

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

The Assembly met at the Assembly Chamber, Shillong, at 11 a.m. on Thursday, the 19th November, 1942.

PRESENT

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Assam Civil Service

Maulavi ABDUR RAHMAN asked :

*16. Is it a fact that due to the creation of various special posts for the members of the Assam Civil Service the Magistracy in the province is being deprived of experienced officers ?

*17. (a) Are Government aware that the Subdivisional Officers do mostly touring and file works and only minor criminal works ?

(b) Will Government be pleased to state whether, except the Subdivisional Officers, any magistrate having more than fifteen years' experience in the province, is at present doing any Judicial work as a magistrate ?

*18. (a) Are Government aware of the decision of the Government of Bengal to fill up all vacancies in the Bengal Civil Service (Executive) or such number of them exceeding 50 per cent. as the Governor may direct by promotion from the Bengal Judicial Civil Service ?

(b) Do Government propose to adopt a similar policy in this province ?

(c) Are Government aware that comparatively junior officers are at present appointed as Subdivisional Officers in Bengal ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

16.—This is not the main reason for pressure on the cadre. Short recruitment over some four years, steady expansion of work and increase in executive work due to the war emergency, are the chief causes. The cadre is under review.

17. (a)—Ordinarily Subdivisional Officers are expected to do a substantial amount of magisterial work. The standard has had to be relaxed owing to pressure of executive duties recently.

(b)—Yes.

18. (a)—Government have no information.

(b)—Does not arise. There is no separate judicial service in Assam ; but Government have appointed ten temporary officers from the Bar in order to supply the deficiency of Magistrates and are considering further action on these lines.

(c)—This follows from what has already been stated, in Assam also.

Posting of Gazetted Officers

Maulavi ABDUR RAHMAN asked :—

*19. Will Government be pleased to state—

- (a) The principle hitherto followed by Government in posting Gazetted Officers in one station ?
- (b) The period for which each Extra Assistant Commissioner is at present serving in each of the Subdivisions of the Sylhet district ?
- (c) Whether it is a fact that some of the Extra Assistant Commissioners and some other Gazetted Officers in the district of Sylhet are serving in the same station for nearly five years ?
- (d) If so, what are the reasons thereof ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

19. (a)—The question is too general for categorical reply, as no department is indicated.

(b)—A statement is laid on the table.

(c)—Yes.

(d)—The question is not fully understood. If the hon. member is confining his question to the executive services, the reason why there has been any unusual duration of postings to particular stations lies in the fact that the officers are generally undermanned and transfers at this exceptionally busy time have been avoided in order to prevent loss of man power.

Maulavi ABDUR RAHMAN: Is it not a fact, Sir, that when Gazetted officers are posted to a particular station they are posted only for 3 years ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That has been the normal procedure, Sir.

Maulavi ABDUR RAHMAN: Is it not a fact that for some time past Government have deviated from this practice ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, as I have already explained, as soon as an officer is transferred, for reasons best known to him he generally goes on leave, moreover he also gets joining time. So for a period ranging from 7 days to two months Government lose the service of such officers. Therefore at a time when work has increased tremendously on account of the war we are not following this practice.

Maulavi ABDUR RAHMAN: Will the Hon'ble Premier take into consideration the fact that if officers are kept in a station for more than three years there is a loss of efficiency ? So will Government see that officers are not kept there after three years ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The points implied in the suggestion will be borne in mind and suitable action will be taken wherever possible.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION No.19(b).

Extra Assistant Commissioners posted in the Subdivisions of Sylhet District

Sadar Subdivision (North Sylhet)

1. Maulavi Md. Moshud—6-10-1941 (For Court of Wards' state).E
2. Maulavi Md. Abdul Muktedir—22-9-1941.

3. Babu Binode Behari Ray Barman—17-12-1941 (In charge of Treasury).
4. Babu Biraja Kanta Ghose—(Temporary Extra Assistant Commissioner) 1-4-1942.
5. Babu Atul Chandra Nandi—2-7-1942.
6. Babu Bhupendra Madhab Dam—2-1-1942.

Karimganj Subdivision

1. Maulavi Md. Sultan—21-4-1942 (Subdivisional Officer).
2. Maulavi Abdus Salam Chaudhuri—6-10-1941.
3. Maulavi Md. Asghar—17-12-1941.
4. Babu Khagendralal Ray—16-5-1942.

Sunamganj Subdivision

1. Maulavi Saiyid Martuza Ali—27-4-1940 (Subdivisional Officer).
2. Maulavi Ghyas-ud-din Ahmad—21-4-1939.
3. Babu Kunja Behari Nandi—10-10-1939.
4. Maulavi Saiyid Muazzam Hussain—16-9-1941.

Habiganj Subdivision

1. Khan Sahib Maulavi Saiyid Nabib Ali—28-2-1938 (Subdivisional Officer).
2. Maulavi Munawar Hussain Chaudhuri—15-10-1941.
3. Maulavi Azizur Rahman—8-5-1942.
4. Babu Mathura Nath Das—29-7-1940.
5. Maulavi Md. Mahmud—28-4-1937.
6. Maulavi Md. Madarris Chaudhuri—24-8-1942.

South Sylhet Subdivision

1. Maulavi Sirajul Islam Chaudhuri—12-4-1940 (Subdivisional Officer).
2. Maulavi Alauddin Chaudhuri—24-4-1939.
3. Babu Birendra Lal Sen—21-1-1942.
4. Mr. Satijiban Das—12-7-1941.

Court of Wards' Estates in Sylhet

Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURY
asked :—

*20. Will Government be pleased to state—

- (a) The names of estates that were taken over by Government under the management of the Court of Wards in the district of Sylhet during the last 5 years together with the names of their respective proprietors ?
- (b) The income shown in papers by the proprietors of each of these estates ?
- (c) The actual income found by the Court of Wards while managing each of these estates ?

(d) The names of estates that were released from the management of the Court of Wards during the said period showing the names of their respective proprietors ?

(e) The grounds on which these estates were released ?

(f) The names of estates that submitted fictitious figures showing higher income than the actual together with the names of the proprietors of each of these estates ?

*21. Will Government be pleased to state—

(a) Whether it is a fact that the allowance of Babu Monmohan Chaudhury, M. L. C., a Ward of Rai Bahadur Wards' Estate, Sukhair, in the subdivision of Sunamganj, was stopped for sometime ?

(b) If so, by whom and the grounds on which the allowance was stopped ?

(c) Whether any enquiry was made by the Court of Wards' authorities before stopping the allowance ?

(d) If not, why not ?

*22. (a) Is it a fact that Babu Govinda Chandra Chaudhury, the Manager of Lakshmansree Wards' Estate, has been suspended from service ?

(b) If so, what were the charges against him and by whom he was suspended ?

(c) If the answer to question No.22(a) be in the affirmative, will Government be pleased to lay on the table the explanation, if any, submitted by Babu Govinda Chandra Chaudhury to the charges brought against him ?

*23. Will Government be pleased to state—

(a) The names of estates under the management of the Court of Wards in the district of Sylhet that have been granted the power of certificate procedure under the Public Demands Recovery Act ?

(b) Whether it is a fact that there has been no record-of-rights in these estates and the relation between the tenants and the landlord was not clear ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

20. (a)—The names of the estates with the names of the proprietors are given in a statement laid on the table.

LIST REFERRED TO IN REPLY TO STARRED QUESTION No.20(a).

List showing the names of the Estates with the names of the proprietors in the district of Sylhet

Name of Estate

Name of proprietors

1. Dastidar
Estate.

Wards'

- (1) Rai Bahadur Nalini Kanta Rai Dastidar.
- (2) Babu Rajani Kanta Rai Dastidar.
- (3) Babu Jamini Kanta Rai Dastidar.
- (4) Babu Biraja Kanta Rai Dastidar.
- (5) Babu Dharani Kanta Rai Dastidar.

- | Name of Estate | Name of proprietors |
|----------------------------------|--|
| 2. Dewan Manik Chand Estate. | (1) Mr. Gopika Raman Roy.
(2) Mrs. Suruchi Bala Choudhurani.
(3) Sriman Gaurish Chandra Roy. |
| 3. Munshibari Estate ... | (1) Babu Manmatha Kumar Das Chaudhury.
(2) Babu Monoj Kumar Das Chaudhury.
(3) Babu Chitta Ranjan Das Chaudhury.
(4) Babu Chapala Ranjan Das Chaudhury.
(5) Babu Khirode Ranjan Das Chaudhury.
(6) Babu Satya Ranjan Das Chaudhury.
(7) Babu Nitya Ranjan Das Chaudhury.
(8) Babu Prabhat Ranjan Das Chaudhury.
(9) Sreejukta Krishnamani Das Chaudhury. |
| 4. Lakshman Sree Wards' Estate, | (1) Maulavi Dewan Hasimur Reza Chaudhury.
(2) Mussamat Musherruff Jahan Imdadunnessa Khatun Chaudhury.
(3) Dewan Musherruff Hasan Ubidur Reza Chaudhury. |
| 5. Sadhuhati Wards' Estate. | (1) Babu Mahendra Kumar Dam.
(2) Babu Sibasundar Dam.
(3) Babu Ananga Mohan Dam.
(4) Babu Abani Mohan Dam.
(5) Babu Nalini Mohan Dam.
(6) Babu Ashutosh Dam and others. |
| 6. Sukhair Rai Bahadur Estate. | (1) Babu Mohini Mohan Chaudhury.
(2) Babu Monomohan Chaudhury.
(3) Babu Jatindra Mohan Chaudhury.
(4) Babu Monoranjana Chaudhury.
(5) Babu Chittaranjan Chaudhury. |
| 7. Richi Wards' Estate ... | (1) Babu Kshitish Chandra Datta Chaudhury.
(2) Babu Nirode Chandra Datta Chaudhury.
(3) Babu Satyendra Kumar Datta Chaudhury.
(4) Babu Saroj Mohan Datta Chaudhury.
(5) Babu Jyotsnamay Datta Chaudhury and others. |
| 8. Krisna Govinda Wards' Estate. | (1) Babu Bhupendra Mohan Deb.
(2) Babu Nripendra Mohan Deb. |
| 9. Durga Prasad Wards' Estate. | (1) Babu Prasanna Kumar Datta.
(2) Babu Purnendu Kumar Datta.
(3) Babu Saradindu Kumar Datta. |
| 10. Golok Chandra Wards' Estate. | (1) Babu Jnanendra Kumar Deb.
(2) Babu Girindra Kumar Deb. |

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

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION No.20(b) AND (c).

List of Estates showing the Income derived in Sylhet district

Name of Estate		Income shown by Proprietors	Income (de-
			demand)
		Rs.	Rs.
1. Dastidar Wards' Estate	...	25,000	25,590
2. Dewan Manik Chand Estate	...	1,04,000	1,27,059
3. Munshibari Estate	...	12,451	11,399
4. Lakhsman Sree Wards' Estate	...	8,000	2,578
			(Actual for 1348 B.S.)
5. Sadhuhati Wards' Estate	...	18,893	17,208
6. Sukhair Rai Bahadur Estate	...	40,000	50,091
7. Richi Wards' Estate	...	20,000	14,623
8. Krishna Govinda Wards' Estate	}	24,724	24,262
9. Durga Prashad Wards' Estate		17,650	16,925
10. Golok Chandra Wards' Estate		3,750	3,750

(d)—The following estates were released :—

Name of Estate	Name of Proprietor.
1. Krishna Govinda Wards' Estate. {	(1) Babu Bhupendra Mohan Deb.
	(2) Babu Nripendra Mohan Deb.
2. Durga Prashad Wards' Estate. {	(1) Babu Prasanna Kumar Datta.
	(2) Babu Purnendu Kumar Datta.
	(3) Babu Saradindu Kumar Datta.
3. Golok Chandra Wards' Estate. {	(1) Babu Jnanendra Kumar Deb.
	(2) Babu Girindra Kumar Deb.

(e)—As the original conditions on which these estates were taken over were not adhered to by the proprietors.

(f)—The honourable member s referred to the answers to questions 20 (b) and (c).

21. (a)—No.

(b), (c) and (d)—Do not arise.

22. (a)—Yes.

(b)—He was suspended by the Deputy Commissioner, Sylhet. The charges are mentioned in a statement laid on the table.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION No.22(b).

(1) Disobedience of various orders passed from time to time by the Deputy Commissioner, Sylhet, such as :—

(a) Orders regarding deposit of his (Manager's) security.

(b) Orders regarding pushing on collection.

(c) Orders regarding submission of day to day diary of work, especially about going out for collection.

(2) Spending estate money and incurring liabilities without authority under the following amongst other items :—

- (a) Expenditure for general purposes from Alampur appeal deposit
- (b) Expenditure of Rs.350 for repairs of dwelling houses and giving contract thereof.
- (c) Entertainment of temporary establishment and payment of their remuneration.
- (3) Proved inefficient owing to :—
 - (a) Lack of executive habits.
 - (b) Natural inaptitude to control subordinates and get work from them.
 - (c) Failure to realize the balance of the cost of Alampur appeal from the Darpatnidars as directed by the Deputy Commissioner for meeting the expenses of the High Court cases.
 - (d) Failure to collect dues.
- (4) Increase of liabilities of the estate whimsically utterly disregarding the order of the Deputy Commissioner, knowing full well that the estate had no means to pay them.
- (5) Failure to report correctly from time to time the true conditions of the estate fund.
- 22. (c)—No. It is not considered necessary in the public interest.
- 23. (a)—The names of the Estates are—
 1. Nripa Wards' Estate.
 2. Sardar Bahadur Wards' Estate.
 3. Mazumdari Sayadia Wards' Estate.
 4. Mazumdari Baniachong Wards' Estate.
 5. Dastidar Wards' Estate.
 6. Dewan Manik Chand Estate.
 7. Munshibari Estate.
 8. Sadhuhati Wards' Estate.
 9. Sukhair Rai Bahadur Estate.
 10. Lakshmansree Wards' Estate.

(b)—Yes. There is no record-of-rights in these estates but the local officers were satisfied in every case that the records available were fairly accurate.

Copyists in the District Judge's Court at Sylhet

Mr. BAIDYANATH MOOKERJEE asked :

*24. Will Government be pleased to state—

- (a) The average earning per month of a copyist in the District Judge's Court at Sylhet during the years 1940, 1941 and 1942 to date ?
- (b) Whether it is a fact that an extra copyist has been appointed in 1942 in the said Court ?
- (c) Whether it is a fact that no qualifying or competitive test was held before the appointment of this additional copyist ?

(d) Whether it is a fact that the man appointed as copyist failed in the qualifying test held in 1941 for recruitment of clerks ?

(e) Whether due to this appointment there has been a fall in the earnings of copyists ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

24. (a)—The average earning per month of a copyist during the years :—

	Rs.
1940	47
1941	40
1942 (up to 6th October 1942).	40

(b)—A temporary copyist was appointed against two long leave vacancies to cope with the current work.

(c)—It was not necessary as this was a purely temporary appointment.

(d)—It is not a fact.

(e)—No.

(Starred question No.25 standing in the name of Maulavi Mabarak Ali was not put and answered as the questioner was absent).

