of the decree-holders puts his decree into execution the debtor may come to the Court and try to establish before the Court that he is an agriculturist within the definition of this Act, and if he establishes his status as an agriculturist, the decree which was put into execution would be stayed. It may be that the debtor may have collusion with certain other decree-holders who put their decrees in execution. The judgment-debtor may not raise that question that he is an agriculturist on this occasion. So the execution of any decree may be postponed at the option of the judgment-debtor. He can have the full liberty to give preference to some of the decree-holders at the cost of others. There is no provision in this law by which a judgment-debtor is required to give an inventory of the pending decrees against him, so that as soon as the petition is filed before the court to establish a certain debtor as an agriculturist all other decree-holders may also come into the picture at once and have all the decrees stayed. In the absence of these provisions there is the scope for this Act being misapplied.

(At this stage the clock struck 3 p.m. and reached the time fixed for taking up the motions of no-confidence in the Ministry).

NO-CONFIDENCE MOTIONS IN THE MINISTRY

The Hon'ble the SPEAKER : Order, order. It is now 3 p. m. and we shall take up the four no-confidence motions* that have been tabled.

*1. Mr. Naba Kumar Dutta to move :—

"That the Assembly has no confidence in the present Council of Minister's.

*2. Babu Lalit Mohan Kar to move :—

"That the Assembly has no confidence in the present Council of Ministers".

*3. Babu Balaram Sircar to move :—

"That this House has no confidence in the Council of Ministers".

*4. Babu Bipin Behari Das to move :—

"That this House has no confidence in the Council of Minister's".

Four motions of no-confidence in the Ministry were tabled by four hon. members. Two hon. members have withdrawn their motions as they do not like to move them.

***Maulavi MUHAMMAD AMJAD ALI:** Who are they, Sir.

The Hon'ble the SPEAKER: Mr. Naba Kumar Dutta and Babu Balaram Sirkar. Now Mr. Lalit Mohan Kar has to move his motion.

***Babu LALIT MOHAN KAR:** I do not like to move it, Sir.

The Hon'ble the SPEAKER: Then the next motion stands in the name of Babu Bipin Behari Das. Is he going to move it?

Babu BIPIN BEHARI DAS: I also do not like to move my motion.
(applause from the Ministerialist Benches).

The Temporary Postponement of Execution of Decrees Bill, 1938

The Hon'ble the SPEAKER: We may now proceed with the business. Mr. Rabindra Nath Aditya may go on.

Babu RABINDRA NATH ADITYA: Sir, I was referring to some of the difficulties that may be experienced in giving effect to the provisions of this Bill. Then there is another difficulty, Sir. There is no clause in the Bill authorising the Government to make necessary rules for the purpose of giving effect to the provisions of this Bill. If there were any section by which the Government would be empowered to make rules, some of the difficulties now enumerated might have been obviated but it seems that Government have not made any provision for making rules to give effect to the provisions of this Act. And lastly as I have said the very essence of the Bill has been taken away by excluding the rent decrees from the operation of this Act. So the Bill as it is has been devoid of most of its useful provisions and secondly, the provisions that are there, it will be difficult for the Government to give effect to. Still I think, Sir, that the Bill may be passed because the Government may, if necessary, bring in some amendments in the next session with a view to removing the difficulty just now pointed out by me. Therefore, Sir, we do not like to oppose the motion at this stage. We would rather lend our support to the small benefit that it is proposed to be conferred. With these few remarks, I support the motion that has been moved by the Hon'ble Minister.

The Hon'ble the SPEAKER: Has the Hon'ble Minister got to say anything?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Yes, Sir. No legislation, I think, is quite perfect. There may be difficulties in legislation and it is very difficult to make a piece of legislation quite perfect suiting all the interests. In this respect, I think, this piece of legislation which we are going to have passed in this House, is not free from difficulties but with regard to the point that has been raised by my hon. friend that we have not included the rent decrees within the scope of this Bill.....

The Hon'ble the SPEAKER: That point he has not urged now. He has pointed out some other difficulties.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Yes, Sir. The main thing which he has stated is that the force of this legislation has been taken away by not including the rent decrees. In this respect, I think, Sir, that by excluding the rent decrees we have done more service to the tenants than we would have done by including them. We know that our tenants are in the habit of falling in to arrears. If this Bill is passed into Act, then the decrees that have been obtained by the landlords previous to the passing of this Act, will be postponed for two years. We know that our tenants are always in arrears and if we allow these arrears and decrees to be accumulated for years, I do not think, Sir, it will be within the capacities of the tenants to clear up their rents within a reasonable period of time. So I think, we have done well by not excluding the rent decrees from the scope of this Bill. Another point that has been raised by my friend Mr. Aditya is with regard to clause 4 that how the Jailors will know when this Bill will be passed, and will come into force and how they will know when to release those prisoners who have been put into civil prisons. Sir, the Committee came to a decision that a fortnight would be a reasonable time for all those prisoners concerned and I also think that fortnights' time is quite reasonable.

***Babu RABINDRA NATH ADITYA:** How can the Superintendent of the Jail ascertain that the prisoner is an agriculturist? Is it his function or is it the function of anybody else?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I think, Sir, those who are interested will come to know of the passing of this Bill and then they can put in petitions for their release.

The Hon'ble the SPEAKER: To whom they will submit the petitions?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** They can submit it to the Superintendent of the Jail or to the Civil Court for their release.

***Babu RABINDRA NATH ADITYA:** Where is the provision, Sir? Within 14 or 15 days' time they may not be able to do it.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Within these 14 or 15 days, he can put in petition and get release. I have already said, Sir, that there may be some difficulties and it is not possible to have a legislation quite perfect.

The Hon'ble the SPEAKER: Supposing he puts a petition, can the Court forthwith pass order?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** If there is any objection that he is not an agriculturist, the Court will have to look into that fact and ascertain it. If the Court decides that he is not an agriculturist then he will not get release. With these words, Sir, I think the House will agree to the passing of this Bill.

The Hon'ble the SPEAKER: The question is:
"That the Temporary Postponement of Execution of Decrees Bill, 1938, be passed".

The motion was adopted and the Bill was passed.

The Hon'ble the SPEAKER: May I know from the hon. members whether they are prepared to postpone items Nos. 6 to 15 and take up items Nos. 16 and 17?

***Srijiit GOPINATH BARDOLOI:** Sir, from this side of the House there is no objection.

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

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have no objection.

THE ASSAM MATERNITY BENEFIT BILL, 1940.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to introduce the Assam Maternity Benefit Bill, 1940.

(After a pause)

Sir, I beg to move that the Bill be circulated for eliciting public opinion thereon.

This Bill, Sir, which has been introduced by the Government, owes its inception to the initiative taken by the Shillong Branch of the All-India Women's Conference. In November 1938, they passed a resolution under the presidency of Lady Reid in which they recommended that the Assam Government should undertake legislation for maternity benefit in this province. Then, Sir, in consultation with Mrs. Saleh and Mrs. Desai, two of the prominent members of the All-India Women's Conference, the late Ministry drafted a Bill. That Bill, Sir, we have adopted, with certain modifications in order to bring it more in consonance with the recommendations of the Royal Commission on Labour. In this, Sir, we have also the advantage of the help of our Hon. colleague, Miss Dunn, who is another prominent member of the All-India Women's Conference.

As regards the motion for circulation, I think a few days ago when we discussed Mr. Chanda's Bill I gave the reasons why that Bill should be considered. That applies with equal force in the case of this Bill also.

The Hon'ble the SPEAKER: The Hon'ble Minister has not specified the date for the receipt of the replies.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I move that the Bill be circulated for eliciting public opinion by the 31st August 1940.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Maternity Benefit Bill, 1940, be circulated for eliciting public opinion thereon by the 31st August, 1940."

(After a pause)

The question is:

"That the Assam Maternity Benefit Bill, 1940, be circulated for eliciting public opinion thereon by the 31st August 1940."