UNSTARRED QUESTIONS

(to which written answers were laid on the table)

Expenditure on Burma Road Division

Babu KAMINI KUMAR SEN asked :

10. (a) Will Government be pleased to state if any portion of the expenditure on the newly created Burma Road Division was met from the Provincial Revenues ?

(b) If so, what is the amount incurred up-to-date ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

10. (a) & (b)—All expenditure on work done on the India-Burma Road is debited directly to Defence Head and the cost is borne by the Central Government. As regards the Public Works Department establishment employed on the road, the expenditure incurred from January to September 1942 is about Rupees two lakhs, but *pro-rata* recoveries will be made from the Central Government with whom the matter is under correspondence, and this will more than cover the cost of establishment employed on the India-Burma Road.

Garó Petition Writers of Tura Courts

Mr. JOBANG D. MARAK asked :

11. (a) Are Government aware that posts of two Garó Petition Writers have been sanctioned for the Tura Courts for the Garó Public ?

(b) Are Government aware that there is now only one Garo Petition Writer in the Garo Hills appointed from the 1st September 1941 ?

(c) Do Government propose to issue instructions to the Deputy Commissioner, Garo Hills, to appoint another Garo Petition Writer ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

11. (a) & (b)—Yes.

(c)—The Deputy Commissioner will appoint another Petition Writer when the work will justify such appointment.

Mr. JOBANG D. MARAK : Is it not a fact that the question about the necessity of appointing a second Garo Petition Writer was decided after a conference was held between the Hon'ble Premier, the Hon'ble Judicial Minister, the Chief Secretary to the Government and myself, and a conclusion was arrived at that it was absolutely necessary to appoint a second Garo Petition Writer ?

The Hon'ble Srijut RUPNATH BRAHMA : The reply is there. It has been left to the Deputy Commissioner to appoint the second Petition Writer when there will be enough work for him.

Mr. JOBANG D. MARAK : Can the Deputy Commissioner keep the post in abeyance in view of the orders passed by Government ?

The Hon'ble Srijut RUPNATH BRAHMA : The reply is there.

Mr. BAIDYANATH MOOKERJEE : Sir, the reply to (c) is not clear. The question is "Do Government propose to issue instructions to the Deputy Commissioner, Garo Hills, to appoint another Garo Petition Writer," and the reply is—"The Deputy Commissioner will appoint another Petition Writer when the work will justify such appointment", but the question in 11 (a) is "Are Government aware that posts of two Garo Petition Writers have been sanctioned for the Tura Courts for the Garo public". The reply is "Yes".

Srijut ROHINI KUMAR CHAUDHURI : Are we to understand that when the posts were sanctioned the work was just double the amount existing at present in Garo Hills, so there is no necessity of taking another Petition Writer ?

The Hon'ble Srijut RUPNATH BRAHMA : It may be so, Sir.

Mr. BAIDYANATH MOOKERJEE : When the two posts were sanctioned when there was not such a necessity, are we to understand that they were sanctioned just to satisfy some hon. members ?

The Hon'ble Srijut RUPNATH BRAHMA : The Government sanctioned two posts of Petition Writers, but one has been filled up and the other will be filled up probably as soon as work justifies.

Mr. JOBANG D. MARAK : But the Deputy Commissioner has done away with the other post, Sir.

The Hon'ble Srijut RUPNATH BRAHMA : I cannot say what has happened during the 93 Administration. But I think that when the work justifies, the Deputy Commissioner will certainly fill up the remaining post.

Mr. JOBANG D. MARAK : The question of necessity does not arise now. It was absolutely necessary to appoint two Petition Writers when the question was raised, but has the Deputy Commissioner the right of keeping one appointment vacant ?

The Hon'ble Srijut RUPNATH BRAHMA : If the hon. member brings this matter before the local Deputy Commissioner, he will look into it.

Srijut ROHINI KUMAR CHAUDHURI: Was there any discretion left to the Deputy Commissioner whether to appoint two men or not according to the nature of the work ?

The Hon'ble Srijut RUPNATH BRAHMA: I think he has the discretion—it depends upon him to decide whether there was any necessity of taking another Petition Writer.

Srijut ROHINI KUMAR CHAUDHURI: When there will be sufficient work the Deputy Commissioner will fill up both the posts. Was this the order, Sir ?

The Hon'ble Srijut RUPNATH BRAHMA: I have not got the file to know what was the exact order. If the hon. member wants to know I will inform him.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Some time in the middle of last year *i.e.*, in September 1941, as will be apparent from question (b), the two posts of Garo Petition Writers were sanctioned. In October there were Puja holidays, and not practically a working month, in November we were busy clearing up arrears of work and in the beginning of December the Ministry resigned. Since then up till 25th August last it was 93 Administration and we do not know what has happened. In any case the sanction is there and the Deputy Commissioner can appoint two Garo Petition Writers against both the posts when work justifies.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand that the number of petitions in Garo Hills decreased for want of a Ministry in the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The number of cases in the Garo Hills District surely dwindled to a very great extent on account of a large number of Garos having been recruited for the Garo Labour Corps about which we have heard here from the hon. member, the questioner.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I think the Hon'ble Premier is not correct in saying that appointment was made in September. It was made only some time ago, and what was the reason for the Deputy Commissioner to do away with the second post of Petition Writer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If I am to plead guilty to the charge I have got a very good reason to support me. May I request the hon. member to read again Question 11 (b) ? He himself said "Are Government aware that there is now only one Garo Petition Writer in the Garo Hills appointed from the 1st September 1941 ?" Now if I am at fault in mentioning the time, the fault lies with the hon. member.

Mr. JOBANG D. MARAK: Sir, this is probably a printing mistake in my question.

The second post of Petition Writer was done away with, and this was my question originally.

Damages by flood in Goalpara district

Maulana ABDUL HAMID KHAN asked :

12. Will Government be pleased to state—

(a) The names of places and the number of population affected by flood this year in the district of Goalpara ?

- (b) The amount of gratuitous relief and agricultural loans given to the people under different Thanas of the district of Goalpara during and after the high flood of this year?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

12. (a)—The principal damage reported by the District staff appears to have been in the Mankachar and South Salmara Thana jurisdictions: lesser damage was reported from Goalpara, Lakhipur, Bilasipara and Dhubri Thanas. The number of population affected is not known.

(b) Rs.5,000 was allotted on the recommendation of the Deputy Commissioner for gratuitous relief and free distribution of rabi crop seeds in the worst affected areas. The allocation of this sum, Thana by Thana, is not known. Nothing was asked for on account of agricultural loans and no allotment was made.

Maulana ABDUL HAMID KHAN : গভর্ণমেন্ট স্বীকার করিয়াছেন যে গোয়ালপাড়া District এর মান্ কাচার, সাউথ সালমারা, ধুবড়ী, লক্ষীপুর ও বিলাসীপাড়া থানায় এ বৎসর প্রবল বন্যায় প্রজার ভীষণ ক্ষতি হইয়াছে কিন্তু গভর্ণমেন্ট মাত্র পাঁচ হাজার টাকা প্রজাকে গ্রেটুইটাস্ রিলিফ দিয়াছেন। ইহা কি গভর্ণমেন্ট যথেষ্ট মনে করেন ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Deputy Commissioner এর রিপোর্টের উপর এই টাকা দেওয়া হইয়াছে এবং আরও বলা হইয়াছে যে যদি আরও টাকার দরকার হয় তাহা হইলে গভর্ণমেন্ট টাকা দিবেন।

Maulana ABDUL HAMID KHAN : গভর্ণমেন্ট বলিয়াছেন যে এসমস্ত জায়গার লোক-সংখ্যা সম্বন্ধে তাদের জানা নাই কিন্তু আমি বলিতেছি ঐ সমস্ত জায়গার লোক সংখ্যা অনুযায় চার লক্ষ হইবে এবং তাহাদের অবস্থা অতি ভয়ঙ্কর। খাইতে না পাইয়া তাহারা কষ্ট পাইতেছে। আমি জিজ্ঞাসা করিতেছি গভর্ণমেন্ট আরও গ্রেটুইটাস্ রিলিফ দিতে রাজী আছেন কি না ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : আমি বলিতেছি যে Deputy Commissioner রিপোর্ট দিলে আরো টাকা দেওয়া হইবে।

Maulana ABDUL HAMID KHAN : Deputy Commissioner এর রিপোর্টের উপর নির্ভর করিয়াই কি মাননীয় মন্ত্রীমহোদয় তাহার কর্তব্য শেষ করিতে চান না পাবলিকেরও মতামত শুনিবেন ?

The Hon'ble Khan Bahadur Maulavi [SAYIDUR RAHMAN : আপনি যাহা বলিয়াছেন সেই সম্বন্ধে Deputy Commissioner কে জানান হইবে এবং আবার রিপোর্ট আনান হইবে।

Prosecutions for selling commodities at higher rate than controlled prices

Babu KAMINI KUMAR SEN asked :

13. Will Government be pleased to state—

- (a) The number of prosecutions started in each subdivision of the province for profiteering by selling commodities at higher prices than the controlled prices or bazar rates ?
- (b) The number that ended in conviction ?

- (c) The number of prosecutions started in each subdivision of the province for illegal hoarding of such commodities ?
- (d) The number that ended in conviction ?
- (e) The number of cases, subdivision by subdivision, in which search was made for seizure of such commodities ?
- (f) The number of cases in which hoarded commodities were actually seized with the kind and quantity of such seizure in each case ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

13. (a)—Government have not particulars by subdivisions. The total prosecutions from 1st January 1941 to 30th October 1942 under Defence of India Rule 81 are 234.

(b)—There were 96 convictions from 1st January 1941 to 30th October 1942.

(c) and (d)—Government have not any information separately about convictions for hoarding as distinct from profiteering.

(e)—There is no record of searches and it would take a long time to procure the figures.

(f)—Government are enquiring.

Babu KAMINI KUMAR SEN: Question No. 13 (a) and (b)—May we know from the Government why such a large number of prosecutions have failed? It seems that only 96 prosecutions have succeeded out of 234.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, for want of, elaborate evidence or some other cause such a number of prosecutions have failed. In some cases even complainants failed to turn up and give their evidence.

Babu KAMINI KUMAR SEN: Sir, it seems that more than 50 per cent. of the prosecutions have failed. I think there must be something wrong somewhere. Will Government please enquire into the reason why so many prosecutions have failed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I will again ask the Deputy Commissioner for a report.

Babu KAMINI KUMAR SEN: As regards (c), (d) and (e)—Will Government please collect the necessary figures and also ask the Deputy Commissioners and Subdivisional Officers to lay particular stress about checking, hoarding, by holding occasional searches etc. It is more due to the hoarding that the prices have risen so high.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. Government have already taken actions on those lines. In one particular district hoarding of sugar was detected and after that we have instructed the Deputy Commissioners to search the godowns of the traders when suspicion arises.

Commandeering of country boats by Government

Babu KAMINI KUMAR SEN asked :

14. (a) Are Government aware that indiscriminate commandeering of country boats in the Surma Valley has been responsible for scaring away

the boatmen in freely plying their boats with the result that the safe and continuous transit of commodities particularly to markets in the interior as also the movements of passengers to and from localities having no other source of communications, were frequently disturbed ?

(b) If so, what steps, if any, have Government taken to ensure the safe movement of boats engaged for such purpose ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

14. (a)—Government have received no complaints to such an effect.
(b)—Does not arise.

Sale of Foodstuffs at a higher rate than the controlled prices

Babu KAMINI KUMAR SEN asked :

15. (a) Are Government aware that articles of foodstuffs are not generally available unless prices higher than the controlled prices are offered ?

(b) If so, what steps have Government taken or propose to take to remedy the state of things ?

16. Will Government be pleased to state whether they have taken any steps to ensure the safe and continuous transport of articles of foodstuffs and other necessities to all District and Subdivisional headquarters as well as the all important markets in the interior of the Province ?

17. (a) Will Government be pleased to state the names of places where stores have been opened by the Government for sale of articles of foodstuffs and other necessities ?

(b) Do Government propose to take immediate steps to open such stores at least in every District and Subdivisional headquarters as well as in all important markets in the interior of the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

15. (a) & (b)—Government have no information. When cases of profiteering are reported to District authorities they take necessary action.

Babu KAMINI KUMAR SEN: Is it not a fact that even in Shillong articles of foodstuffs are not available at controlled prices ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, I have already stated that myself, the other day, in reply to some questions of this nature.

Babu KAMINI KUMAR SEN: The reply to Question No.15 (a) and (b) is "Government have no information". Do we understand that it is not known to the Government that even in Shillong rice and other foodstuffs are not available at the controlled prices ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have received no complaint from the Deputy Commissioner, Sir.

Mr. A. WHITTAKER: Will the Hon'ble Premier plead judicial ignorance in this point ?

Srijut RAM NATH DAS: Was it not the duty of Government to enquire about this ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I have already replied that Government did enquire and did get these figures from the Deputy Commissioners. What more enquiry is required by my hon. friend I do not know.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

16.—Normally transport is arranged by our buying Agent, Messrs. Shaw Wallace. We also sometimes move the Railway authorities and the Sugar Controller for India when necessary. Due to the present unrest in the country particularly in Bihar from where we get our sugar, etc., there is less safe continuous transport now. Deputy Commissioners and Subdivisional Officers in the Surma Valley make arrangement for the movement of food-stuffs in the interior of the districts and in the Assam Valley Messrs. Steel Brothers are doing the same job.

Mr F. W. BLENNERHASSETT: The Question is—"Will Government be pleased to state whether they have taken any steps to ensure the safe and continuous transport of articles of foodstuffs and other necessities to all District and Subdivisional headquarters as well as all the important markets in the interior of the Province?" Will Government take it from me that pilferage is going on in the Railway generally and on all the lines of communications. Will Government please take steps to instruct or otherwise organise, if necessary, Railway Police in order to prevent this public scandal?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend is talking of pilferage in transit in the Railway. Government will try their level best to stop it. This matter has not been brought to our notice. Excepting certain questions from the European Group, we have no complaint about pilferage or any extraordinary pilferage in transit in the Railway at the present moment.

Mr. F. W. BLENNERHASSETT: Will Government act upon the information we have given them?

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

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

17. (a)—No Government stores have been opened.

(b)—The subject is engaging attention.

Babu KAMINI KUMAR SEN: As regards Question No.17, is it not a fact that there is such a store in Silchar?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, every Deputy Commissioner has a store of articles which is not sold to the public but is issued to the traders. There is no Government store from which retail sale is done by the Government except in one place.

Babu KAMANI KUMAR SEN: My information is that, Sir, in Silchar retail sale is held and supervised by a Government Extra Assistant Commissioner who is in charge.

The Hon'ble Maulavi Saiyid Sir MUHAMMED SAADULLA: It is only as regards salt that Government started selling through its own agency. We have got no regular store of all commodities.

Mr. BAIDYANATH MOOKERJEE: Sir, are not A.R.P. stores Government stores and managed by the A.R.P. personnel?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Surely it is Government store.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that there is an A.R.P. store at Silchar managed by a Government Extra Assistant Commissioner?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is beyond my knowledge, Sir.

Babu KAMINI KUMAR SEN: Will Government please enquire whether there is such a store at Silchar?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, I will enquire, Sir.

Mr. A. WHITTAKER: May I know if the Supply Department of the Government have fallen short of the supply?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I don't think that any such presumption can be raised both from the question as well as reply to question No.17(a).—The question is—"Will Government be pleased to state the names of places where stores have been opened by the Government for sale of articles of foodstuffs and other necessities." From this question we thought that information about Government stores from which retail sales are being made is wanted. Therefore the reply is "No Government stores have been opened." Government have granted licenses to certain traders who are being supplied from Government stores of foodstuffs for sale to the public at a controlled price. It is only in Silchar that the Government is selling salt in one particular shop through Government agency.

Babu KAMINI KUMAR SEN: Have Government opened stores for selling standard cloth?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No standard cloth is sold by Government, Sir. We had brought certain quantities of ordinary cloth to be issued to the public before the Pujas because the private traders could not bring their stocks on account of transport difficulties, and also because the Hindu community buy their new stock of cloth before the Durga Pujah. But no definite shop was opened by the Government.

Babu KAMINI KUMAR SEN: Will Government take it from me that such a shop has been opened at Karimganj and that a retired officer has been appointed to supervise that shop?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As my hon. friend has already asked me to inquire and I have promised to inquire, I will do something in the matter.

Mr. BAIDYANATH MOOKERJEE: Standard cloths are not foodstuff, Sir.

Babu KAMINI KUMAR SEN: Sir, if the Stores which have been opened either in Silchar or in other places are working satisfactorily, then may we request the Government to open such Stores in different places at least in different District and Subdivisional headquarters?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I have already replied to this question in my budget discussion. I said that this matter was brought to my notice at Sylhet as recently as 6th November. I am thinking whether we should not start some Government Stores in different places.

Maulavi ABDUR RAHMAN: Do Government propose to take up the cause of establishing Government controlled stores through recognised traders immediately in various centres?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied Sir, that the subject is engaging the attention of Government.

Central Co-operative Banks of the Province

Maulavi ABDUR RAHMAN asked:

18. Will Government be pleased to state—

- (a) The names of those Central Co-operative Banks of the Province which have gone into liquidation?
- (b) The names and designation of liquidators for each of those Banks?
- (c) The policy or policies adopted by the liquidators for realisation of the outstanding money of those Banks?
- (d) Whether it is a fact that in some cases more than double of the principal amount is calculated on the debtors?
- (e) Whether it is a fact that the liquidators impose heavy amounts on the debtors as instalments without taking into consideration their paying capacities?
- (f) What is the fate of the depositors of the Central Co-operative Banks which have gone into liquidations?
- (g) Whether adjustments of deposit money will be permitted to those who are debtors to Rural Society under its respective Central Co-operative Bank which has gone into liquidation?

The Hon'ble Dr. MAHENDRA NATH SAIKIA replied:

18. (a)—No Co-operative Central Bank in the Province is under liquidation.

(b), (c), (d), (e), (f) & (g)—Do not arise.

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister-in-charge whether some of the Central Co-operative Banks are being managed by Government at present?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Yes, Sir.

Maulavi ABDUR RAHMAN: Can the Hon'ble Minister give me the names of those Central Co-operative Banks?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: I cannot say off-hand. One of those is the Central Co-operative Bank at Habiganj.

Maulavi ABDUR RAHMAN: May I know the manner in which this Bank is managed by the Government Officials?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Sir, as the collection of overdues, with some Central Co-operative Banks is very poor, the managing bodies of these Banks have been superseded and in their places, some official and non-official agencies have been appointed to see if the collection can be improved.

Maulavi ABDUR RAHMAN: Who is the official body appointed by Government?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: At Habiganj, so far as my memory goes, the official agency is the Subdivisional Officer.

Maulavi ABDUR RAHMAN: Is it not the Co-operative Inspector?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: I told it from my memory. If the hon. member has some doubt, he may give me notice of the question.

Maulavi ABDUR RAHMAN: How the debts of the debtors are being calculated for payment of their arrears?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: This question cannot be replied off hand, Sir. The whole set of questions was regarding the liquidation of the Central Banks, none of which, in fact, have been liquidated at present.

Hon'ble Speaker's ruling regarding certain starred questions which could not be put owing to the absence of the member concerned.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir. I put a number of questions in this Session also, but Government was ready to answer only one question the other day but unfortunately I was not present at the time when the question came up. Can I have the answer now?

The Hon'ble the SPEAKER: Was it a starred question?

Srijut ROHINI KUMAR CHAUDHURI: Yes, Sir, it was a starred question. I think, the Hon'ble Minister is ready with the answer which he can give me now.

The Hon'ble the SPEAKER: It cannot be done today. The practice that we have been following all this time is that a starred question lapses if the member asking the question is absent. The question may be put again and the Hon'ble Minister may be asked to answer this question on some day.

Srijut ROHINI KUMAR CHAUDHURI: Shall I put a short notice question?

The Hon'ble the SPEAKER: Yes.

Announcement of the result of election of a member to the Agricultural and Animal Husbandry section of the Advisory Board for Development from the Assam Valley Division

The Hon'ble the SPEAKER: Raja Ajit Narayan Dev has secured the highest number of votes and he is declared to be elected to the Agricultural and Animal Husbandry section of the Advisory Board for Development from the Assam Valley Division.

Demands for grants

The Hon'ble the SPEAKER: The hon. members will notice that a volume of correction slips to the budget has been placed on the table and I think the hon. members have been supplied with copies. The hon. member while moving cut motions would please refer to the correction slips in order to ascertain whether the figures that they have put down in the cut motions have been corrected and if the cut motions have been tabled with the corrected figures.

GRANT No. II

25.--GENERAL ADMINISTRATION

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg to move that the Assembly do assent to a demand which will come in the course of

payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, to gether with the expenditure already incurred from the 1st April to the 24th August 1942, will amount to Rs.20,63,200 (amount of the revised estimate) in respect of the head "25.—General Administration". The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.8,18,580.

This appropriation has the recommendation of the Governor.

The Hon'ble the SPEAKER: Motion moved:

"That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April to the 24th August 1942, will amount to Rs.20,63,200 (amount of the revised estimate) in respect of the head '25.—General Administration'. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.8,18,580."

I think, the total amount of the grant which has been mentioned in the Demand is correct. I think there is no mistake. There are 24 cut motions and the hon. members know that the time for discussion of this Demand is one hour but we have got some 23 minutes extra from question hour and that may be devoted to discussion of demands if necessary.

Mr. A. WHITTAKER: Mr. Speaker, Sir. In view of large number of cut motions, would you grant an extension of time? We have more time from the land-revenue grant and according to the number of cut motions, it seems practicable to allot an even larger amount of time to the General Administration Grant in view of the small number of cut motions under Land Revenue.

The Hon'ble the SPEAKER: Very well, I will see to that. Let us proceed now. There are 8 cut motions and the time allotted for land-revenue is 45 minutes. Some of the time may be given to General Administration if it be necessary.

Now having regard to the number of cut motions, I think I should limit the time for each speech for a member moving a cut motion to be five minutes. The Government member also will have five minutes time for his reply and other members who would like to speak will have three minutes time each.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir. Cut motion No. 10* which stands in my name concerns the whole House and it is of an important nature; so may I request the hon. members of the House through you whether they can forego the claims of their motions and allow me to move my motion first because I fear I may not have sufficient time afterwards to move it?

Mr. A. WHITTAKER: May I make a protest against any deviation to deal with cut motion under No. 10? The question is not of outstanding importance. I think it is a reflection on the dignity of the members of the House to ask that matters which concern individuals' pay or cuts in their individual pay should take precedence over other matters of far greater importance.

The Hon'ble the SPEAKER: I am afraid, when there is an objection, I cannot take it out of its turn.

*Maulavi ABDUR RAHMAN to move—

That the provision of Rs.90,106 under Grant No.11, Major head—25—General Administration, Minor head—I—Provincial Legislative Assembly, Sub-head—1—Pay of Officers, Detailed head—Members at page 74 of the Budget be reduced by Rs.5 i.e., the amount of the whole grant of Rs.20,63,200 do stand reduced by Rs.5.

(To raise a discussion about the salaries of M.L.As. for the suspended period of the Constitution under section 93 of the Government of India Act, 1935).

Khan Bahadur Maulavi MAHMUD ALI: I beg, Sir, to move that the provision of Rs. 50,018 under Grant No. 11, Major head—25.—General Administration, Minor head—H.—Ministers at page 74 of the Budget be refused *i. e.* the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 50,018.

The object to my motion is to criticise Government for not fixing the ratio of services between the Surma Valley and Assam Valley Muslims.

Sir, the population of Surma Valley Muslims is 21,14,131 and that of Assam Valley Muslims is 12,96,401, but, Sir, appointments are being equally divided between the Assam Valley and the Surma Valley Muslims. The Surma Valley Muhammadans are not getting according to their share. On the other hand the Assam Valley Muslims are enjoying more which they should not. This is a long felt grievance. The Muslims of Surma Valley are sufferers and those of Assam Valley are gainers. Governments have come and gone, but the grievance remains as it is. It is for this reason that I have brought this motion.

Khan Bahadur Maulavi KERAMAT ALI: On a point of order, Sir. Is this discussion on this motion in order? I think this concerns the salary of Ministers.

The Hon'ble the SPEAKER: I think it is in order, because Ministers are responsible for making these appointments.

Cut motion moved:

"That the provision of Rs. 50,018 under Grant No. 11, Major head 25.—General Administration, Minor head—H.—Ministers at page 74 of the Budget be refused *i. e.*, the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 50,018".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, my hon. friend is misinformed, because we have already divided, at the request of the hon. members of the Surma Valley, the share of Muslims in the Provincial Service according to the population ratio of the two Valleys. Under this new scheme, which has been in existence since September 1941, Surma Valley Muslims, according to their population get 23.3 per cent., whereas the Muslims of the Assam Valley get 14.3 per cent. I may add, for the satisfaction of my hon. friend that on account of this arrangement the Muslims have lost 1 per cent. of service, because any fraction below .5 is ignored. If the Muslims of the two Valleys had been conjointly calculated, then according to their population, they would have enjoyed 37.6 or 38 posts out of a hundred. As against that, they will now only get 37.

Khan Bahadur Maulavi MAHMUD ALI: May I know when this policy has been given effect to?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I have already said, since September 1941.

Khan Bahadur Maulavi MUHAMMAD ALI: I beg leave of the House to withdraw my motion.

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

Mr. BAIDYANATH MOOKERJEE: Sir, I do not want to move cut motion No. 2* in the list. I want to move No. 3.

* That the provision of Rs. 50,018 under Grant No. 11, Major head—25—General Administration, Minor head—H.—Ministers at page 74 of the Budget be reduced by Rs. 110, *i. e.*, the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 110.

(To criticise the policy of Government for not making appointments from the Scheduled Caste candidates according to the Valley and population basis).

The Hon'ble the SPEAKER : Very Well.

Mr. BAIDYANATH MOOKERJEE : I beg, Sir, to move that the provision of Rs. 50,018 under Grant No. 11, Major head—25—General Administration, Minor head—H.—Ministers at page 74 of the Budget, be reduced by Rs. 110 *i. e.*, the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 110.

I tabled this cut motion to criticise the present policy of Government with regard to imposition and realisation of collective fines.

Sir, in some places of the province, collective fines have been imposed. As regards that I do not like to say anything. I want that the culprits should be punished; but the way in which these fines are being imposed on some particular communities and the means adopted by Government officers in the matter of realisation of these fines are really staggering. I cannot understand why a particular community should be fined. In all cases it has been found that the Muslim community has been exempted; in some cases the Marwaries have been exempted; in some cases the Scheduled Castes and the Marwaries have been exempted; but the permanent fixture is the Hindu community. Is this the fixed policy of Government that somehow or other the caste Hindus should be crushed? Sir, it is found that the fines are being imposed arbitrarily. If after enquiry, it is found that only the caste Hindus are responsible for all these, of course I have nothing to say against that. But from my information I am definite that these fines are being imposed arbitrarily without making any enquiry and that the time given for payment of fine is so little in some cases that it becomes simply impossible for them to comply with the orders of the local officers and the amount also is excessive in most cases. Sir, I am speaking subject to correction—Government will give us the right information—we hear that in the district of Goalpara a man who had the misfortune of being a Hindu was fined and when he went to the field one day to cultivate his land with his bullocks, the officers who were engaged to collect the fines went to the field and wanted to take away the bullocks. The man protested but his protest was of no avail. Then in despair and disappointment he attacked the persons who snatched and were actually taking away the bullocks. At this the man was shot dead. Sir, my only point is this: that the officers should not be let loose under the garb of Defence of India Act and the Rules made thereunder. The real culprit should be punished—I sincerely want that culprits should be punished in all cases. But without making any inquiry if arbitrarily fines are imposed and if at the time of realising the fines proper facilities are not given to those unfortunate persons, it would be most unfair and the result will be far more disastrous. With these few words, Sir, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved:

"That the provision of Rs. 50,018 under grant No. 11, Major head—25—General Administration, Minor head—H.—Ministers at page 74 of the Budget be reduced by Rs. 110 *i. e.*, the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 110".

Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURY :

Mr. Speaker, Sir, I rise to oppose this motion. Mr. Mookerjee has blamed Government for exempting some particular communities from the clutches of collective fine. I do not know if a community which do not commit any crime can be subjected to collective fine. Perhaps no law court or any sound politician will ever say that any community shall be punished for the fault of another. If the Government finds that a particular community has not committed some crimes, it is only justice that is done by exempting that community from the payment of collective fine. With these few words, I vehemently oppose the motion.

Mr. JOBANG D. MARAK : Mr. Speaker, Sir, I rise neither to support nor to oppose the motion (*Laughter*). But from the disciplinary point of view I have to speak on this motion. Even the Government servants speak something against the Government and induce people to do something from inside. These are facts. So it is very difficult for me to support or oppose this cut motion and I therefore remain neutral.

Srijut ROHINI KUMAR CHAUDHURI : I rise to support this motion. The practice of imposing collective fine can only be justified under abnormal circumstances in a particular locality. What we have found now is that whenever there is any incident of any house being set on fire, or any lines being removed or anything like that, the authorities without making proper enquiries as to who the culprit was or likely to be impose collective fine at once. I bring to the attention of the House the instance of Dhubri where the Public Works Department office was burnt down. The office was burnt down at dusk and the office was located in one of the busiest places of the town near the Court as well as the Police Thana. The first thing, that was to be done, was to find out whether the house was put on fire by somebody or whether this was a case of accidental fire, and if it was a case of arson, enquiries ought to have been made about the perpetrator of the crime. That was a crowded place, even then the Police has not been able to find out who the culprit was. Not to speak of a particular man, they cannot say that this crime was committed by a Hindu and not by a Christian, that it was committed by a Caste Hindu and not by a Scheduled Caste man—they have not been able to find out even that. In spite of that a particular community has been saddled with this fine. My hon. friend Maulavi Maqbul Hussain Chaudhury says that one community should not be punished for the fault of another community. This is very much narrowing down the liberty of any individual. Why should one individual be punished for the offence committed by another individual? If one community cannot be punished for the offence committed by another community, then why should I who have nothing to do with an offence committed by another person be punished?

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : May I ask, the hon. member whether it is a fact that the Muslims as a community publicly disassociated themselves from this Congress movement?

Mr. BAIDYANATH MOOKERJEE : We have got nothing to do with the Congress.