The motion was adopted.

THE ASSAM EMBANKMENT AND DRAINAGE BILL, 1940

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to introduce the Assam Embankment and Drainage Bill, 1940.

(After a pause)

I beg to move, Sir, that the Bill be taken into consideration.

This Bill, Sir, has had a very chequered history. In 1930 the Government drafted an Assam Drainage and Embankment Bill and prepared an estimate for the Water-ways Division in connection with that Bill. In order to sound public opinion, the Government referred the Bill and the estimates to a committee. But the response from the Committee was not very encouraging. The committee found that the estimate was very costly and they also found some objections with regard to the provisions of the Bill. They thought that it was an invasion on the individuals liberty and so Government dropped that Bill. Then, in 1936 Mr. Abdul Khaliq Chaudhury

introduce the same Bill again in the Assam Legislative Council and moved for reference of the Bill to Select Committee. Though that Bill was defeated by 19 votes to 20, almost all the elected members voted in support of this motion.

Then, Sir, in this Assembly also in the beginning, Maulavi Abdul Bari Chaudhury, Babu Akshay Kumar Das, Khan Bahadur Mufizur Rahman and others also gave notice of the introduction of such a Bill. But they were not taken up for discussion.

Then again, Sir, in 1938 when Sir Muhammad Saadulla was the Chief Minister, the Ministry redrafted the Bill. But before they could introduce it, they resigned and the Congress Coalition Ministry came into office. The Congress Coalition Ministry also were very keen on passing this measure.

The main difficulty with this Bill was the provision that was opposed in 1930 and also in 1936, *viz.*, that regarding the impressment of labour. My predecessor in office, Mr. Ali Haidar Khan, very wisely chose to delete that provision of the Bill in order to ensure a speedy passage of the Bill. This Bill is the legacy which I have got from the previous Ministry.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Embankment and Drainage Bill, 1940, be taken into consideration."

Mr. W. R. FAULL: Mr. Speaker, Sir, the remarks which the Planting and Commerce Group wish to make on this Bill do not arise from any desire to look after their own interests. For it seems very unlikely that our interests will be effected either adversely or beneficially by the clauses of this Bill for many years to come.

The Hon'ble Minister-in-charge of this Bill has moved that it be taken into consideration. We, while agreeing with the principle of the Bill, think that to hurry a measure of this magnitude through this House would be unwise. The draft Bill was published only as recently as the 20th February, and at a time when every member of this Assembly had more than enough of political matter to occupy his thoughts. We, who have devoted some time to the study of this Bill, have found much in the draft that is commendable; quite a lot that is somewhat vague and to us unintelligible; but what gives us most concern is the seeming amount of omission of essentials from the Bill.

I will mention briefly only a few points in support of this latter statement.

On the matter of costs, we can never operate any scheme, be it embankment or drainage, rural uplift, opium prohibition or anything else without incurring costs, and how often do we hear that this or that scheme will cost too much or will be taken up when money is available. Any scheme under this Bill will feature cost more than most schemes, because there is a part of the Bill which deals, rather sketchily I fear, with the matter of recovery of costs, and this is a feature not common to most schemes.

Nowhere in the Bill is cost defined and before one can go far with the study of the Bill, it is essential to have some detail on this point, and we find this detail not readily available. Is cost only that figure necessary to cut a drain or build a bund? Do we add the figure that may have to be paid as compensation for land acquired, trees, etc., damaged? Is any amount for maintenance to be taken into consideration when determining costs? The Bill visualises much in the way of benefit, but is it not possible or even probable that there will be cases of continuing and increasing loss? May not a new drainage scheme divert a channel in one area and cause

scouring of a channel in another area? Some lands may deteriorate in value while some may be washed away. This deterioration or loss of land may go on for many years. Considering costs and devising means in this connection are all very complicated, and because the matter is complicated that ample time for consideration is desired.

How are costs, once determined, to be liquidated? Will there be a fixed charge on the beneficiaries over a certain number of years only, or will there be an annual charge in perpetuity? Will the levy be capable of re-assessment periodically, for surely the gain to some may be gradual and not real for some years, yet in time be many times more than in the case of a neighbour?

As regards the position between landlords and tenants, who will pay? Will it be the landlords only or should substantial tenants also carry some of the burden? I know this is dangerous ground but will not some, at least, of the substantial tenants benefit a great deal more than the landlords? I state no case, but there is definitely a case for consideration and such consideration cannot well be given in the time at our disposal this session.

Local Agencies.—When schemes are to be carried out, is it the Government intention to place all the work in the hands of the Public Works Department only, or will opportunity be given to those interested to have works done by their own labour? This principle of having work done by local agencies may have much to commend it, as it might easily operate towards expediting completion of projects with considerable saving in costs: for example—a big landlord may wish to employ his own tenants during a slack period, or a group of substantial tenants may wish to combine and do this work themselves.

Government contribution.—The question of Government contribution may cause all kinds of local jealousy and the Government will be faced with a flood of appeals from one area, which appeals can only be met at the expense of some or all of the other areas. This is a matter which will require much consideration.

Have Government in view any scheme of profit sharing, for surely it is the intention that in the beginning, at least, only such schemes as are likely to be very fruitful will be considered.

Will the Government pool some of the returns and create a reserve to help the operating of schemes which may be advisable but on which the return must of necessity be less than the cost. This is not a new principle as it is followed in the case of the Petrol Tax Reserve Fund which is used to help the more needy Provinces.

The definitions in some cases are rather too elastic, for example “any local authority” might cover a unit as small as a Union Board; and “any other officer whom the Provincial Government may declare to be such” is so indefinite than we should like to see the definitions more defined.

I could go on for a long time like this, but I think I have said enough to substantiate our claim for further time to read and learn all about this Embankment and Drainage Bill and its manifold implications and possibilities. A little further delay will harm no one for the new Irrigation Department cannot come into being before April 1st, and soon after that we shall have the monsoon.

All preliminary work necessary for small projects, if any, now contemplated can, I think, be undertaken by the staff of the new Division of the Public Works Department without the need for the vast powers this Bill will eventually give.

A few days ago I heard an hon. member of this House expressed the fear that this Bill would be likely to come back from the Upper House greatly amended and I think the best way to ensure that happening will be for us to hurry it through this House, as we appear anxious to do now.

Sir, if we felt that the Hon'ble Minister-in-charge of the Bill could in this session answer all our questions or that there would be time to deal with all the amendments that will surely be moved, we might support his motion for consideration, but we really do not think there is time to do justice to the Bill, and I therefore beg to move that the Bill be referred to a Select Committee consisting of the following hon. members of this House:—

- (1) The Hon'ble Minister-in charge of Public Works Department,
- (2) Maulavi Abdul Bari Chaudhury,
- (3) Maulavi Jahanuddin Ahmed,
- (4) Babu Kamini Kumar Sen,
- (5) Srijut Lakshesvar Borooah,
- (6) Srijut Kameswar Das, and
- (7) Mr. A. Whittaker.

Four members to form a quorum.

The Hon'ble the SPEAKER: Amendment moved:

"That the Assam Embankment and Drainage Bill, 1940", be referred to a Select Committee consisting of the following:—

- (1) The Hon'ble Minister-in-charge of Public Works Department,
- (2) Maulavi Abdul Bari Chaudhury,
- (3) Maulavi Jahanuddin Ahmed,
- (4) Babu Kamini Kumar Sen,
- (5) Srijut Lakshesvar Borooah,
- (6) Srijut Kameswar Das, and
- (7) Mr. A. Whittaker."

Four members to form a quorum.

A debate may go on now.

Khan Bahadur Maulavi MUFIZUR RAHMAN: Sir, I rise to support the Hon'ble Minister's motion that the Bill be passed into an Act soon. The sooner it is done the better it is for the *raiya*s; they will be helped. Unfortunately there was no time to do this even though this Bill was taken up before.