Srijut ROHINI KUMAR CHAUDHURI : Sir, I cannot say that these actions of incendiarism are the results of Congress activity. If my hon. friend is in a position to say that these things have been committed by Congress people then he can unfold before the House the reason for thinking so. But I say you cannot merely blame the Hindus in this matter. Is it not the Hindu officers in the Criminal Investigation Department who are responsible for detection of the crimes? The general complaint is that it is the Hindu officers who are sometimes upholding the cause of Government more than the Muslim officers. I mention all this as two Hindu officers have been reported to be so over-zealous to shoot down innocent boys and girls, whereas the Muslim officers have not been tempted to that kind of things. So you cannot judge by the communities.

Now, what I was going to say is that in case of Dhubri, without making any enquiry on the subject, an order of imposition of collective fine on the Hindu residents was passed and that must have been passed with the concurrence of the Government. So I think that decision to impose collective fine was arrived at by the district officer almost immediately after the commission of the offence and no time was spent to try to find out whether it was possible to find out the culprit or not. Sir, in a case of this kind the Police ought to take 15 to 20 days for investigation. How in this particular case the Police could at once come to the decision that this was done by persons in pursuance of political activity? How could it be said that this act must have been done by some one of the Hindu community? Were two days sufficient time for coming to a conclusion of that kind? Now whenever we find any such offence is committed, if instead of trying to find out the perpetrator of the crime, the remedy applied is imposing

of collective fine, then surely Government takes a very dangerous step. Whenever such incidents take place, the Police at once says there is no need to enquire and find out who the culprits were, let the collective fine be imposed and such offences will be rare. In Dhubri, Sir, with regard to the alleged offence of putting the Public Works Department buildings on fire, a Hindu Public Works Department officer has been saddled with the payment of collective fine, although Government servants are generally exempted. Raja Ajit Narayan Dev, an hon. member of this House, has been ordered to pay a fine of Rs. 500. Now, what connection can we imagine Raja Ajit Narayan may have with the men who actually committed the offence? Nothing. Simply because he is a Hindu, the fine has been imposed on him.

Khan Bahadur Maulavi KERAMAT ALI: On a point of information. May I ask the hon. member what he understands by the phrase "collective fine"?

Srijut ROHINI KUMAR CHAUDHURI: By the phrase "collective fine" I understand that the fine is to be imposed on everybody who are suspected to be connected with the crime.

Then take another instance, Sir. Only four or five days ago the Sub-Deputy Collector's office at Gauhati was burnt down; the incident took place at about 7 O'clock in the evening. The office was situated near the Court House where there is armed police guard; it was also near the military camp; all the officers were there and the House was on fire. Now, that was a thatch-roofed House, and can the Government be exonerated from the charge of gross negligence? In these days when there is fear of incendiary bombs, not to speak of miscreants, should that House have been left unprotected? There was no officer nearby, and it is supposed that the House was set on fire by somebody; the Deputy Commissioner rushed to the spot; some military officers were also there and they caught hold of the Deputy Commissioner and wanted to fire at him taking him to be the miscreant. There were some civic guards and they somehow rescued the Deputy Commissioner from the hands of the military officers. I don't know what was the idea behind this. Although the Deputy Commissioner protested and told them that he was the District Magistrate and in charge, the officers wanted to assault him and was about to whip out the revolver at him. For this incident, Sir I suppose no time will be lost in imposing collective fine on the people of the locality who have nothing to do with the house being set on fire, while those guilty of gross negligence will be exempted.....

Mr. A. WHITTAKER: On a point of information. What is the source of information of the hon. member for these interesting stories?

Srijut ROHINI KUMAR CHAUDHURI: It is known to everybody at Gauhati.

The Hon'ble the SPEAKER: If the stories are not correct the Hon'ble Premier will no doubt refute them.

Srijut ROHINI KUMAR CHAUDHURI: Sir, the other day I cited instances of excesses committed in imposing collective fines, how the principle has been entirely overlooked, how the Government has gone beyond the principle laid down in the Ordinance which gives wide powers. I hope the Hon'ble Premier will enquire into the allegations and tell us how he considers these things justified. In the meantime I will draw his attention to another instance. Just two days before this incident at Gauhati two stacks of thatch were set on fire by miscreants, and those stacks belonged to a contractor. On enquiry it was learnt and the contractor himself admitted that he had enmity with a rival contractor. In these days very much more thatch has been collected for supplying to the military than is actually required. The military has refused to take the supply and in consequence the contractors have a large quantity of thatch in their hands, and they want to dispose of it somehow. It is probable, Sir, that without any attempt to find out the culprits, the police would advise Government to impose collective fine with the idea that everything will be set right by that sort of remedy. This really gives a premium to the culprits.

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I think I shall be failing in my duty if I do not say a few words in support of this motion. Sir, from what we have heard from the hon. members who have spoken before me it seems that there is very little planned system behind this imposition of collective fines and their realisation. We have heard just now from Mr. Chaudhuri that whenever any act of sabotage or incendiarism is committed in a locality, collective fine is imposed straightaway without proper enquiry or without any attempt to find out the actual culprit.

Now, Sir, what should be the principle in imposing collective fines? To me it seems that collective fines should not be imposed unless attempts have been made to find out the real culprits, and unless that attempt has failed due to the indifference, apathy or non-co-operation of the residents of the locality. There is absolutely no justification for imposing collective fines without making an attempt to find out the real culprit. We have heard that no such attempt is made and I do not believe, Sir, that in so many cases the Police could not, if they really intended, find out the real culprits. If the Police fail in their duty that is no justification for punishing the residents of the locality, most of whom are innocent for the fault of particular individuals. Then, Sir, it may be that, in many cases these acts of incendiarism and sabotage are committed under the cover of darkness. What is the justification for imposing collective fines when there is no reason to believe that the residents of the locality knew it or abetted the crime? So, Sir, what I feel is that there should be some system, some policy behind the imposition of collective fines, and that such fines should not be imposed before making a real attempt to find out the culprit.

Then, Sir, I would like to say a few words regarding exemption of particular communities or sections as such. The idea behind this exemption is probably that these communities or sections are innocent. If we take them to be innocent, may we not expect that those people will be able to supply the clue for tracing the persons actually guilty? If they are really willing to help the Government, I do not see any reason why the real culprits could not be found out, and why the occasion for imposition of collective fines at all arose. I think, Sir, that the imposition of collective fines and exemption of particular communities as such are two inconsistent propositions. If you believe that those communities are innocent and that they are ready to help the police in finding out the real culprits then there is no justification for collective fines, as the police can easily trace the culprit with the help of those communities and if those communities on the other hand refuse to help the Police, there is no plausible reason to exempt them. You cannot have these two inconsistent positions at the same time. Moreover, Sir, collective fines should be the last thing in the armoury of the Government to apply, otherwise the effect of such fines will be quite the reverse of what is intended.

With these words, I support the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, if we take the sequence of events, I mean the unfortunate cases of arson and incendiarism we cannot but come to the conclusion that these were the doings, or rather the misdoings, of the sympathisers of the Congress movement, for up to the time the All-India Congress Committee was declared illegal and the leaders of the Congress movement were arrested on the 9th of August last, we had not these disturbances in the different provinces. It therefore stands no argument to say that this movement of sabotage, incendiarism and arson is not connected with the declaration of the All-India Congress Committee illegal and the incarceration of its leaders as security prisoners. I do not say that the Congress itself has directed this movement, but the fact remains that immediately after the declaration and as a protest against converting the leaders into security prisoners, these dastardly occurrences started taking place.

Now, let us see what is the Congress movement. Although it is styled the National Congress, I think I will not be challenged if I say that 95 per cent. of the enrolment of the Congress are Hindus, and caste Hindus at that (*hear hear.*). Therefore we cannot but come to the conclusion that the sympathisers of this organization cannot but be caste Hindus. I need not tell the hon. members of this House that the major portion of the Mu-lim community—or rather 99 per cent. of it have unfortunately been compelled to be out of the Congress—as a matter of fact they are now under a different organization—the Muslim League, which is in opposition in many things to the Congress procedure though the goal of both is the same.....

Srijut ROHINI KUMAR CHAUDHURI: What about members of the Hindu Mahasabha?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So Government have been forced to the conclusion that these cases of arson, incendiarism and sabotage are the misdeeds of misguided people who happen to be in sympathy with the Congress movement.

Now, there have been cases of arson—(we are now taking the cases of arson only), a list of which I will furnish on the 26th. Roughly I can say that up to date there have been about 150 cases (I speak subject to correction) of arson of Government, semi-Government, and private property. If anybody tells me that all this large number of cases have cropped up without the support, either active or passive, of the people living in the locality I would require far better eloquence than either of the hon. members who have spoken in support of this motion, or a far more substantive evidence than has been placed by them before the House (*hear hear.*) Government therefore must start with the premises that the people who are in sympathy with the movement must be held to be either a party or privy to the occurrences, and as I have already pointed out, the Hindu community forms the bulk of the supporters of the Congress. When a case of sabotage or incendiarism occurs in any locality, the district authorities—the Executive and the Police—try their level best to trace the culprits, but unfortunately out of these 150 cases, with the exception of two cases, no culprits have up till now been caught “in spite of the overzealous attempts of the Hindu officers of the police” (I am quoting from my hon. friend Mr. Rohini Kumar Chaudhuri). After waiting for a few days, the District Officers come to the conclusion that the act of burning a public or semi-public institution has occurred only with the connivance or acquiescence of the members of the community supporting that movement, and they make recommendations to the Government that they cannot trust the people of the locality, that they are not helping in finding the guilty persons and propose a collective fine on the people of that locality. After Government have gone through the reports, they from their conclusions according to the facts that come to light and not according to the recommendations *in toto* of the Deputy Commissioners.

Government have laid down three definite principles for exemption. Government presumes that all Government servants, to whatever nationality they may belong, are loyal and will not lend themselves to this subversive movement to burn public and private property. Therefore Government servants as a class are exempted. As a matter of course, the criteria for exemption laid down are that members of any community or any section of any community who have been known not to have supported this movement or who have never agreed with this method of showing disapproval of Government methods of administration are to be exempted. I need not say, Sir, because my hon. friend Mr. Baidyanath Mookerjee, the author of this cut motion, has himself admitted that in certain places Muslims, and Marwaris, who form a part of the residents, have been exempted; in certain cases Muslims, Marwaris and Scheduled Castes have been exempted; in certain cases tribal people have also been exempted.....

Mr. BAIDYANATH MOOKERJEE: Divide and rule.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Exemptions have been left to the district authorities who are in a better position than Government to say whether any community as a whole or whether any section of a particular community against which a heavy presumption lies or any individual having taken part in the sabotage movement, or whether any of them shown courage by publicly condemning those actions of incendiarism or other acts of violence. In this respect Government have given a very wide discretion to the Deputy Commissioners in making their recommendations. I think every reasonable man will say that Government has taken the only reasonable course of action in this matter. There are two incidents mentioned by my two hon. friends and I think the action of Government will exonerate them from the censur emotion which has now been moved by Mr. Mookerjee. Mr. Mookerjee's information about the episode in Goalpara District is not correct. I do not know why he isolated that episode. We had a lengthy recital of details from my hon. friend Srijut Rohini Kumar Chaudhuri whose detailed information are also not correct. According to a Government officer's report, in that unfortunate incident, one Lance Naik as well as a Rajbanshi ryot was killed. The shooting did not take place in the field as Mr. Mookerjee wanted us to believe. It was at night when that unfortunate incident really happened and both the persons were killed at that time. Sir, all the details I will place before the House in course of my statement on the 26th instant.

Next item, Sir, is the case of Dhubri. I will give a little more detail than what my hon. friend Mr. Rohini Kumar Chaudhuri has related. This Executive Engineer's office was located in a very thickly populated area of Dhubri town. It was in the midst of a locality which is inhabited by the Hindu community. The house had corrugated iron roof and sides of it were plastered *ekra* wall. It was the Navami day of the Durga Puja festival. There was a Puja very near to this building and the Hindu community was present in their thousands at the time. Everyone knows that after *Navami*, i.e., the next day, the image of the goddess has got to be immersed in water. So, on *Navami* night both male and female congregate to pay homage to the goddess. The time, as explained by my hon. friend, was 7 o'clock in the evening and it was just dusk when suddenly the building flared into a big fire. Though it was not an ordinary thatch house, the whole house at a time flashed into flame. The Deputy Commissioner, Superintendent of Police and the Executive Engineer lay stress to the fact that the miscreants had entered the house in the day time and sprinkled petrol or kerosene upon the wooden racks lying all around the rooms and the whole thing became one sheet of fire in no time. I have this from the personal information of no less a person than Rai Sahib Apurba Kumar Ghosh of the Upper House and also from the lips of my friend Srijut Jogendra Mandal who led a deputation to me, after offices were reopened, on the same matter and collective fines. The few helpers who wanted to extinguish the fire could not come near on account of the intense heat generated from the big flame.....

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir, do I understand from the Hon'ble Premier that during the day time some miscreants had entered into the house and did the mischief by spreading petrol, etc.? If so, were there no man to look after this Government property? I think the Government officers should be fined first as they were the real culprits. Why did they give way to outsiders the opportunity of going inside the house, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not a point of information, Sir, but an additional speech, as my hon. friend has spoken earlier.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir, did not the Rai Sahib Apurba Ghosh also tell the Hon'ble Premier that nobody there in Dhubri town knew the use of fire extinguisher?

Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That statement was not made to me at least. But, Sir, this whole occurrence took place like this: It was a deliberate case of sabotage prepared through the day.

Petrol or kerosene was spread over the wooden racks running inside the room. Every body who saw me in connection with the incident reported that the heat was so intense that nobody could go near to save the house and to put down the flames. The Deputy Commissioner and the Superintendent of Police, both of whom are Indians, tried their level best to get some clue and failing that the Deputy Commissioner sent up his recommendation of imposing collective fine, because nobody would help in tracing the culprits. The Deputy Commissioner accepted the criterion which has been laid before the House by my hon friend Mr. Kamini Sen in his speech that if it is found that the local people are apathetic and indifferent and would not help and co-operate with Government in tracing the culprits then alone collective fine should be imposed. The Deputy Commissioner, when all his attempts failed to find the guilty persons, recommended to Government.....