I might mention here that the *ex*-Minister of Agriculture and the Deputy Commissioner went to Merua Beel. I had the privilege to attend them. I showed about 4 square miles of water-logged place known as Merua Beel, where the *ex*-Minister had a talk with the villagers but could not decide what to do. Unfortunately Bashia river known as Itakhola has silted up. Unless that river is excavated or Wadkhali deepened to connect with Nasta-ganga, people will greatly suffer. As a result of the silting up of the Nasta-river the water has to go back towards Sylhet to Tukurbazar, about 5 miles west of Sylhet town and flows into the Surma. The result is even if Merua Beel be drained by a canal towards west known as Dumbarkhal this water cannot pass south-west. The people thus get no relief. When the hon. Babu Akshay Kumar Das went there, people approached him, but he had to express his inability because no powers were given to local authorities to take any action. Besides the two rivers, the Kushiara and the Surma both have silted up lately, the result is that spill water destroys the Surma both crop every year from Sheola and Sadakhali down to Inathganj together with several *dhalas* which cause damages. So provision has to be made to protect the crop.

In the Brahmaputra Valley, where I spent 18 years in different districts, Government maintain several bunds at Dikhoul, Dimou, Bhogdoi, Dihing, Disang and other places. If the Government do not maintain any bund they have to remit the rates of revenue. So, Government is taking interest in the temporarily-settled districts of the Assam Valley, but in Sylhet which is a permanently-settled district nobody takes care of poor *raiya*s, who are suffering from year to year. So, I strongly urge that this Bill should be passed into Act immediately, so that action may be taken at once; the expert may be engaged later. From what I could gather from the late Finance Minister, some money was allotted for Merua Beel and Wadkhali, but for our misfortune there was nobody to take up the work. No steps were taken, neither the district officers were empowered to do anything. So, on these considerations, I strongly support the motion for consideration of the Bill and oppose the amendment to send it to a Select Committee.

Srijut DEBESWAR SARMAH: Mr. Speaker, Sir, I want to move an amendment to Mr. Faull's motion by suggesting the addition of two names, *viz.*, those of Messrs. Naba Kumar Dutta and Baidyanath Mookerjee, to the Select Committee. I hope he will have no objection in accepting those names.

The Hon'ble the SPEAKER: What does the hon. mover of the amendment say to this?

Mr. W. R. FAULL: Mr. Speaker, Sir, as the Select Committee will deal with rather a technical matter, I did intend to keep it to a small dimension as seems reasonable under the circumstances. So, personally I should not like to enlarge the Committee, but before I give that as my final word, I would like to hear what the Hon'ble Minister-in-charge has got to say with regard to this proposal.

The Hon'ble the SPEAKER: The hon. member may, if he likes, move his amendment for inclusion of these two names in the Select Committee.

Srijut DEBESWAR SARMAH: Sir, I beg to move that Messrs. Baidyanath Mookerjee and Naba Kumar Dutta be taken into the Select Committee.

The Hon'ble the SPEAKER: Amendment moved to Mr. Faull's motion is that Messrs. Baidyanath Mookerjee and Naba Kumar Dutta be also included in the Select Committee.

Maulavi ABDUR RAHMAN: Sir, in this connection I also beg to move that three more names, *viz.*, those of Khan Bahadur Mufizur Rahman, Maulavi Muhammad Maqbul Hussain Chaudhury and mine, be added to the Select Committee. We had similar Bills in our name.

Mr. A. WHITTAKER: Mr. Speaker, Sir, instead of expanding the Committee by three or four members, may we take one of the members suggested by Mr. Debeswar Sarmah? And if the Minister-in-charge of the Bill can name some one else from the Government side who has got equal knowledge of it and wishes to sit in the Committee, I think that might be accepted. I think it would be a mistake to increase the Committee by more than two. If Mr. Debeswar Sarmah will please accept it.....

Srijut DEBESWAR SARMAH: Yes, I accept the suggestion.

The Hon'ble the SPEAKER: Which of the two names does the hon. member suggest now?

Srijut DEBESWAR SARMAH: Of the two, I find Mr. Naba Kumar Dutta comes from Dibrugarh from which place Mr. Lakshesvar Borooah also comes, and his name has been included in the Select Committee. So, I would propose Mr. Baidyanath Mookerjee's name to be included in the Committee.

The Hon'ble the SPEAKER: It is better if the hon. mover accepts the two additional names.

Mr. W. R. FAULL: I accept the names of Mr. Baidyanath Mookerjee and Khan Bahadur Maulavi Mufizur Rahman.

Srijut DEBESWAR SARMAH: When the Bill is going to be taken up by the Select Committee I would like to throw a few suggestions although we were not prepared now to take part in any discussion about this Bill to-day.

The Hon'ble the SPEAKER: The principles of the Bill can be discussed now. It will be very helpful to the Select Committee if the principles of the Bill are discussed and the points of view of hon. members are given now. This is necessary for the purpose of the Select Committee.

Srijut DEBESWAR SARMAH: What I was going to say was this: Instead of taking up big and expensive schemes, the Select Committee will, it is hoped, give due consideration to schemes which might be feasible—which might be capable of execution, and also, if possible, the Select Committee might set up the machinery in a way by which the province may not be committed to very heavy financial obligation in which case the whole thing might fall through. That is my idea, Sir.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, in supporting this motion I should like to place before the hon. members a few observations from this side of the House. As was rightly pointed out by my hon. friend, Khan Bahadur Maulavi Mufizur Rahman, the Congress Government, though they had the inclination and funds for improving the drainage and Bund system in certain parts of the province they could not put their schemes into execution because of certain difficulties and particularly those of acquiring the land in Surma Valley. Such difficulties were not felt in the Assam Valley, where the land is mostly temporarily-settled but they were regarded as insurmountable in the Surma Valley. Improvement of irrigation and construction of Bunds all over the province are essential so that, where the water is scanty, the cultivators may get water for their cultivation in abundance, and, where there is too much water the cultivators may be enabled to carry on their cultivation without being hampered by the excess of such water in the locality on the recurrence of floods. We drew up a scheme, which it is gratifying to find that the present Government have also adopted, for improving the irrigation and constructing bunds throughout the province. But, Sir, I may tell the House that such a scheme will be of no use to the province unless and until the difficulties in the way of acquiring land are removed and the power given to the Government to acquire such land as is necessary for the purpose of irrigation and construction of the Bunds. As the hon. members will find, the purpose of the Bill before us is chiefly to give those powers to the Government. I hope in the interests of the poor agriculturists the passage of this Bill will be facilitated so that agriculturists may derive the benefit resulting from such a scheme. I hope, the Select Committee, when considering this Bill, will take into consideration the facts to which attention has been drawn by Mr. Faull and will place before this House the Bill in a form which will be acceptable to all the sections of the House, so that it may be passed without much controversy and delay.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mr. Speaker, Sir, we thought when we deleted the provision about impressment of labour that we had got over the main difficulty, and as Khan Bahadur Maulavi Mufizur Rahman has pointed there was great urgency for

passing this Bill ; we also thought that we should get this Bill passed as soon as possible. But Mr. Faull has raised certain points which, I think deserve, our serious consideration, and we have no desire to hurry over the matter, particularly because we cannot undertake to work out those schemes at once. In spite of the fact that we have got our officers appointed, the work cannot be actually taken up till next cold weather, and by that time we hope to get the Bill through. I have, therefore, no hesitation in accepting this motion for reference of the Bill to a Select Committee.

The Hon'ble the SPEAKER : The question is :

"That the Assam Embankment and Drainage Bill, 1940, be referred to a Select Committee consisting of the following members :

1. The Hon'ble Minister-in charge of Public Works Department,
2. Maulavi Abdul Bari Chaudhury,
3. Maulavi Jahanuddin Ahmed,
4. Babu Kamini Kumar Sen,
5. Srijut Lakshesvar Borooah,
6. Srijut Kameswar Das,
7. Mr. A. Whittaker,
8. Mr. Baidyanath Mookerjee and
9. Khan Bahadur Maulavi Mufizur Rahman.

Four members to form a quorum.

The motion was adopted.

The Assam Commissioners' Powers Distribution (Amendment) Bill, 1940

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :
Mr. Speaker, Sir, I think that item No. 13 can be disposed of in a few minutes.

The Hon'ble the SPEAKER : Very well, the Hon'ble Minister may move it.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :
Mr. Speaker, Sir, I beg to introduce the Assam Commissioners' Powers Distribution (Amendment) Bill, 1940.

(After a pause).

I beg to move, Sir, that the Assam Commissioners' Powers Distribution (Amendment) Bill, 1940, be taken into consideration.

As hon. members remember that this Assam Commissioners' Powers Distribution Bill was passed into an Act, but unfortunately a verbal error crept in into the schedule and in place of section 3(13) of the General Clauses Act section 4(13) was inserted, so that this amending Bill is only to rectify that mistake. It is only a clerical error, so I move that this Bill be taken into consideration.

The motion was put and adopted.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :
Sir, I beg to move that the Assam Commissioners' Powers Distribution (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Commissioners' Powers Distribution (Amendment) Bill, 1940, be passed".

(After a pause)

The Hon'ble the SPEAKER : The question is :

"That the Assam Commissioners' Powers Distribution (Amendment) Bill, 1940, be passed".

The motion was adopted and the Bill was passed.

The Assam Amusements and Betting Tax (Amendment) Bill, 1940

The Hon'ble the SPEAKER: I think that item No. 11 may be taken up.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, that will not take long.

I beg to introduce the Assam Amusements and Betting Tax (Amendment) Bill, 1940.

(After a pause)

I beg to move that the Bill be taken into consideration.

Sir, last year the Assam Amusements and Betting Tax Bill was passed into law, and it was thought that Government would get considerable income by this means. Since then, it has come to the notice of the Government that in order to avoid paying the tax certain clubs had taken recourse to a subterfuge by prolonging the intervening period and charging separately for each part of the show so that it may not fall within a show as contemplated by the Act. It is in order to counteract such devices that the present Amendment Bill has been brought.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1940, be taken into consideration".

Mr. FAKHRUDDIN ALI AHMED: I support the motion for consideration which has been moved by the Hon'ble the Premier. I think, Sir, if I remember aright, it was a certain club in Dibrugarh which by a device had evaded taxation from this source by splitting up the show into three parts and charging less than eight annas for every show and it is in order to overcome that difficulty that this amendment has been suggested so that the clubs and the various amusement houses may not be able to elude to pay this tax by dividing the shows at 5 or 10 minutes interval. I hope that when this amendment is made the small loophole that was left to the clubs would be done away with and they would be brought within the purview of this Act. I am obliged to the Hon'ble Premier who has brought forward this motion and I should in this connection remind him that he should give his consideration also to the taxation which is now being evaded by the Commercial Carrying Company to pay on petrol and kerosene used by them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The question of the evasion of taxes under our Petroleum and Lubricant Act does not come under this. I mentioned to the House the other day that the matter is being considered by our legal experts. I am told that the Deputy Commissioner has taken up this matter and it has not come up to Government as yet. In replying to the Budget speeches I stated that if legal opinion is in favour of the Government levying this tax, surely this tax will be realised from the company. I have heard in passing that the point of the Company is that they purchased the petrol in bulk in Calcutta and brought them to Shillong for use for their fleet. That is the whole point namely, whether petrol purchased outside and used here could be brought under the jurisdiction of this Act. The matter entirely depends upon legal opinion.

The Hon'ble the SPEAKER: The question is that the Assam Amusements and Betting Tax (Amendment) Bill, 1940, be taken into consideration. The motion was adopted.

The Hon'ble the SPEAKER: I think no other hon. members are participating in this discussion. The Hon'ble Premier may at once move that the Bill be passed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
I beg to move that the Assam Amusements and Betting Tax (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1940, be passed.

(After a pause).

The question is:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1940, be passed"

The motion was adopted and the Bill was passed.

The Report of the Privileges Committee of the Assam Legislature

The Hon'ble the SPEAKER: Which other item can be taken up now?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
I think we can finish items 18 and 19, Sir.

The Hon'ble the SPEAKER: Very well.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
I beg to move the following resolution which was adopted by Privileges Committee on the 5th August, 1939:—

"That this Committee is of opinion that the Hon'ble Speaker, who is the custodian of the rights and privileges of the House, should be the Chairman of the Committee of Privileges, and that the Hon'ble Prime Minister be requested to invite the Hon'ble Speaker to preside over the deliberations of the Committee".

Sir, hon. members may remember that the Privileges Committee was formed by the last Government. It met on the 5th August, 1939 and as the Committee wanted the Hon'ble Speaker to preside over the deliberations of that Committee, they adjourned after passing this resolution. And now this resolution is placed before the House for ratification.

The resolution was put and adopted.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
I beg to present the Report of the Privileges Committee of the Assam Legislative Assembly and to move that the Report of the Privileges Committee of the Assam Legislative Assembly be taken into consideration.

This Privileges Committee met on four occasions and they have submitted their report of which a *copy has been placed before all hon. members. So I make this motion for taking the report into consideration item by item.

The Hon'ble the SPEAKER: Motion moved:

"That the Report of the Privileges Committee of the Assam Legislative Assembly be taken into consideration".

(After a pause).

The motion was put and adopted.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
I beg to move that the Report of the Privileges Committee of the Assam Legislative Assembly be adopted.

The Hon'ble the SPEAKER: Motion moved:

"That the Report of the Privileges Committee of the Assam Legislative Assembly be adopted".

(After a pause).

The question is:

"That the Report of the Privileges Committee of the Assam Legislative Assembly be adopted".

The motion was adopted.

Re extension of the sitting of the Assembly to dispose of certain Bills

The Hon'ble SPEAKER : We have almost reached the time, that is 4 p. m.

Maulavi MUHAMMAD AMJAD ALI : There are two very important things, one of which is the Goalpara Tenancy Bill. This could not be taken up to-day. It was proposed the other day that you will be pleased to extend the time of our sitting for an hour or two to-day.

The Hon'ble the SPEAKER : Which Bill is the hon. member referring to ?

Maulavi MUHAMMAD AMJAD ALI : I said the Goalpara Tenancy (Amendment) Bill.

Maulavi ABDUL AZIZ : The Assam Money Lenders' (Amendment) Bill, Sir.

Maulavi MUHAMMAD AMJAD ALI : You may ascertain the views of the House and we can sit for some time more.

The Hon'ble the SPEAKER : Two hon. members from the same group are asking for two different Bills. I would ask them to settle amongst themselves which they want to give preference to.

Maulavi ABDUL AZIZ : The Assam Money Lenders' (Amendment) Bill, Sir.

Maulavi ABDUR RAHMAN : As regards the Assam Money Lenders' (Amendment) Bill, the major portion of the work has been finished. The House was almost unanimous as regards the amendments to be accepted by the House. I think, it is wise on our part to take up the half-finished matter first. As regards the Sylhet and Goalpara Tenancy Bills we must request the Leader of the House to give us a short session as early as possible so that we can finish them.

Mr. BAIDYANATH MOOKERJEE : If the Deputy Speaker's Salary Bill is taken up there will be no opposition.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : There are some Salary Bills of the Speaker, the Deputy Speaker, and the President. If they are not contentious, I can move them.

Srijut MAHADEV SARMA : There are certain amendments.

The Hon'ble the SPEAKER : There are also some outstanding Government business. Of course, I can give preference to private members' Bills if the Hon'ble Premier says that the private Bills can be taken up. But if he is willing to take up any of the outstanding items of Government business then of course I cannot give preference to private members' Bills.