Babu KAMINI KUMAR SEN: On a point of information, Sir. Did the Deputy Commissioner attempt to find out the real culprits ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Even now not merely the Deputy Commissioner, the whole Police organisation and the Criminal Investigation Department are trying their level best to trace the culprits. Therefore, Sir, he had no other alternative left but to presume that the miscreants who must have been few in number could not have entered the house at dead of night unless they were helped by the neighbourhood. He prepared a list of assessment for fines. It is a fact that two hon. members of this House were levied with fines in the list of the Deputy Commissioner. I, at once cancelled the Deputy Commissioner's order as the two hon. members of this House, who by their oath of allegiance, have sworn to obey the law of the land and who by their presence today have shown that they had no sympathy with the boycotters of the Assembly, cannot be presumed to have taken part either actively or passively in this orgy of incendiarism. Not merely that, Sir, Government had laid down a standard of collective fines to be put on any area and it was found on that standard that the fine proposed on the town of Dhubri was excessive. Government then reduced the amount. I made all these things plain to my friend Mr. Jogendra Narayan Mandal who waited on me on a deputation, if I remember aright two days after the reopening of offices, i.e. about the 28th, and he could apprise the members of that bloc who have moved this motion and who are supporting this censure motion what steps the Government have taken. I think I have placed sufficient details before the House to see what steps have been adopted by the Government and I am perfectly sure that they will help me in this matter for the preservation of law and order. My hon. friend Mr. Rohini Kumar Chaudhuri has mentioned the case of burning down of a big thatched building—the Sub-Deputy Collector's office at Gauhati. Both myself and my friend Mr. Rohini Kumar Chaudhuri know the place very well, for, that was the scene of our earlier political life. The adjacent building is the Bar Library where we had passed one-third of our active and political life. Up till now the Deputy Commissioner has not recommended imposition of any fine because the spot is lonely. It is not near any house or quarters populated by the citizens of Gauhati. It is in the midst of all office buildings. My hon. friend says that as the treasury guards are within 200 or 300 yards of that building why they could not look to the safety of that building. But the treasury guards are shut out by the Mahafiz Khana (Record Room) and the main court building which is a very big and straggling structure My hon. friends says that Government have not kept any Chowkidar to watch over it. He as well as everybody knows that for each Government building there is a Chowkidar. What can a Chowkidar do ? There is a Pucca Ghat leading to the Brahmaputra where the gentry of Gauhati go to enjoy the gentle river breeze. The Deputy Commissioner of Gauhati has done the right thing. He has not up till now recommended any fine on the town of Gauhati. Sir, I have every hope that the House or at least the majority of the House will help me to maintain law and order.

Mr. A. WHITTAKER : Has any imposition of collective fine resulted in a reduction in this class of crimes ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir, in many places there has been a great improvement and normal situation is being restored.

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

Mr. BAIDYANATH MOOKERJEE : Yes, Sir.

The Hon'ble the SPEAKER : The question is,

"That the provision of Rs. 50,018 under Grant No.11, Major head—25—General Administration, Minor head—H.—Ministers at page 74 of the Budget be reduced by Rs.110 *i.e.*, the amount of the whole grant of Rs.20,63,200 do stand reduced by Rs.110".

The Assembly divided.

Ayes—6

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|------------------------------|-----------------------------------|
| 1. Mr. Baidyanath Mookerjee. | 4. Srijut Rohini Kumar Chaudhuri. |
| 2. Babu Kamini Kumar Sen. | 5. Srijut Ram Nath Das. |
| 3. Babu Lalit Mohon Kar. | 6. Babu Sanat Kumar Ahir. |

Noes—32

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|---|---|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 15. Khan Bahadur Maulavi Karamat Ali. |
| 2. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 16. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 3. The Hon'ble Dr. Mahendra Nath Saikia. | 17. Khan Bahadur Maulavi Mufizur Rahman. |
| 4. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 18. Maulavi Muzarrof Ali Laskar. |
| 5. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 19. Maulavi Namwar Ali Barbhuiya. |
| 6. The Hon'ble Miss Mavis Dunn. | 20. Maulavi Naziruddin Ahmed. |
| 7. The Hon'ble Srijut Rupnath Brahma. | 21. Maulavi Sheikh Osman Ali Sadagar. |
| 8. Maulavi Abdul Aziz. | 22. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 9. Maulavi Abdul Bari Chaudhury. | 23. Mr. F. W. Blennerhassett. |
| 10. Maulana Abdul Hamid Khan. | 24. Mr. N. Dawson. |
| 11. Maulavi Abdur Rahman. | 25. Mr. E. H. S. Lewis. |
| 12. Maulavi Dewan Muhammad Ahabab Chaudhury. | 26. Mr. P. Trinkle. |
| 13. Maulavi Muhammad Amjad Ali. | 27. Mr. A. Whittaker. |
| 14. Maulavi Badaruddin Ahmed. | 28. Mr. Benjamin Ch. Momin. |
| | 29. Srijut Bhairab Chandra Das. |
| | 30. Srijut Binode Kumar J. Sarwan. |
| | 31. Mr. C. Goldsmith. |
| | 32. Mr. Jobang D. Marak. |

The question was negatived.

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir. I beg to move that the provision of Rs. 90,106 under Grant No. 11, Major head—25—General Administration, Minor head—I—Provincial Legislative Assembly, Sub-head—I—Pay of Officers, Detailed head—Members at page 74 of the Budget be reduced by Rs. 5, *i.e.*, the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 5.

Sir, it is known to the hon. members of the House that the Legislative Chambers Members Emoluments Act was enacted in pursuance of the provisions made in the Government of India Act. In this connection I may refer to the House to section 72 of the Government of India Act where it is laid down that members of the Provincial Legislative Assembly and Legislative Council shall be entitled to receive such salaries and allowances as may from time to time be determined by an Act of the Provincial Legislature. Therein we find that some sort of

salaries and allowances shall be paid to the members of both the Houses. The functioning of these Houses were suspended by the Governor by a piece of legislation. In that legislation which the Governor enacted, it was laid down like this—Whereas the Governor of Assam has by a Proclamation under section 93 of the Government of India Act, 1935, assumes to himself all powers vested by or under the said Act, in the Provincial Legislature and whereas the provisions of the Act aforesaid relate to salaries of the Speaker, Deputy Speaker of the Legislative Assembly, the President and Deputy President of the Legislative Council and Members of the Legislatures, which have been suspended by the Proclamation aforesaid; and whereas it is expedient that the provisions of the Assam Speaker's and Deputy Speaker's Salary Act, 1937, the Assam President's and Deputy President's Salary Act, 1937 (together with the amending Acts of 1941) and the Assam Legislative Chambers Members Emoluments Act, 1938 should cease to have effect during the period of the Proclamation as aforesaid is in force. Now therefore in the exercise of powers of the Provincial Legislature.....

The Hon'ble the SPEAKER: Why is the hon. member going to read all these? These are well known facts. I may point out to the hon. member that the way in which he is proceeding is practically criticising the action of His Excellency the Governor. There are several Acts which are relevant in this discussion. These Acts were repealed for the period for which suspension of the Constitution would last. His Excellency acted within his rights. If the hon. member has got any remedy to suggest to the Hon'ble Minister, he can do that. If he wants to raise a legal question, I do not think that is at all pertinent to this discussion.

Maulavi ABDUR RAHMAN: I was just going to point out that the Constitution was suspended by an Act. The Act was enacted by the Governor of the province. I am not going to criticise the action of His Excellency but of the Government of Assam charged with the administration of the Province during an emergent period. The word 'suspension' itself indicates the restoration of the procedure for which the order of suspension was passed.

The Hon'ble the SPEAKER: I would ask the hon. member to suggest a procedure how the salaries can be restored.

Maulavi ABDUR RAHMAN: If I shall be able to convince the House that after the restoration of the order of suspension the hon. members of the House are placed in their former position, and if they are put in their former position there can be no justification that they should be debarred from getting their emoluments whatever the amount may be. They must be paid their emoluments as it is mandatory under the parent Act that they should be paid some salary and some allowance. As has been pointed out, during the period of suspension the Hon'ble the Speaker was debarred from getting his salary, but he had to function as Speaker. He had to maintain his paraphernalia, he had his stenographer, he had his clerks. He had to function as Speaker even though there was no session. But unfortunately the Hon'ble the Speaker was not paid what he used to get while he was functioning. Similarly the members of the House did not lose the character of their membership though they did not attend any sitting. They functioned as members. They worked in their constituencies. They did not sit idle. They did not lose their membership of the Legislature. If we admit that the members did not lose their position, then I must say, Sir, that they cannot be debarred from getting their own salaries. The legislation was enacted by the Governor as of a temporary measure and it can't be said that the intention was to deprive the members for good. After the withdrawal of the orders of the suspension the whole position was restored and members were restored to their original position.

Maulavi MUHAMMAD AMJAD ALI: On a point of information, Sir. This discussion is about the salaries of the Members of Legislative Assembly for the period of the suspension of the Constitution. Will this discussion be upon the past conduct of the Governor or upon the future action?

The Hon'ble the SPEAKER: He is suggesting a remedy to the Hon'ble Minister how the salaries of members can be restored. It is as regards the future action of the Ministry. If they want to take any action they may do it.

Maulavi ABDUR RAHMAN: By enacting some sort of legislation, I think, the Ministry if they find it just that members should be paid their salaries for the suspended period they may do that.

The Hon'ble the S. SPEAKER: I hope this will do.

Maulavi ABDUR RAHMAN: With these words I resume my seat.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs. 90,106 under Grant No. 11, Major head—25—General Administration, Minor head—I—Provincial Legislative Assembly, Sub-head—1—Pay of Officers, Detailed head—Members at page 74 of the Budget be reduced by Rs. 5, i. e., the amount of the whole grant of Rs. 20,63,200 do stand reduced by Rs. 5."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I think my hon. friend's contentions are really three. First, under section 72, it is laid down that the members shall receive some salary—shall be entitled to receive such salaries and allowance as from time to time is determined by Acts of the Provincial Legislature—that there should be no void in the salary of hon. members of the Legislature. His second contention is that although by the Proclamation His Excellency the Governor suspended the Constitution, that did not take away the right of the hon. members, because along with the withdrawal of the Proclamation there was no fresh election and the members were restored to their *status quo*—that they are to be given some subsistence allowance. Finally he thought that even if these two rights are not available then the Ministry should come with a new piece of legislation enabling the House to vote supplies for the period of suspension.

Reading section 72 of the Constitution Act and the repealing Act of His Excellency the Governor, in my opinion, the first and the last of the courses are not open. Although it is said that members should be entitled to such emolument as is laid down by the Act, nowhere is it said that there must be no gap. So if we say that the Governor had no right to take away the salary or had no right to stop the allowance of the members will be criticising the Governor's Act.

The next course that my hon. friend has suggested is that the Ministry should now come forward with a Bill superseding the Governor's action, which will be unconstitutional. However, I will place the contention of my hon. friend before our legal expert, our Advocate General. If according to his opinion there is some way of bringing in a measure by which members can be given either their full salary or some allowance such course will be adopted. I hope with this assurance my hon. friend will be satisfied. I propose to place the whole case before the Advocate General.

Maulavi ABDUR RAHMAN: In view of the assurance I have received from the Hon'ble Premier, I beg leave of the House to withdraw my motion.

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

Adjournment.

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

After lunch.

The Hon'ble the SPEAKER: The time for discussion of this demand under General Administration is over. There has been a request that we should take a few minutes from the Land Revenue Grant. I think we can take 15 minutes from that Grant.

The next motion (No. 11*) stands in the name of Mr. Whittaker. Before the hon. member proceeds to move his motion, I wish to know what is the intention, and against whom the motion is directed.

*Mr. A. WHITTAKER: to move:—

That the provision of Rs. 26,459 under Grant No. 11, Major head—25—General Administration, Minor head—J—Legislative Assembly Department at page 74 of the Budget be reduced by Re. 1 i. e., the amount of the whole grant of Rs. 20,63,200 do stand reduced by Re. 1.

(To draw attention to the infringement of private members' rights by including holidays from 9th to 26th October in the time for filing resolutions, etc.)

Mr. A. WHITTAKER : My intention is to draw the attention of somebody who can adjust what I think a legitimate grievance of the private members of this House. I do not know what course is open to me. I tabled some questions which were disallowed, and I know no other way to bring to the attention of the Government and the House what seems to me a very real grievance. Possibly the Privileges Committee might be the appropriate course.

The Hon'ble the SPEAKER : I may at once point out to the hon. member that his grievance is practically against this House. I may refer him to rule 119 of our Rules which provides that "notices left, or delivered by post, when the office is closed shall be treated as given on the next open day". That is the rule framed by this House for some good reasons, and if there is a grievance it is against the House itself. If the hon. member wants to change that rule there is an elaborate procedure laid down, and he can take recourse to that procedure. But I am afraid that an attempt to change this rule may be opposed by some members on the ground that careful members get an advantage over members who do not follow the rules. So, this is the difficulty, and as I said, ultimately this is a grievance against this House, and may be against the hon. member himself as a member of this House.

Mr. A WHITTAKER : Mr. Speaker, Sir, I do not think that quite disposes of my point. I have got two points to urge on this particular motion. The first is that the members of the House were informed about the opening date of the Session only about three days before the holidays, making it in fact impossible for any private member to table a resolution before the Assembly owing to the occurrence of those holidays. It is not so much wrong with the rules. What is wrong is the arrangement whereby the members of the Assembly were informed of the first date of the Assembly only a few days before the holidays.

The Hon'ble the SPEAKER : As I promised the other day, I am going to make a statement on this point. I may at once tell the hon. member that the Assembly Department was informed of the Government's decision to hold the Session from the 12th November, on the 30th September last, and on getting that information the Assembly Department at once issued the summons.

Mr. A. WHITTAKER : Mr. Speaker, Sir, I do not suppose that since you received the notice all the necessary steps were not taken by your Department. But the practical effect of that notice being received on the 30th September was that any member living more than about 100 miles away from Shillong was effectively debarred from tabling any private members' business before the Assembly.

The Hon'ble the SPEAKER : So, it is practically no fault of this Department. All this happened on account of the Government having intimated to this Department the date of the commencement of this Session as late as on 30th September.

Mr. A. WHITTAKER : If I am debarred from criticising the action of His Excellency the Governor, and I am also debarred from criticising the action of the House, what remedy do you suggest for removing this grievance of the private members.

The Hon'ble the SPEAKER : I think what has been said now on the floor of the House would be of some advantage to the House, because the Hon'ble Premier will take note of this and in future steps will be taken to avoid such a situation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, as you probably remember, originally we wanted to hold the Session on the 26th October. When the file was sent to the Hon'ble Speaker at Sylhet he pointed out that there was no precedent in Assam of having a Session

of the Legislature between the Durga Puja and the Kali Puja holidays. He therefore suggested that the Session might be held after the Kali Puja holidays. So, there was some correspondence with you when you were at Sylhet at the time. Ultimately when the file came from Sylhet we agreed to the Hon'ble Speaker's suggestion, and instead of summoning the Session for the 26th October we convened the Session from the 12th November. It was on account of this consultation between the Hon'ble Speaker, the Prime Minister and His Excellency that sufficiently long notice could not be given to hon. members. I think the point that my hon. friend Mr. Whittaker wants to raise is whether holidays intervening between summons and the Session should be counted or not, for periods of notice for questions and resolutions etc. He attaches no blame to anybody. This is a point to be considered either by the House, or the Rule-making Committee, or by someone, probably yourself.

The Hon'ble the SPEAKER : I think this should be quite sufficient for the hon. member's purpose, and I hope in future the Hon'ble Premier will take steps to avoid such a situation.

Mr. A. WHITTAKER : May I know what steps are necessary for amendment of the rule ?

The Hon'ble the SPEAKER : That is an elaborate procedure, and it may take one year. An amendment has to be tabled, leave of the House has to be asked for and obtained, a Select Committee has to be formed, the Select Committee has to consider the amendment, and finally it has got to come before the House.

Srijut ROHINI KUMAR CHAUDHURI : I have also suffered from the application of this rule. This difficulty would not have arisen had not the long Puja holidays intervened. In such cases in future the Hon'ble Speaker may admit the resolutions with the consent of the Minister concerned, and such consent the Government may agree to give in future if such an unusual contingency arises. In that case the difficulty will be solved.