Mr. NABA KUMAR DUTTA : The time is up, Sir.

Khan Bahadur Maulavi KERAMAT ALI : I understand that many hon. members are going away to-morrow morning and they should have time to prepare themselves.

Mr. ARUN KUMAR CHANDA : My leader has already left, Sir.

The Hon'ble the SPEAKER : Of course, I cannot force any hon. member to stay on or the House to sit after 4 p.m. But if I am to sit for some time more, then I wish to have unanimous agreement from the hon. members on that question. Firstly the House should unanimously agree that the sitting should be prolonged and secondly the House should unanimously agree as to which of the items is to be taken. Unless that is done I cannot allow the House to go on urging one request after another and leaving me in a difficult position as to which one to accept.

Mr. ARUN KUMAR CHANDA : My leader has already left.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
Mr. Speaker, Sir, I took up only those Government business which are non-contentious so that they may be passed in this session. Government has summoned the Upper House to sit from the 26th and unless we have a number of Bills to be placed before that House, there will be only waste of time and money. Therefore, I have placed only non-contentious measures. I had a mind to bring three amending Bills of Salaries but some of my hon. friends opposite have already said that at least in one measure there are certain amendments and that is contentious and if that Bill is taken up, viz., the Speaker's and Deputy Speaker's Salaries and allowances Bill, it will take the rest of the time of the House.

Prorogation of the Assembly

The Hon'ble the SPEAKER : There is no use in prolonging this sitting. I shall now announce the order of His Excellency the Governor proroguing this session.

"In exercise of the power conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I Robert Niel Reid, hereby prorogue the Assam Legislative Assembly at the conclusion of its meeting of the 21st March, 1940.

R. N. REID,

Governor of Assam."

The Assembly was then prorogued.

SHILLONG,

The 25th May, 1940.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

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APPENDIX I

Authenticated schedule specifying the grants made by the Legislative Assembly and the sums required to meet the expenditure charged on the revenues of Assam for the year 1940-41 as required by section 80 of the Government of India Act, 1935

No. of grant	Description	Charged			Demand as presented to the Assembly (Voted)	Amount cut made by the Assembly (Voted)	Amount included by Governor (Voted)	Authenticated amounts (Voted)
		Non-excluded areas	Excluded areas	Total authenticated amounts				
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Taxes on Income other than Corporation Tax.	..	..	..	30,000	..	..	30,000
2	Land Revenue	33,700	25,400	59,100	15,21,200	..	..	15,21,200
3	Provincial Excise	27,100	16,400	43,500	2,95,900	..	..	2,95,500
4	Stamps .. ..	..	200	200	39,400	..	..	39,400
5	Forests	1,93,000	1,01,800	2,94,800	9,26,200	..	..	9,26,200
6	Registration .. ..	..	..	..	1,49,700	..	..	1,49,700
7	Charges on account of Motor Vehicles Taxation Act.	..	1,300	1,300	3,94,500	..	..	3,94,500
8	Other Taxes and Duties .. ..	..	..	..	4,000	..	..	4,000
9	Railways. .. ..	..	..	..	25	..	..	25

APPENDIX I—*concl.*

No. of grant	Description	Charged			Demand as presented to the Assembly (Voted)	Amount of cut made by the Assembly (Voted)	Amount included by Govern- ment (Voted)	Authen- ticated amounts (Voted)
		Non-excluded areas.	Excluded areas.	Total authenticated amount				
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
10	Navigation Embankment and Drainage Works.	400	..	400	93,200	..	..	9,32,000
	Interest on debt and other obliga- tions.	5,66,600	..	5,66,600	..	..	..	..
	Appropriation for reduction or avoid- ance of Debt.	2,60,000	..	2,60,000	..	..	..	..
11	General Administration ..	10,38,700	3,07,900	13,46,600	21,07,100	..	..	21,07,100
12	Administration of Justice ..	2,28,500	1,400	2,29,900	7,17,400	..	..	7,17,400
13	Jails and Convict Settlements. ..	6,900	13,200	20,100	4,60,400	..	..	4,60,400
14	Police ..	7,97,300	53,200	8,50,500	23,52,100	..	..	23,52,100
15	Ports and Pilotage ..	..	..	..	2,000	..	..	2,000
16	Scientific Departments ..	..	..	..	10,700	..	..	10,700
17	Education (European) ..	800	3,100	3,900	75,800	..	..	75,800

18	Education (other than European) ..	57,200	91,200	1,48,400	37,91,500	..	..	37,91,500
19	Medical	1,67,300	2,06,700	3,74,000	10,77,700	..	..	10,77,700
20	Public Health	60,100	32,100	92,200	8,25,900	..	..	8,25,900
21	Agriculture	18,500	23,100	41,600	6,08,400	..	..	6,08,400
22	Veterinary .. ..	..	7,300	7,300	1,95,100	..	..	1,95,100
23	Co-operation .. ..	..	..	..	1,02,400	..	..	1,02,400
24	Industries	34,900	9,500	44,400	2 ..	..	..	2,11,700
25	Miscellaneous Departments ..	..	100	100	95,500	..	..	95,500
26	Civil Works (excluding Tools and Plant and Establishment).	52,200	3,80,600	4,32,800	19,16,500	..	..	19,16,500
27	Tools and Plant and Establishment charges.	1,74,700	97,500	2,72,200	8,12,400	..	..	8,12,400
28	Famine Relief .. ..	..	..	..	50,000	..	..	50,000
29	Superannuation Allowances and Pensions.	8,78,500	..	8,78,500	17,25,800	..	..	17,25,800
30	Stationery and Printing	1,000	4,400	5,400	3,24,400	..	..	3,24,400
31	Miscellaneous	18,23,200	1,24,400	19,47,600	3,27,100	..	..	3,27,100
33	Loans and advances bearing and not bearing interest.	..	..	..	4,82,000	..	..	4,82,000
Grand total		64,26,600	15,00,800	79,21,400	2,47,25,605	..	..	2,47,25,605

R. N. REID,
Governor.

The 19th March, 1940.

APPENDIX J
AUTHENTICATED SCHEDULE OF SUPPLEMENTARY STATEMENTS OF EXPENDITURE FOR THE YEAR 1939-40, LAID BEFORE THE LEGISLATIVE ASSEMBLY IN THE MARCH SESSION, 1940, UNDER SECTION 81 OF THE GOVERNMENT OF INDIA ACT, 1935

Number of Grant	Heads	Amount already authenticated under sections 80 and 81 of the Government of India Act, 1935			Supplementary amount laid before the Assembly			Amount of cut made by the Assembly	Amount included by Governor	Amount now authenticated			Remarks
		Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas	Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas			Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
	4.—Taxes on Income other than Corporation Tax.	..	..	..	8,438	..	..	..	..	8,438	..	..
	7.—Land Revenue ..	..	..	25,200	..	..	1,709	..	..	..	..	26,909	
	8.—Provincial Excise	3,51,800	2,700	15,500	50,000	15,745	140	..	..	4,01,800	18,445	15,640	
	9.—Stamps ..	39,300	..	..	1,900	..	..	..	..	41,200	..	..
	10.—Forests..	9,02,000	..	..	3,560	..	..	..	..	9,05,560	..	..
	11.—Registration ..	1,48,600	..	..	3,700	..	..	..	..	1,52,300	..	..
	12.—Charges on account of Motor Vehicles Taxation Act,	..	..	..	..	3,762	..	..	..	..	3,762	..	

APPENDIX K

SCHEME FOR RECONSTRUCTING THE DISPENSARY AT TINSUKIA

The Local Board of Dibrugarh, who maintain the present dispensary at Tinsukia, obtained the permission of Government to substitute the Government Sub-Assistant Surgeon there by a doctor of their own as soon as there was a vacancy in which the Sub-Assistant Surgeon could be absorbed. When the opportunity arose to give effect to this permission a proposal for setting up a well-equipped hospital with a Government Assistant Surgeon and a Sub-Assistant Surgeon was made by Babu Surujmall Jalan, M. B. E., a Marwari gentleman of Tinsukia. Tinsukia is a town of growing importance and the offer of Babu Surujmall Jalan will be a great improvement in the medical arrangements there. As there is no early prospect of the dispensary being provincialized Government consider that the offer should not be missed. They have therefore accepted the offer, subject to the approval of the Assembly, to rebuild and enlarge the dispensary on the following terms:—

(1) The donor will construct a hospital consisting of—

- (i) a male ward,
- (ii) a female ward,
- (iii) an operating theatre,
- (iv) isolation wards,
- (v) a mortuary,

and staff quarters consisting of—

- (i) one quarter for a second Sub-Assistant Surgeon, to be available if and when one is appointed,
- (ii) three compounders' quarters,
- (iii) menials' sheds,
- (iv) a lady doctor's quarter,
- (v) Dhais' quarters,
- (vi) covered passages.

All complete with latrines, kitchens, approach road and culverts, furniture including beds and equipments. He will provide a tube well for water-supply.

(2) The donor will also adopt the existing dispensary building as quarter for the present Sub-Assistant Surgeon.

(3) All the buildings mentioned above are to be *pucca* and built according to plans and specifications supplied by the Civil Surgeon, at a cost which should not exceed Rs.33,169.

(4) The hospital shall be managed by a Committee composed as follows:—

The Deputy Commissioner—as *ex-officio* President.

The Civil Surgeon—as *ex-officio* Vice-President.

Members—(1) The Chairman, Dibrugarh Local Board.

(2) The Chairman, Tinsukia Municipal Board.

(3) The Donor, or his nominee.

(4) Four gentlemen living in or near Tinsukia to be nominated by Government, of whom one will represent the Planting and another the Commercial community.

(5) The Committee will be responsible for the finances of the hospital and will have its own Hospital Fund, but will be subject to the control of the Provincial Government in any matter of doubt or dispute.

(6) The Provincial Government will loan the services of a Sub-Assistant Surgeon, and will make a compensatory grant to cover in full the contribution required on account of his services; and they will be prepared to consider at a later date should it prove necessary, the provision of a second Sub-Assistant Surgeon on similar terms. They will also, on the understanding that the following contributions are annually made by the parties concerned—

The Dibrugarh Local Board	Rs.
The Tinsukia Municipal Board	2,000
The Donor	1,000
make such grant as may be necessary to cover any deficit, subject to a maximum of Rs.1,000 per annum.	250

APPENDIX I

REPORT OF THE COMMITTEE OF PRIVILEGES CONSTITUTED FOR THE ASSAM LEGISLATIVE ASSEMBLY

We the members of the Committee of Privileges beg to report as follows:

PART I

In pursuance of a motion carried in the Assembly on the 3rd April, 1939, the Committee of Privileges was constituted by the Hon'ble Speaker and the first meeting of the Committee was held on the 5th August, 1939. We were unanimous in our opinion that the Hon'ble Speaker should preside over the deliberations of the Committee and with a view to securing his presence as Chairman, which was not covered by the terms of the original motion, the Committee adjourned after passing the following resolution unanimously:—

“This Committee is of opinion that the Hon'ble Speaker, who is the custodian of the rights and privileges of the House, should be the Chairman of the Committee of Privileges, and that the Hon'ble Prime Minister be requested to invite the Hon'ble Speaker to preside over the deliberations of the Committee”.

The Committee decided that it would then resume its sitting at the invitation of the Hon'ble Speaker on such date as he may deem fit for the purpose.

The Committee also decided to have the above resolution ratified by the House at its next Session.

PART II

On being invited by the Hon'ble Prime Minister, the Hon'ble Speaker agreed to preside over the deliberations of the Committee and the Committee met again, as directed by the Chairman, on the 14th August, 1939.

On the suggestion of the Chairman, who furnished the Committee with all information about the steps taken in Bengal on the subject of privileges of the House, we are of opinion that so far as the Assam Legislature is concerned, it will not be advisable to undertake any legislation in the matter

till the Bengal Assembly Powers and Privileges Bill has taken a practical shape. In the meantime we considered the following items :

- (1) What *interim* Rules are to be followed by the Committee till a legislation on the subject is undertaken ?
- (2) Whether the Committee should undertake any legislation both in regard to the existing privileges of the House and also to the other privileges which, according to the Committee's decision, the House should possess, and if so, on what lines.

In discussing these points, we considered the procedure followed in the House of Commons and also the "intermediate procedure" Schedule I suggested by the Speaker of the Bengal Legislative Assembly.

In our opinion, the procedure laid down by the Speaker of the Bengal Legislative Assembly is a feasible one as an intermediate procedure to be followed till any legislation is placed on the Statute Book.

We then considered the terms of reference made to us by the House on the 3rd April, 1939 which were (1) to report on the present position of the rights and privileges of members of the Assembly both individually and collectively, (2) to recommend such other rights and privileges or modifications of the existing rights and privileges as may be deemed necessary for the due discharge of the functions of members, (3) to consider and adjudge the breaches of the rights and privileges and (4) to advise with regard to the course of action that should be taken by it to protect and enforce such rights and privileges.

In our opinion there are certain privileges which cannot be claimed in the absence of legislative sanction behind them, but that there are some privileges which the House can claim without any legislation.

With a view to making the necessary Rules and to scrutinizing the privileges indicated above, we met again on the 15th August, 1939. We consider it necessary that there must be some well-defined Rules laying down the procedure to be followed in dealing with cases of breach of privilege of the House and have accordingly formulated a set of Rules as in Schedule II.

In our opinion the existing privileges which can be claimed and vindicated to some extent even without legislation are those in Schedule III and the new privileges which cannot be claimed and vindicated without legislation should be those enumerated in Schedule IV to this Report.

We also decided to meet again sometime before the next Session of the Assembly for recording our verdict as to whether Srijut Rohini Kumar Chaudhuri committed any breach of privilege by producing a letter on the floor of the House on the 30th March, 1939 in connection with the Karimganj Electric Supply License and if so, what privilege or privileges.

B. K. DAS,

Chairman.

ARUN KUMAR CHANDA.
BAIDYANATH MOOKERJEE.
DEBESWAR SARMAH.
RAJENDRA NATH BARUA.
ABDUL MATIN CHAUDHURY.
ROHINI KUMAR CHAUDHURI.
F. W. HOCKENHULL.

N. B.—Srijut Rohini Kumar Chaudhuri did not attend the Committee meeting on Monday, the 14th August and also the afternoon sitting on Tuesday, the 15th August 1939.

SCHEDULE I

(Intermediate procedure)

An extract from the Report of the Committee of Privileges of the Bengal Legislative Assembly

* * * *

It will be for the Committee of Privileges to consider, whether even though it is not possible for the House to punish contempts, an intermediate procedure cannot be devised apart from the power of empowering courts to try such cases. There is a danger which must be frankly recognised that unless a real responsibility in the matter of privileges is assumed by the Legislature there may be a tendency to take too frequent notice of cases of contempt and to refer them to courts for adjudication, on the assumption that the publicity given to such proceedings, whatever may be the ultimate result in courts may have a certain amount of deterrent effect on persons. But frequent references to courts may cause considerable harassment and may defeat their own object.