Mr. A. WHITTAKER : Mr. Speaker, Sir. I beg to move that the provision of Rs.2,33,246 under Grant No.11, Major head—25—General Administration, Minor head—Secretariat and Headquarters Establishments—M(a)—Civil Secretariat at page 76 of the Budget be reduced by Re.1 i.e., the amount of the whole grant of Rs.20,63,200 do stand reduced by Re.1.

The object of my motion is to draw attention to the need for appointment of personnel to relieve Senior Officers of a portion of their duties.

I trust that this motion of mine will have sympathy from all sides of the House. Perhaps I am in a better position than most hon. members of the House, because I live in Shillong, of seeing the condition of strain under which some of the officers of Government are now working. I think that there is a danger of the machinery breaking down if something is not done soon to relieve the strain. I draw particular attention to two officers, viz., the Chief Secretary and the Director of Civil Defence. Many of the problems coming up before these officers cannot receive the attention that they deserve owing to the overwhelming amount of work which now confronts them. In particular, the Director of Civil Defence who is a touring officer and is expected to visit bombed areas has an impossible task. I submit, Sir, that the question of the confidence of the public is in direct ratio to their belief in the number of competent people who are looking after their welfare. I must also refer to the delays which are taking place, and when I am speaking of delays I am speaking from experience, of the Supply Department. The delays in dealing with correspondence in the Secretariat alone make the case fully proved for reinforcing the Secretariat with additional officers. The same also applies in the District administration, but unfortunately that motion cannot be raised now. It is necessary to have more officers to deal with the problems of a front line province, and I hope the Hon'ble Premier will be able to say what arrangements he proposes to make for the efficient solution of these problems.

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

“That the provision of Rs.2,33,246 under Grant No.11, Major head—25—

General Administration, Minor head—Secretariat and Headquarters Establishments—M(a)—Civil Secretariat at page 76 of the Budget be reduced by Re.1 i.e., the amount of the whole grant of Rs.20,63,200 do stand reduced by Re.1.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I think we have forestalled the hon. member Mr. Whittaker, in this recommendation, as when we found that the Chief Secretary was heavily overworked we gave him a Deputy Secretary in the Home Department, relieving him of a portion of work which he was dealing with in this Department. Unfortunately the same Deputy Secretary was also the Controller of Prices and the Director of Civil Supplies. In these latter capacities he had not only to run to different parts of the province, but also to attend to various price control conferences at Delhi, and when the transport service was disorganized, the trip to Delhi which used to take 4 days was lengthened to 7 days. Thus the constant absence of the Deputy Secretary from the headquarters and sometimes from the province made a very heavy accumulation in his office which caused the great inconvenience to which Mr. Whittaker has referred. Probably, now that the duties of the new offices of the Chief Controller of Prices and Director of Civil Supplies have been stabilized and Messrs. Steel Bros. have taken up a large portion of the work, that Branch will not be so overworked and the Deputy Secretary will be able to devote more attention to his work in the Secretariat. Similarly in the case of the Director of Civil Defence (about this my Hon'ble Colleague the Minister for Civil Defence will be able to give more information) I would like to say that Mr. Reid being heavily overworked, we have given him an Assistant in the person of a loaned I.C.S. officer from the United Provinces who was brought originally for other duties. So both these points that Mr. Whittaker raised have already been met. Although Mr. Whittaker did not raise the point in connection with District administration, I can say that on the advice of the Commissioner of Divisions, we have appointed Additional District Magistrates in some districts where there was no such post in the cadre for that district previously. For example, in Lakhimpur we never had an Additional District Magistrate, but we have posted one there. Similarly, in Silchar on account of the war activities of the Military Department, an Additional Magistrate has been posted there.

Mr. A. WHITTAKER: What about Darrang, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am just coming to that. The cases of Darrang and other districts are being considered now.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. I am told that an officer of the name of Johnson has been appointed as Deputy Secretary. Does he belong to the I. C. S. or the P. C. S.?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He is a Burma Officer and he was an Assistant to Mr. Humphrey, who was our Director of Civil Supplies, and he used to help him in seeing that the transport of food supplies from outside the province was regulated and facilitated.

Srijut ROHINI KUMAR CHAUDHURI: Is he an I.C.S. Officer?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know. He is a Burma Officer and was working as Assistant to Mr. Humphrey long before this Ministry was formed.

Mr. A. WHITTAKER: On this assurance, I do not wish to press this motion, Sir.

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

The Hon'ble the SPEAKER: I am afraid none of the other cut motions can be taken up now. I will now put the whole demand.

The question is:

“That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April to the 24th August 1942, will amount to Rs.20,63,200 (amount of the revised estimate) in respect of the head ‘25.—General Administration’. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.8,18,580.

GRANT No. 2

7.—LAND REVENUE

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move that the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as together with the expenditure already incurred from the 1st April to the 24th August 1942 will amount to Rs.16,93,700 (amount of the revised estimate) in respect of the head "7.—Land Revenue." The expenditure incurred from 1st April to the 24th August 1942 is believed to be about Rs.5,76,787.

This appropriation has the recommendation of the Governor.

The Hon'ble the SPEAKER: The motion moved:

"That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April to the 24th August 1942, will amount to Rs.16,93,700 (amount of the revised estimate) in respect of the head '7.—Land Revenue'. The expenditure incurred from 1st April to the 24th August 1942 is believed to be about Rs. 5,76,787."

Maulavi ABDUL BARI CHAUDHURY: I beg to move that the provision of Rs.1,51,790 under Grant No. 2, Major head—7.—Land Revenue, Minor head—Charges of Administration—A—General Establishment, Sub-head—1 Pay of Officers, at page 33 of the Budget, be reduced by Rs.110, i.e., the amount of the whole grant of Rs.16,93,700 do stand reduced by Rs.110.

By this motion, I like to discuss the policy of the Government in reducing the land revenue remission in temporary settled areas.

For the last three years, the agriculturists in these districts were enjoying a total remission of 40 lakhs of rupees every year. When the Constitution was suspended, and the administration of the province became a direct charge of His Excellency the Governor, the question was again examined, and on the light of reports received from the Deputy Commissioners, a change of policy was adopted. The decision of the Government was published by a notification in the *Assam Gazette*. A flat reduction in remission by 50 per cent. was ordered—so as to bring down the loss of remission to 19½ lakhs of rupees. It was also indicated that at the end of the year, the matter would be considered again, whether remission on larger Pattas should be totally withdrawn and remission of smaller Pattas halved with a view to complete withdrawal in the year 1944-45.

The argument put forward by His Excellency's Government was this that the agriculturists had received better prices for their produce and with the improvement of provincial finance the Government would be in a better position to take up beneficial measures to ameliorate the condition of the Rayots—than by a policy of land revenue remission.

Even before the Constitutional activities of the province was resumed, the matter received the serious attention of the present Prime Minister and as soon as he came into office, the question was opened again, the previous decision was modified and the reduction already ordered was reduced by 50 per cent.

The line of argument offered was in the same line. They declared that the partial withdrawal of remission would be more then compensated by the immediate steps taken up by the Government by way of civil defence measures in protecting the life and property of the people. It was also indicated that a co-ordinated policy of supply would be undertaken which was so essential for a front line province in the war zone.

Sir, I have no quarrel on the principle involved. But the question is whether the time is opportune for such a reduction in remission. In all the districts of Assam, the people are undergoing an economic crisis. The prices of all the essential commodities has soared up by 200-400 per cent. The better price of agricultural produce could little help them in these days of uncertain prices. To me it appears that the Government should have pursued the previous policy till the war was over.

By this reduction of revenue remission the poorest of the poor will be hard hit. The civil defence measures that would be taken would mainly benefit the urban population. So the enormous expenditure incurred on this head would

mean no return to the agriculturists. It is yet to be seen how the supply arrangement of the Government would work—whether it will bring any real benefit to the agriculturists.

The clog that has been imposed about payment before 31st March 1943 is not fair. Most of the agriculturists will not be able to take advantage of it.

Finally, I appeal to the Government to consider whether it is not possible to forego this little saving of 9 lakhs of rupees in view of the war crisis. With these words, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved: "That the provision of Rs.1,51,790 under Grant No. 2, Major head—7—Land Revenue, Minor head—Charges of Administration—A—General Establishment, Sub-head—1—Pay of Officers, at page 33 of the Budget, be reduced by Rs. 110, i.e., the amount of the whole grant of Rs.16,93,700 do stand reduced by Rs.110."

As cut motion No. 8* and this motion are the same, hon. members may speak on the same motion.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker Sir, there has been the demand for reduction of land revenue in this province inside this House for more than 12 years, i.e., year after year, and this has been voiced by the members of this House and the House which preceded it. It came almost to a final settlement when the Congress-Coalition Government decided to grant 50 per cent. reduction and that decision was also ratified by the Government which followed. Not only in the year 1939 the then Government consented to give remission of 50 per cent. but the Government which followed thereafter also gave in the year 1940-41 and 1941-42 in the same scale. Sir, at the time of granting this remission, in the year 1941-42, and when the revenue was collected in the beginning of the year, the rise in prices of certain commodities was surely taken into consideration and on the other hand it must have been felt that there was a corresponding increase in prices of such commodities which the Rayat generally had to buy. And therefore the land revenue reduction which was allowed by the Congress-Coalition Government continued up till the present year. Now, Sir, are these the days when after consideration of all other factors, we can reduce the rate of revenue remission? Although there is some rise in some agricultural produce, there is also corresponding increase in prices of other ordinary food-stuffs. Take the instance of sugar, kerosene, cloth, mustard oil or seeds. All these things which are badly wanted by the village folk, the cultivators, are to be purchased at a very high cost. So for the years 1941-42, 1942-43 that remission was allowed to be continued. What has happened this year that the remission of revenue justifies reduction?

Now, as regards cloth. We cannot get the standard cloth at less than Rs. 6 or 5-8 per pair, in place of Rs.3 or 2-12 per pair as before. I am speaking of ordinary cloth. The price of kerosene has also increased. About the price of sugar one can hardly speak without hysteria and still I am dealing with, its price. It has risen to such an extent that it has become a rather unavailable luxury for villagers of at least in Assam Valley districts who use sugar only in tea. Then the price of salt, which is the bare necessity of all. Now its price has gone up by leaps and bounds and in spite of the efforts that have been made to bring down the price it remains much higher than it was before. Then we take the case of yarn. This is used by the people to weave their own cloth. But now it is almost unavailable.

So, I think that the present time is hardly an opportune moment for reduction of remission which was previously granted. It must be admitted by the Hon'ble Finance Minister that the benefit which he proposed to give by way of purchasing paddy at a higher cost will not be of any value to those who pay land revenue; in these circumstances when there is so much bitterness in the country on account of realisation of collective fines and so much economic distress, it will be a most unwise step to withdraw the remission. If it is not further reduced it will be very difficult

*8. Mr. Baidyanath Mookerjee to move:—

That the provision of Rs. 11,16,900 under Grant No. 2, Major head—7—Land Revenue, at page 32 of the Budget, be reduced by Rs. 101, i.e., the amount of the whole grant of Rs.16,93,700 do stand reduced by Rs. 101.

(To criticise the policy of Government in the matter of Land Revenue remission).

to realise the revenue, for it is well-known that although some people may have got higher wages they have at the same time to pay very much more than what they paid before, the increase in prices of other articles takes away what little extra money some people earn.

Therefore, I support this motion whole-heartedly.

Maulavi BADARUDDIN AHMED: Sir, I shall be failing in my duty if I do not say a few words on this motion. I thank the Government for maintaining the land revenue reduction as modified in spite of the present hard time. But I cannot lend my support on the condition laid upon it. The agriculturists will get the benefit of the remission only if they can pay up the revenue before the 31st March 1943, else they will be deprived of it.

Now, Sir, harvesting of Sali paddy, which is the main crop for the agriculturists is just over by the months of Agrahayan and Pous, i.e., by the month of January. Now, Sir, if they are to pay the entire portion of their land revenue before 31st of March they will have to sell all their paddy for the payment of land revenue. Just after harvesting of paddy it sells at a cheaper price. So they will have to sell all their paddy at a cheaper rate to raise funds for the payment of land revenue if they are to enjoy the benefit of reduction. So the real benefit of this reduction will go to the well-to-do class who will purchase the paddy from the poor agriculturists at a cheaper price. Again, Sir, it has already been said by the hon. mover and some other hon. friends that the prices of all the necessaries of life have risen by leaps and bounds. The only source of income of the poor agriculturists is rice and paddy. If they sell it to pay land revenue they will be hard hit. It is needless to say that for clothing and other necessaries of life their source of income is hardly sufficient. So, this conditional revenue reduction will not help the poor agriculturists, rather the benefit of this will be enjoyed by the well-to-do middle class people. So I request the Government to do away with this condition.

Mr. JOBANG D. MARAK: Sir, personally I am not in favour of the remission of land revenue because it is a very small sum and it will not benefit the poor agriculturists very much. But the sum which will accumulate will come to the Government exchequer and will do a lot of good to the poor and for this reason I am not in favour of the remission of the land revenue.

Mr. BAIDYANATH MOOKERJEE: Sir, I have got a similar cut motion, No.8, in the list. As there is very little time, I think, that the speakers who have already supported the cut motion have ventilated the real position. So, Sir, in one sentence I like to finish. That is I whole-heartedly support the cut motion moved by my hon. friend Maulavi Abdul Bari Chaudhury.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, in this House I request every member to be practical and realist. We have got to administer the province at a time when the province has been committed to new expenditure. The budget speech of my hon. friend, the Finance Minister, placed before the House the deficit which we apprehended in the last year, i.e., the year 1940-41 about which we have actuals. We apprehended that there will be deficit of about 11 lacs of rupees. Some hon. members have criticised that later on it was found that the deficit was not so high but a smaller sum of Rs. 2 lacs. But nobody cared to enquire what was the reason of this reduction in the apprehended deficit. The great tea industry came to the rescue of the Assam exchequer. They paid in the last week of March 1941 no less a sum than Rs.16 lacs as their share of agricultural income-tax and that is why the deficit came down to 2 lacs only from an apprehension of 11 lacs of rupees. We must remember three things before we cast our votes in this matter. First, unlike the previous Constitution, the Government of India is no longer our bankers. Formerly, as every one knows, whatever may be the deficit, we could draw upon the resources of the Government of India who

advanced money wanted by the Provincial Government. Now, since 1937, we have got to go and borrow in the open market, and, Provinces, far richer than Assam, have had to give premiums in the shape of discount of Rs.5 to 6 before the loans were subscribed by the public even though the interest offered was 3½ per cent. Assam had already borrowed in the open market 50 lacs of rupees. Then we had floated Treasury Bills to meet the cost of the food supply, the transactions which the Government had to undertake in view of the normal trade channels having choked off. Every one knows that the Marwari community in whose hands the trade of the province and specially of the Assam Valley was, became panicky after the first bombing in May last and left the places in a very chaotic condition. The Government had to purchase food articles from outside the province in order to supply the bare necessities of life to the province.