The question as to whether the House of Commons exercise its power of commitment for contempt as of right inherent in every court of record or otherwise has been discussed by Anson * and his conclusions are "On the whole it would seem that the right of committal finds a surer basis on the necessity of such a power for the maintenance of the dignity of the House, than on any technicality as to the House being a court of record." Some hold that it is inherent in every constitution which has even limited power of a sovereign Legislature, that within its scope it must have the power to protect itself outside attacks and if there is no sanction existing to enforce the exercise of any power such power could not in fact be said to exist in any real sense. If the Legislature has the power to define its privileges, it has the inherent power of committal for contempt. But for the time being would it be feasible to devise an intermediate procedure as follows, viz., whenever a matter of contempt of the Legislature is brought to the notice of the Assembly, the Leader of the House would move a resolution for referring such matter to the Committee of Privileges. If the Committee of Privileges is satisfied that *prima facie* it is a case of contempt the Committee should report its decision to the Assembly and thereafter on the matter being brought up before the House and the House agreeing with the recommendation of the Committee the offending person may be given a notice to appear before the bar of the House, instead of the matter being straightaway referred to the court for trial. It would of course be open to such person to appear before the bar only if he wishes to and to make any declaration after being warned that he is free to make such declaration or not as he chooses and thereafter he may either explain himself or express his regret or apology to the House and the matter may thereafter be either dropped or proceeded further as the House may wish. It should be definitely understood that in such procedure the appearance of the offending person should be a pure optional act on the part of such person and likewise any statement of his should be optional and voluntary on his part, and even if he chooses to make a statement, that statement or part of the proceedings should in no circumstance be put in evidence in a court if his case is sent to a court. This procedure has the advantage of leaving the matter entirely to the choice of the person concerned and yet at the same time avoid complicated court proceedings which might be disadvantageous to the offending person himself and at the same time will

* Anson Volume I, pages 179, 180

lay the foundation of a procedure concerning the privileges. In any case this aspect of the matter should be fully discussed in the Committee of Privileges, as to whether it will be within the competence of the Legislature to devise such procedure and thereby not only simplify the proceedings but at the same time lay the foundation of some control of the House over such matters.

SCHEDULE II

Rules of procedure to be followed in dealing with cases of breach of privileges of the House

1. Any complaint of breach of privileges of members of the Assembly either individually or collectively or on a matter of contempt of the Legislature should be brought before the notice of the House by a motion as soon as possible after it has occurred.
2. If it has occurred before the sitting of the House it should be raised before the commencement of the business of the House.
3. If it has occurred after the commencement of the sitting it may be raised immediately after on the floor of the House.
4. If it is raised out of the proceedings of the House it may be raised in connection with those proceedings.
5. When a newspaper is complained against the copy must be produced in order that the offending publication may be read out by the Chair.
6. When a question of a breach of a privilege of the House is raised a debate will follow either for deciding whether it is really a breach of privilege or for referring the question to the Privileges Committee. If after a debate has taken place on the motion the House resolves that the matter complained of is a breach of privileges, the House may at once proceed to decide in what way the breach should be dealt with. And if after such a debate any complaint of breach of privileges is referred to the Committee and if the Committee is satisfied that *prima facie* it is a case of contempt or breach of the rights and privileges of the House, it shall report its decision to the Assembly with the advice with regard to the course of action that should be taken on the offender and to express its opinion with regard to the steps that should be taken to protect and enforce such rights and privileges in future.
7. Any breach of privilege of a glaring nature committed in the presence of the Speaker or the person presiding for the time being may be dealt with in accordance with the Rules of the Assembly by the Speaker or the person presiding as the case may be.

SCHEDULE III

Existing Privileges

(which can be claimed and vindicated to some extent even without legislation)

Under section 71 of the Government of India Act, 1935 the following seem to be the existing privileges of the Legislature, subject to the provisions of the Act and the rules regulating the procedure of the Legislature:—

1. Subject to the provisions of the Act and the Rules and Standing Orders regulating the procedure of the Legislature, there shall be—
 - (1) freedom of speech,

(2) no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any Committee thereof, and

(3) no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.

2. Under the old constitution the privileges were as follows:—

(a) Under section 72(D)(7) of the 1919 Act, subject to Rules and Standing Orders, there was the right of freedom of speech in the Legislative Councils and no person was liable to any proceedings in any court by reason of his speech or vote in any such Council or by reason of anything contained in any official report of the proceedings of any such Council.

(b) Under section 110 of the 1919 Act, the Ministers were not subject to the original jurisdiction of any High Court by reason of anything counselled, ordered or done by any of them in his public capacity or liable to be arrested or imprisoned in any suit or proceedings in any High Court acting in exercise of its original jurisdiction or subject to the original criminal jurisdiction of any High court in respect of any offence not being treason or felony.

*(c) By the Legislative Members' Exemption Act, 1925 (The provisions have been incorporated as Section 135A of the Civil Procedure Code and are therefore still in force), members of Legislature are exempted from liability to serve as jurors or assessors so long they remain members of such body. They are also not liable to arrest or detention in prison under Civil process during the continuance of any meeting of such body or of any meeting of any Committee thereof and during the 14 days before and after such meeting or sitting.

3. Apart from the privileges mentioned above the Legislature also attempted to develop by convention the following privileges:—

(i) A member who gives to the Press for publication, questions or resolutions or motions before they are admitted by the Chair commits a breach of privileges of the House.

(ii) It is a breach of privileges of the House to publish in any form reports and proceedings of the Select Committees on Bills and minutes of dissent before they are presented to the House or published in the Gazette, and similarly of the other Committees appointed by the House under the Rules of procedure.

(iii) Papers relating to a Bill are treated as confidential until the Bill is introduced or published for introduction.

(iv) Until presented before the House the Budget is also treated as confidential.

(v) It is a breach of privileges to refer to anything that happens in the Select Committee save and except that which appears in the report of the Committee.

*N. B.—It has been brought to the notice of the Committee that the relevant provision in the Civil Procedure Code had been made by an Adaptation Order pending necessary legislation by the Provincial Legislature. So legislation would have to be undertaken to amend the original clause in the Civil Procedure Code.

- (vi) It is also considered as a breach of privileges to ask a question based on newspaper reports.
- (vii) Inaccurate publication of a report of the proceedings and debates of a House and misrepresentation thereof as correct.
- * (viii) Abuse of freedom of speech by members within the House, such as expression or use of words in speech within the House which offends the rules of decency and decorum or any disgraceful, disreputable and heinous conduct by words or deeds within the House
- (ix) Such treatment as assault, insult, obstruction or menace or any other highly discourteous behaviour to any member of the House by a member or a non-member in his coming to or going from the Legislature, or assault to any member on account of his votes or speeches or upon the conduct or behaviour in the Legislature in connection with any matter coming up before it.
- (x) False or scandalous charges or imputations or libellous charges against a member touching his conduct as a member of the House.
- (xi) Reflection on the character or conduct of the Speaker, or the person presiding for the time being or any accusation of partiality in the discharge of his duties.
- (xii) Criticism of the decisions of the Speaker, or the presiding authority for the time being, by a member outside the House and inside the House except in connection with the raising of a point of order subsequently in similar circumstances.
- (xiii) Disrespect to the House collectively whether committed by a member or any other person.

SCHEDULE IV

Proposed new privileges

(Privileges which cannot be claimed and vindicated without Legislation)

The following further rights and privileges may also be considered :—

- (1) Members should not be made liable to any civil or criminal proceedings by reason of any matter or thing which they may have brought up or given notice of their intention to bring up, before the Assembly or any committee thereof, by petition, Bill, resolutions, motions, questions or otherwise and notwithstanding such petition, resolution, motion, Bill, question or otherwise being disallowed or not being admitted by the Speaker or by any other person duly entitled and authorised to do so. (This may be considered to be covered by section 71 to some extent.)
- (2) Members should not be liable to arrest, detention or imprisonment in respect of any debt or any matter which may be subject of civil proceedings or under any civil process during the sessions of the Assembly and for two weeks before the beginning of a session and after the prorogation of the Assembly.