I will not go into details but from my personal experience, I can say that since 25th of August last when I became the Minister-in-charge of Supply I have bought about 4½ lakh maunds of salt at a cost of over 25 lakhs of rupees. Where is this money to come from? We have borrowed nearly 30 lakhs of rupees in Treasury Bills for carrying on the transaction. We have got to buy sugar, Atta, Dal and flour from outside the province. For all these transactions we require hard cash but cash is not always available, the province being already indebted to the tune of 80 lakhs of rupees.

Srijut ROHINI KUMAR CHAUDHURI: The price is still very much higher than what it should be.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If I had more money and if we could get more transport facilities, I would have advised our departments to buy more so that there would be a surplus stock in the province which would lower down the price. Now, Sir, we cannot reduce the price of commodities than the price at which we bought. Now let us take the case of salt which everybody knows could be had for Rs.2-8-0 in the retail market in Assam, but we have paid F.O.R., Calcutta at the rate of Rs.5-6-0 and then we have got to add the cost of transit from Calcutta to respective destinations within our province. Therefore the cost cannot but be higher. The Government of Assam have got to incur new expenditure and if for this expenditure they go to the open market for loan, then the deficit will be very heavy. As for example, originally it was thought that the Civil Defence Department or Air Raid Precautions, could be managed within a small sum of say 6 to 8 lakhs of rupees, but the Government of India after many conferences have directed us to take up A. R. P. measures in many new towns resulting in a large expenditure which has gone up to 22 lakhs of rupees already. Then, Sir, the Government of India originally said that they would give us quite a handsome contribution towards this expenditure, but later on when the expenditure increased they held a conference which was during section 93 Administration, when there was no Minister, and they introduced what is known as the Slab system, i.e., the first expenditure of 10 lakhs of rupees on Air Raid Precautionary measures, the province shall have to bear the entire cost and for the expenditure of next 10 lakhs of rupees the Government of India will contribute half and the province shall have to bear the half. That is if our expenditure on Air Raid Precautionary measures is 20 lakhs of rupees, we will get 5 lakhs of rupees from the Government of India whereas the province will have to bear 15 lakhs of rupees. But if we exceed 20 lakhs and go up to 30 lakhs of rupees then Government of India will contribute three-fourths of the expenditure and the province will have to contribute one-fourth. Now we are in the neighbourhood of 22 lakhs of rupees and so we shall get a contribution of 6 lakhs of rupees from the Government of India

and the Assam Exchequer will have to bear 16 lakhs of rupees. Now the province of Assam being very near the theatre of War, we require quite a big amount of money for the purpose of importing food grains from outside the province, for saving the people from starvation and we searched our best for all that we could tap and everybody will agree that new source of taxation is impossible on account of the higher cost of living. Then, Sir, we know that section 93 Administration reduced the land-revenue remission by 50 per cent. thereby producing 20 lakhs of rupees for meeting the cost of general administration. The Ministry had to make their decision very quickly on this point and they found that this remission was started since 1933 when it was given at the rate of annas 3 in the rupee at a time when the price of staple agricultural produce, e.g., paddy was as low as Re.1 per maund. Since then on account of the world-wide depression, the prices of the Agricultural produce have remained very much stagnant. In 1940-41, every one knows that the price rose a little; in the year 1942-43, the average price that was obtained for paddy was in the neighbourhood of Rs.3-8-0 though in certain areas price went up to over Rs.4-8-0. So taking the average as Rs.3-8-0, the maximum remission which Government without Ministry was willing to give to the cultivators was four annas in the rupee. We compared the position; although the cultivator was getting 200 per cent. more for his produce, he had to spend about 300 per cent. more for the other commodities of life. Therefore we came to the conclusion that if we take away 25 per cent. of the remission we will not be hitting the cultivators very hard and on the contrary it will be a source of granting other relief to the general taxpayers to some extent.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. Was the Hon'ble Prime Minister referring to the harvest price or to the maximum price of Rs.3-8-0 per maund? I say, Sir, that during the monsoon months the price of paddy would go up to Rs.3-8-0 per maund.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I mentioned average price and my hon. friend who is well versed both in politics as well as in trade ought to know what average means.

My hon. friend Maulavi Badaruddin Ahmed has pointed out that an increased remission should be given because the harvest will be in January and the cultivators will have to sell their things at a cheaper rate. To provide against this cheap selling of paddy or rice Government is proposing to buy at a reasonable rate from them. In regard to this fact, I mentioned in my resolution that Government is willing to buy from the cultivators in order to maintain a higher level of prices even at harvest time and if the cultivators take advantage of that offer then there will be no apprehension of the nature which my hon. friend Mr. Badaruddin Ahmed has expressed. I therefore hope that if I had the power, purse and the provision to increase the value of the commodities of the province—I would have liked to see the cultivators getting more remission but on account of these causes and other factors, I cannot see my way to a further increase of the remission of land revenue. There are certain quarters where we have been criticised that we have been liberal in scattering away or frittering away the resources of the province by giving this increased remission of land revenue. I hope my hon. friend, the mover, will now realise with what a heavy deficit we are saddled with now, that we dare not go to the open market for another loan to be floated. We are now managing with Treasury Bills for financing the commercial transactions which we are carrying on now and as the Hon'ble Finance Minister in his Budget speech explained the other day that there is always a time lag of about six weeks between the time when the goods are paid for in advance and the time when the money is recovered, we must have at least a sum of 30 lakhs of rupees in hand to carry on the administration. I therefore request the hon. mover that he will be pleased to withdraw his cut motion after having heard the explanation of the Government.

Maulavi ABDUL BARI CHAUDHURY: After hearing what the Hon'ble the Prime Minister has said, I beg leave of the House to withdraw my motion.

Srijut ROHINI KUMAR CHAUDHURI: I object to leave being granted.

The Hon'ble the SPEAKER: When one member objects, the motion cannot be withdrawn. I am putting it.

The question is :

“That the provision of Rs.1,51,790 under Grant No.2, Major head—7—Land Revenue, Minor head—Charges of Administration—A—General Establishment, Sub-head—1—Pay of Officers, at page 33 of the Budget, be reduced by Rs.110' i.e., the amount of the whole grant of Rs.16,93,700 do stand reduced by Rs.110.”

The Assembly divided :—

AYES—8

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| 1. Mr. Baidyanath Mookerjee. | 5. Srijut Rohini Kumar Chaudhuri. |
| 2. Babu Bipin Behari Das. | 6. Maulavi Abdul Aziz. |
| 3. Babu Kamini Kumar Sen. | 7. Khan Bahadur Maulavi Mahmud Ali. |
| 4. Babu Lalit Mohon Kar. | 8. Babu Sanat Kumar Ahir. |

NOES—30

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 14. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 2. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 15. Khan Bahadur Maulavi Mufizur Rahman. |
| 3. The Hon'ble Dr. Mahendra Nath Saikia. | 16. Maulavi Namwar Ali Barbhuiya. |
| 4. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 17. Maulavi Nazirudin Ahmed. |
| 5. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 18. Mr. F. W. Blennerhassett. |
| 6. The Hon'ble Miss Mavis Dunn. | 19. Mr. E. H. S. Lewis. |
| 7. The Hon'ble Srijut Rupnath Brahma. | 20. Mr. C. W. Morley. |
| 8. Maulavi Abdul Bari Chaudhury. | 21. Mr. R. A. Palmer. |
| 9. Maulavi Abdur Rahman. | 22. Mr. P. Trinkle. |
| 10. Maulavi Dewan Muhammad Ahbab Chaudhury. | 23. Mr. A. Whittaker. |
| 11. Maulavi Badaruddin Ahmed. | 24. Mr. Benjamin Ch. Momin. |
| 12. Khan Bahadur Dewan Eklmur Roza Chaudhury. | 25. Srijut Bhairab Chandra Das. |
| 13. Khan Bahadur Maulavi Keramat Ali. | 26. Srijut Bideshi Pan Tanti. |
| | 27. Srijut Binode Kumar J. Sarwan. |
| | 28. Mr. C. Goldsmith. |
| | 29. Mr. Jobang D. Marak. |
| | 30. Srijut Rabi Chandra Kachari. |

The question was negatived.

The Hon'ble the SPEAKER : I am afraid no other cut motions can be taken up on this demand. Now I put the question.

The question is :

"That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April to the 24th August 1942, will amount to Rs.16,93,700 (amount of the revised estimate) in respect of the head '7.—Land Revenue.' The expenditure incurred from 1st April to the 24th August 1942 is believed to be about Rs.5,76,787."

The question was adopted.

GRANT No. 33

(64-B—CIVIL DEFENCE)

The Hon'ble Khan Sahib Maulavi MUJABBIR HUSSAIN CHAUDHURY : I beg to move that the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as together with the expenditure already incurred from the 1st April 1942 to the 24th August 1942, will amount to Rs.14,83,000 (amount of the revised estimate) in respect of the head "64-B.—Civil Defence". The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.6,68,000.

This appropriation has the recommendation of the Governor.

The Hon'ble the SPEAKER : Motion moved :

"That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April 1942 to the 24th August 1942, will amount to Rs.14,83,000 (amount of the revised estimate) in respect of the head '64-B.—Civil Defence'. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.6,68,000."

Maulavi ABDUL BARI CHAUDHURY : Mr. Speaker, Sir, I beg to move that the provision of Rs.15,100 under Grant No. 33, Major head 64-B—Civil Defence, Minor head—A.—Expenditure on Air Raid Precautions, Sub-head—1.—Pay of officers, at page 214 of the Budget, be reduced by Rs.110, i.e., the amount of the whole grant of Rs. 14,83,000 do stand reduced by Rs.110.

Sir, we are really grateful to the Government for creating the new portfolio of Civil Defence and making it the sole charge of one Hon'ble Minister.

With the entry of Japan in the arena of war, the eastern front of India became a vulnerable point and the people of the province awoke to the grim realities of war. But by a strange coincidence, within a week of the advent of this new menace, the Ministry resigned and Assam was left to the uncertain fate of section 93 Administration. Since then many startling events have happened. Malay and Burma collapsed, Singapore and Rangoon were pounded by enemy bombing. The war closed its nets towards the border of Assam. Already some peaceful towns of this fair province have experienced the havoc of bombing. A sense of uncertainty and uneasiness prevails throughout the province. At this opportune moment, a popular Ministry has been installed. We have high hope that they will take adequate steps for the defence of the civil population and once more a sense of security will prevail.

Sir, a big sum of over 20 lacs of rupees has been budgeted for Civil Defence measures. But no amount is too big for Civil Defence operation provided the amount is spent on proper line and scientific basis.

As it is conceived in Assam the department is mainly concerned with A. R. P.

measures and the care of refugees and evacuees. In a broader sense it embraces supply and transport in a war emergency.

* * * * * The few slit trenches and shelters are too inadequate to give any effective protection to the thousands of people residing in the towns

We have entered the war zone at a very late hour and it is possible for us to grow wiser by our experience of other towns which were actually bombed. The A. R. P. shelters that have been constructed may save a few from the splinters and the blast but these will stand no protection to a direct hit. As regards the residential buildings and offices, it appears no attempt has been made to erect baffle walls. * * * *

* * * We would wish to know whether sirens have been installed in all the big towns of Assam.

The activities of the Civil Defence Department should not be confined only to A. R. P. arrangements in the towns. It must establish.....

Maulavi ABDUR RAHMAN: I want to know from the hon. member whether all the towns have been classified as A. B. C. towns for the purpose of air raid ?

Maulavi ABDUL BARI CHAUDHURY: Yes, but here I mean only A Class towns. It must establish a sense of security throughout the province by active propaganda which might fight the defeatist mentality, and induce the people to believe in ultimate victory.

Sir, it is an anomaly that the Civil Defence Minister has not been nominated as a member of the National Defence Council. For thorough supervision and management he must be in direct touch with the central organisation for civil defence. As regards the appointments of civic guards and in the A. R. P. Department we are afraid that the deplorable incident of Bengal is going to be repeated in Assam. So far as our information goes, in the first two hundred appointments a very negligible percentage of Muslims and the other minority communities have found place. No doubt, we want the department to function efficiently, nevertheless every community must be given its legitimate quota. Nobody will venture to say that there is dearth of suitable candidates amongst these communities. However, it is not yet too late, and we do hope that steps will be taken to rectify the defect.

Sir, the Central Government has fixed a formula by which it subvents the provinces for A. R. P. and other expenses. As has been explained by the Hon'ble Prime Minister the annual expenditure for civil defence in each province is divided into slabs, the amount of slabs varying from province to province. The payment to this province by the Central Government on this account in 1941-42 amounted to 58 lakhs. In the current year, according to the Public Accounts Committee, the figure is expected to go up to three crores and seventy-eight lakhs. It is a matter of regret that Assam which is now in the front line of enemy attack, did receive almost nothing from the Centre in the year 1941-42 and in the current year's budget a sum of Rs.5,42,600 only has been apportioned to this province. This figure amounts to less than 2 per cent. of the total grant made to the provinces by the Central Government. May we hope that the Government of Assam will represent our case to the Centre for more substantial grants so that a bigger amount may be available for civil defence ?

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

The Hon'ble the SPEAKER: Cut motion moved :
 "That the provision of Rs.15,100 under Grant No.33, Major head—64B—Civil Defence, Minor head—A—Expenditure on Air Raid Precautions, Sub-head—1—Pay of officers, at page 214 of the Budget, be reduced by Rs.110, i.e., the amount of the whole grant of Rs.14,83,000 do stand reduced by Rs.110."
 This motion wants to criticise the general policy of Government underlying the Civil Defence Department. Hon. members who have tabled separate motions to discuss particular questions may speak on this motion.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I rise to support this motion. You will see: I have a motion standing in my name dealing with the first point of the many details of Civil Defence and which, by your direction, I may here make. We think that the personnel in whose charge the whole A. R. P. organisation rests should be very considerably implemented. We believe, Sir, that the more persons there are connected with this Department who are in direct and intimate touch with the people, the less likelihood will there be of panic if and when enemy action occurs. Civil Defence is a very wide subject and it does not only deal with purely defence organisations but is also very largely bound up with the matter of public morale, which so much depends on the dissemination of truth concerning not only air raid precautions and the like, but also the whole trend of the war.

To deal more particularly, Sir, with A. R. P. for one moment. The hon. mover of this motion has well illustrated the need for wide education in the matter, as his somewhat optimistic hopes will illustrate the ignorance of so many of us concerning what a bomb is, what it does and all that kind of thing. He hopes that numerous shelters may be erected in the towns of the Province all of which should be proof against direct hits. Now, Sir, that is utterly impossible and the London *blitz* has conclusively proved that it just cannot be done. As I have said, Sir, it is abundantly clear that the public are still uninformed on these vital matters.

Mr. Whittaker this morning referred to the shortage of personnel in the administration both here and in the districts. We quite agree, Sir. Personnel not only for administration but for purposes such as these is extremely short. I should like to say here, Sir, that the lack of contact between the people and the Government in these days is nothing short of deplorable only because the poor District Officer is snowed under with paper. He is tied to his desk and has to sit in his office dealing with this welter of paper what time he should be touring his district and improving his contacts with the people of his district. I take it upon myself to say, Sir, that there must be now in this province hundreds of villages whose only knowledge of a District Officer is a choking cloud of dust stirred up by his fast moving motor car as he goes on to some distant village. It is not his fault, poor fellow. He simply can do nothing else on account of the immense amount of office work he has to do.