*Maulavi Abdul Matin Chaudhury dissented from item No. (viii),

- (3) Exemption of members from personal appearance in any civil, criminal or revenue court during the sessions of the Assembly.
 - (4) Information of arrest, detention, conviction or imprisonment of any member together with the charges should be sent to the Speaker by the person or persons under whose authority or order the arrest, detention, conviction or imprisonment is effected.
 - (5) Necessary provision to be made for the Speaker to enable him to ask the Provincial Government to take necessary steps to enable a member who is arrested, detained, convicted or imprisoned on a criminal charge or otherwise to attend such meeting of the Assembly or any Committee thereof as the case may be on such day or days as may be required by the Speaker.
 - (6) Exemption of members and persons employed by the Assembly Department from liability to serve as jurors or assessors as provided in the Criminal Procedure Code.
 - (7) The Speaker and the Ministers to be exempted from personal appearance in any court. (This can now be done only by a notification by the Government under section 133 of the Civil Procedure Code).
 - (8) The Speaker to be exempted from arrest, detention or imprisonment on a civil process and should not be liable to be arrested, detained or imprisoned in any criminal proceedings or trial unless duly convicted in the court of law.
 - (9) No process, civil or criminal to be served in the Assembly precincts nor through the Speaker or any office of the Assembly Department such process is against any employee of the Assembly Department in which case it may be served within the precincts of the Assembly with the permission of the Speaker but not through him.
 - (10) Salaries and allowances and or payable to the Speaker and the Deputy Speaker, the Ministers and the members of the Assembly under the provisions of the 1935 Act shall not be liable to attachment and sale in execution of a decree under the Civil Procedure Code.
 - (11) Non-liability of any person for acts done in obedience to or by or under the authority of the Assembly to any civil or criminal proceeding.
 - (12) No action, civil or criminal, shall lie against any person in removing or executing by order or authority of the Speaker or of the Assembly, persons infringing the Rules or Regulations of the House or otherwise behaving in a disorderly manner within the precincts of the Assembly.
 - (13) Summoning of witnesses by the Assembly or any Committee thereof and production of documents by such witnesses.
 - (14) Appointment of Tribunals for matters of urgent public importance on the model of the English Act (George V Ch. 7, 1921), (See Schedule V).
- [The Government of Central Provinces and Berar have secured to them the right of appointment of such Tribunals by "The Central Provinces and Berar Committees of Inquiry (Evidence) Act V of 1938". But the Legislature should also have that right as a distinct privilege on the lines of the English Act].
- (15) Immunity of witnesses from civil or criminal law for any answer given or tendered by them to the Assembly or any committee thereof.

- (16) Taking or offering bribes in connection with any business of the House by a member of the House or officer of the Assembly Department or offering of bribes by any outsider to any member or an officer of the Assembly Department to be a breach of privileges of the House.
- (17) Punishment of a person not being a member of the Assembly for creating disturbance in the precincts of the Assembly.
- (18) Publication of any report, paper, notice or proceedings by order of the Speaker in connection with the Assembly or any committee thereof should be deemed to be duly published by or under the authority of the Assembly and no person should be liable to any damages or to any proceedings in any court in respect of anything done in pursuance of such authority or order.
- (19) Obstructing officers, and persons who are employees of the Assembly Department when coming to the Assembly for the lawful discharge of their duties to be a breach of privileges of the House.
- (20) Impersonation for admission to the visitors' galleries to be a breach of privileges of the House.

In any legislation that may be undertaken for defining the privileges of the House, provisions should be made to make every breach to be an offence punishable in a Court of Law by suitable punishment provided for it in the legislation itself. A procedure as to how a prosecution for such an offence can be started may also be devised by the same legislation.

SCHEDULE V

GEORGE V, CHAPTER 7 (1921)

An act to make provision with respect to the taking of evidence before and the procedure and powers of certain Tribunals of Inquiry.

(24th March 1921)

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

1. (1) Where it has been resolved (whether before or after the commencement of this Act) by both Houses of Parliament that it is expedient that a Tribunal be established for inquiring into definite matter described in the Resolution as of urgent public importance, and in pursuance of the Resolution a tribunal is appointed for the purpose either by His Majesty or a Secretary of State, the instrument by which the tribunal is appointed or any instrument supplemental thereto may provide that this Act shall apply, and in such case the tribunal shall have all such powers, rights and privileges as are vested in the High Court, or in Scotland the Court of Session, or a Judge of either such Court, on the occasion of an action in respect of the following matter:—

- (a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise;
- (b) the compelling the productions of documents;
- (c) subject to rules of Court, the issuing of a commission or request to examine witness abroad;

and a summons signed by one or more of the members of the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) If any person—

- (a) on being summoned as a witness before a tribunal makes default in attending ; or
- (b) being in attendance as a witness refuses to take an oath legally required by the tribunal to be taken, or to produce any document in his power or control legally required by the tribunal to be produced by him, or to answer any question to which the tribunal may legally require an answer ; or
- (c) does any other thing which would, if the tribunal had been a Court of Law having power to commit for contempt, have been contempt of that Court ;

the Chairman of the tribunal may certify the offence of that person under his hand to the High Court, or in Scotland the Court of Session, and the Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of Court.

(2) A witness before any such tribunal shall be entitled to the same immunities and privileges as if he were a witness before the High Court or the Court of Session.

2. A tribunal to which this Act is so applied as aforesaid—

- (a) shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the tribunal unless in the opinion of the tribunal it is in the public interest expedient so to do for reasons connected with the subject matter of the inquiry or the nature of evidence to be given ; and
- (b) shall have power to authorise the representation before them of any person appearing to them to be interested to be by Counsel or Solicitor or otherwise, or to refuse to allow representation.

Power of tribunals as to exclusion of public and granting right of audience.

3. This Act may be cited as the Tribunals of Inquiry (Evidence) Act, 1921. Short title.

SUPPLEMENTARY REPORT OF THE COMMITTEE OF PRIVILEGES CONSTITUTED FOR THE ASSAM LEGISLATIVE ASSEMBLY

We the members of the Committee of Privileges beg to report as follows :

We met again on the 20th February, 1940, but only 4 out of the 7 members were present. The meeting had to be adjourned till Friday the 23rd February for the following reasons :—

- (1) The original resolution constituting the Committee did not fix any quorum and that the quorum could not be fixed unless all the members of the Committee were present.

- (2) The question as to whether Srijut Rohini Kumar Chaudhuri committed any breach of privilege by producing a letter on the floor of the House on the 30th March, 1939, in connection with the Karimganj Electric Supply License could not be discussed or decided upon in the absence of the hon. member concerned.

Before adjournment, the Chairman, after consultation with the members present, decided to nominate Mr. D. B. H. Moore to be a member of the Committee in place of Mr. F. W. Hockenhull.

The Committee met with full strength on the 23rd February, 1940.

We decided unanimously that 5 members should form the quorum in any meeting of the Committee.

We then took up the question whether the production of a letter on the floor of the House by Srijut Rohini Kumar Chaudhuri on the 30th of March 1939 in connection with the Karimganj Electric Supply License amounted to committing any breach of privileges or not. This matter was discussed at length by us in August, 1939. After a short discussion again we came to the conclusion that, in view of the explanation given by Mr. Chaudhuri at the last meeting and further submission made by him again at this meeting, it was unnecessary to proceed further in the matter and recommend that it may be closed.

We also decided that, as desired by the Hon'ble Prime Minister, the Hon'ble Minister-in-charge of Legislative should present the Report of the Committee to the House and make subsequent motions necessary in that connection. We are of opinion that said Hon'ble Minister should also move the formal motion to have the Committee's resolution passed on the 5th August, 1939 with regard to inviting the Hon'ble Speaker to preside over the deliberations of the Committee ratified by the House.

It was also decided that the Report of the Committee need not be published in the Gazette.

B. K. DAS,

Chairman.

ABDUL MATIN CHAUDHURY.
ROHINI KUMAR CHAUDHURI.
ARUN KUMAR CHANDA.
BAIDYANATH MOOKERJEE.
DEBESWAR SARMAH.
RAJENDRA NATH BARUA.
D. B. H. MOORE.