So, Sir, the whole question is involved in at least duplicating the district administration staffs, not only that the District Officers may be relieved of some of their office work and so be able to know more of their people, but also to be able to concern themselves with matters of civil defence.

We urge upon Government to consider the appointment of such a number of people as would ensure that every branch of Civil Defence, including the building up and preservation of the morale of the people, may without doubt be cared for, for otherwise, Sir, we may expect nothing but serious trouble.

Mr. E. H. S. LEWIS: Mr. Speaker, Sir, there is one most important aspect which I would like to bring before the House. As has already been said, a trench or any shelter is no shelter against a direct hit, but from personal observation of the effects of various types of bombs that have been used by the Japanese in their recent raids, I can assure the House, if any assurance is necessary, that any one who is in a trench with all his body below the ground is entirely safe except, as I said, from direct hits which are after all a very remote possibility.

But, that is all very well. I consider that what the people have a right to demand from the A. R. P. Service, is sufficient warning for them to be able to get into their trenches, and that everything is not well as regards this is shown by the fact that in one of the recent raids in Lakhimpur district when enemy planes were flying in the vicinity of Dibrugarh the air raid sirens were not sounded until some minutes after the planes had left. What went wrong I do not know, but I can guess, and I think it is a pretty sure guess; it was a breakdown of communications.

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Even in England, where there is a most elaborate system of dissemination of air-raid warnings, they have developed what is known as the "Jim Crow" system, or watchers, and I would like to suggest to the Government that it would be possible to arrange in villages and towns for each village or town to have its own spotter system. I will try to explain what I mean in a few words. For instance, in a small village there will be one man who will be posted at a place of vantage, on a hill, a housetop or up a tree, whose job it would be to keep a look-out for the approach of aircraft. On seeing 3 or more aircraft approaching he would warn the inhabitants by means of a whistle or some other simple method. In larger towns there would have to be a rather more elaborate system perhaps two or more watchers on duty at one time who would give warnings by means of sirens or maroons. The people are entitled to expect to get some warning, and a number of people have said to me after the recent raids—people who were working in a definite area of danger—"I would be happy if I was certain that I would get sufficient warning to get into my trench". I would therefore like to ask Government to consider whether they could not introduce such a system by which they could give warning to the people. I do not suggest that it should be done immediately in all the 40,000 villages in Assam; that would be impossible, but that a start be made in those towns and villages which are near strategic points, such as railway junctions and road junctions, and then work out gradually. The Japanese have delivered three vicious attacks in quick succession in Assam, but they have left us alone now for over three weeks. This, however, is no reason for relaxation, and I will conclude by borrowing Mr. Winston Churchill's words which he used recently in another connection: "This is not the end; it is not even the beginning of the end; but it is perhaps the end of the beginning."

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I have got a similar motion, so I would like to add a few words in support of the motion already moved.

Sir, much has already been said about increasing the number of trenches by the mover and others but my motion was to criticise the present policy of Government in the matter of Civil Defence. We find that in some places there are trenches which are not of any use as it is not possible to enter there. The black-out is there in some towns but that is done by the citizens themselves and Government have not got anything to do with it except giving the orders. Now I am coming to what the Government has done. There are some trenches—if they can be called trenches at all—there is one just beside the hostel for the hon. members, which even on the 19th of November is full of water. If this is the sample of trench that is provided for us to take shelter, I think it is better that there should not be any trenches at all.....

Maulavi ABDUR RAHMAN: Is it a trench or a drain?

Mr. F. W. BLENNERHASSETT: On a point of information, Sir, will the hon. Mr. Mookerjee would rather go in and get wet, or remain out and get bombed?

Mr. BAIDYANATH MOOKERJEE: It would be in the fitness of things if I request hon. Mr. Blennerhassett to have a trial there first and then he will find out what it is, and later it should be done either by myself or by others.

Mr. F. W. BLENNERHASSETT: I will, if my hon. friend joins me.

Mr. BAIDYANATH MOOKERJEE: I am not ready to join and so I am criticizing.

Then, Sir, something has been said about the morale of the people. A National Front has been created by the Government, but the way in which it is working, or the way in which the people are responding, will not serve any purpose at all. The Hon'ble Prime Minister, when he was in Sylhet recently, had some idea about this war front, and I hope he will enlighten the House as to what idea he has gathered.

Sir, one of my hon. friends mentioned that it was really sad and looks very odd, that my hon. friend the Khan Sahib, the Minister-in-charge of Civil Defence, has not been included in the Central Council of National Defence. I think the simple reason for it is this—and I hope that my hon. friend will take note of it—that because he is a member of the Muslim League most probably he did not like to join the Central Council, or he was not acceptable by His Excellency the Viceroy. I hope that on this point also we shall be enlightened by the Hon'ble Premier.

Then, as regards the percentage of cost that will be given by the Central Government, I heard that for the first 10 lakhs we won't get anything for the second 10 lakhs we shall get half, and for the rest we shall get three-fourths. Sir, I do not know whether any suggestion was given by this Government about this or whether it was decided arbitrarily by the Central Government. I say arbitrarily because it has already been stated that our province is in the war zone, where the question of Civil Defence is far more important than in other provinces. I hope the Hon'ble Prime Minister will make a most emphatic protest and sincere representation in this respect and will try to secure some more money for us.

Sir, I shall mention another point. This Civil Defence is meant to do good to the general public, and I hope that it will really do good to the general public, but in some cases the officers in charge of A. R. P. are unnecessarily putting people into trouble, and I hope the Hon'ble Minister-in-charge of Civil Defence will inform the House about the representation that he received at Silchar about some A. R. P. Officer who for an A. R. P. Office demanded a particular room from some gentleman. He was very eager to give another room, but that room was refused and if an unbiased person makes an enquiry he will find that there was no difference. The officer wanted the particular room which was occupied as a bed room by the owner of the house, but the other room, *i. e.*, the office room, which was offered was not accepted.

In some cases, Sir, the paddy lands have been taken by the Government.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Not by us.

Mr. BAIDYANATH MOOKERJEE: When the Hon'ble Premier has said that they are not responsible for this, I am not touching that point.

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

Maulavi ABDUR RAHMAN: Sir, I also wish to make some observations with regard to this important motion. This is a new scheme before the House and we have had no occasion to come across such sort of demand before. As time passed on and the war is nearing our province this sort of demand has been necessary to put before the House. I have heard Mr. Lewis what he said from his personal experience and it makes me think that this is really an important matter which should not be left for criticism only. This scheme of the Government being the most important one and as it vitally concerns the defence of the civil population of the province I would like to urge upon the Government that they should lay out an elaborate scheme by which they intend to defend and preserve the morale as well as the life of the people of the province. Sir, no elaborate scheme or programme has hitherto been introduced before the House and for myself I can really say that I know very little about the scheme which Government intend to introduce in the province.

Mr. R. A. PALMER: Mr. Speaker, Sir, this House is probably aware that about 18 months ago the authorities decided to form units of Civic Guards among tea garden labourers. Several of those units were formed and quickly became efficient, doing useful work not only in tea gardens but also at aerodromes where tea garden labourers were being employed. I should like to tell the House that during the recent bombing raids they did excellent work and their courage and devotion to duty were beyond all praise. Unfortunately, while these men carried out their duties loyally, the Government have failed in their obligations to them. Under the regulations, these men were entitled to free uniforms, and received their first issue of uniforms a long time ago. Since April, several of these units have been on daily duty on the aerodromes with the result that their uniforms became completely worn out and were so tattered and torn that the men were ashamed to wear them to work.

The second grievance is that under the regulation they are entitled, when they become efficient, to a bonus of Rs.10. As long ago as December 1941, some of these units were inspected by a senior Military Officer who passed them as efficient; but as far as I know they have not yet been given a single pice.

The third grievance is that in spite of the very dangerous work that these tea garden units are doing on bombed aerodromes, they are working without the protection of steel helmets. This is, in my opinion, disgraceful and I trust that the Minister-in-Charge will see that these grievances are redressed immediately.

Khan Bahadur Maulavi MAHMUD ALI: As for myself, Sir, I do not know what is meant by Civil Defence or what is the duty of the officers and what they are doing at all. However, I want to point out only two things, one is to preserve the morale of the people and another to remove their panic, as is uttered by my hon. planter friends. Anything that have so far been done have only increased the panic among the people and are helping to lose their morale. Sir, those people who have returned after working in aerodromes are disappointed to find the rise in prices of foodstuffs and other commodities. When they first went to do work in those places they went very happily to earn extra money, but when they have returned they realised that they could not actually earn anything and thereby they lose their morale and panic increased. These people now do not find their food at homes and have no money to purchase.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On a point of order, Sir, is it relevant?

The Hon'ble the SPEAKER: The hon. member will please try to be relevant to the subject under discussion.

Khan Bahadur Maulavi MAHMUD ALI: Sir, there is want of foodstuffs everywhere and the children of the soil are not getting their meal properly except

a few. If this is the state of affairs. The panic among the people will never decrease and will not help them to preserve their morale, rather it will be on the increase.

Sir, activities of the National War Front are not up to the mark.

Then again, Sir, about the Publicity Department. From this Department only pamphlets are issued but nothing good is practically being done. It serves some purpose to some big people. So, I say that the pamphlet should be made also in vernacular languages. I suggest that conferences should also be called wherein the Minister-in-charge and some high officers should be present and devise means to do something to remove the panic and to help in preserving the morale of the people.

These are my constructive suggestions, Sir, I have placed before the House.

Babu KAMINI KUMAR SEN : I would say only a few words, Sir. Of course, I appreciate the grievances of the hon. members about the A.R.P. organisation, but I don't think that A.R.P. is the only work to be done under civil defence. Civil defence covers a much wider field than A. R. P. I think, Sir, that in this province there are very few towns and places of military importance where there is probability of bombing. Therefore the greater part of the province is more concerned with organisation of defence in case of invasion. The enemy is at our very door. But I don't think anything has yet been done to organise the people in case of an invasion or any step has as yet been taken to guarantee their supply or to keep up their morale. I don't know what people will do at the time of an actual invasion and how they will meet the situation. I ask the Government to disclose if any scheme has been made, if any plan has been prepared whereby the people at large can face an invasion. I think that the major portion of the population is concerned more with the threatened invasion than with the A. R. P. organisation. There are many things to be done if unfortunately the province is invaded by the enemy. I would therefore be very glad if the Hon'ble Minister-in-charge let us know what he has done or intends to do to protect the civil population in case of an invasion.

Srijut ROHINI KUMAR CHAUDHURI : Mr. Speaker, Sir, I want to draw the special attention of the Government to two aspects of matters in the civil defence. First, what steps are being taken to organise air raid precautions in the villages.

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I want to know what steps the Government are taking in the matter of digging trenches, etc., in the villages.

Another point to which I want to draw the pointed attention of the Government is whether it is desirable to continue the black-out. We have seen, at any rate in the raids in Assam, that air raids are conducted during day time. I read a certain article the other day written by a military expert who said that it is much better to have strong lights than to have black-out. The point on which the correspondent stressed much was that when there is a black-out and an air raid, a confusion arises and the enemy sees the places where the military objectives are more clearly than where there are strong lights and on account of which they are misled. That is one point of view of a military expert. As we see, Sir, *

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it is to be considered whether it is necessary to continue the black-out system in the towns.

As regards civil defence, we have only seen the construction of trenches. These trenches are generally speaking, very unsatisfactory. There may be one or two good trenches in Shillong. In Gauhati there is none. Trenches there are full of water and what useful purpose will be served by these trenches? They have afforded shelter to the frogs. The frogs remain in those trenches and snakes follow them there. This is the nett benefit of the trenches, Sir, in Gauhati,

and for this reason perhaps there has been no death from snake bites this year. So, Sir, I think although it has not done its work as trenches, it has come to some use here. We have heard the hon. mover making a painful reference about loss of life in Burma and Malaya. There was no civil defence. Now, there is a Civil Defence Department for us in Assam and it is a very cheering thing that the bravest member of the Cabinet is in charge of it. He knows no fatigue. Recently he rushed to the places of bombing when the people were running from the town of Dibrugarh and there it is said that he tried his utmost to preserve the morale of the people. (*Ironical cheers*).

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I am really thankful to the hon. members of this House who have realised that this Civil Defence Department is a new one. Practically it has to grow from zero to an organisation and so it cannot be expected that this organisation is now what it ought to have been. Sir, as the organisation is a new one, there must be defects, shortage of staff and other shortcomings. But I hope, Sir, in near future this organisation will improve and be of use for which it has been intended.

Sir, under the Civil Defence, we have to practically deal with three departments—one Air Raid Precautionary organisation mainly for the town and the other is at strategically small places and then we have got another organisation which is called Civic Guards. This is also mainly intended for towns and then we have got another department which is called the 'National War Front'. Of course these are not our provincial subjects; money has been provided by the Centre. Our National War Front is working in the villages. As the time at my disposal is very short, I will try to give a brief account of what we are doing with regard to each of the departments. The first I shall take up Civic Guard. Some points have been raised with regard to Civic Guard by Mr. Palmer and I want to give the House an idea as to what the Civic Guard Organisation is. The sanctioned strength of Civic Guard is 5 at every district headquarter in the plains and also in the Khasi and Jaintia Hills. No district is however up to the strength and the movement is virtually moribund. Government are anxious to make the Civic Guards a live force and if possible to extend their activities to Subdivisional headquarters. In this connection, Sir, some inquiries were recently made of the Deputy Commissioners and the Superintendents of Police as to the cause of the failure and whether concession in the way of monthly payments, etc., as now given in the vehicle would effect an improvement. Formerly it was decided that the Civic Guards would be a voluntary organisation and we can have volunteers in large numbers. Replies on the whole were not encouraging and the suggestions and opinions we received were to the effect to formulate a uniform scheme for reorganisation. The defects of maintaining enthusiasm amongst the Civic Guards are very great but this body really does represent a force which if really regularised can be of immense value in quieting panic and allaying rumours and generally maintaining morale of the public. Quite apart from this, it is a normal duty of night guards, etc. In addition to this, Sir, we have got Civic Guards in the tea gardens of the Lakhimpur district and those Civic Guards were mainly recruited from tea garden labourers. These Guards until they received a small subsidy from Government were entirely run by the Gardens themselves. The Managers of the Gardens took personal interest in it and some have been extraordinarily successful in putting out fires and in other precautions.

*Speech not corrected by the Hon'ble Minister.

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There are only five minutes to 4 and we have got some other motions also.

The Hon'ble the SPEAKER: Yes, we have also got another grant—Administration of Justice. According to Governor's Rules it is on the last day of the days allotted for grants, at 4 p.m., that guillotine would be applied.

***Mr. A. WHITTAKER:** Tomorrow is also a very heavy day.

The Hon'ble the SPEAKER: I shall finish other Grants today.

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The Hon'ble Minister need not go to detail about A. R. P.

The Hon'ble the SPEAKER: Yes, he should try to finish it. Numerous points have been raised and it will be better for the Hon'ble Minister to reply to the points.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Sir, as various points have been raised, I think, I should give some replies to all these points. With regard to A. R. P. organisation, I should say that we have got several branches—one is Fire Fighting Branch, another is Salvage and another Mortuary. We have also got Messenger Service and First Aid Parties.

The Hon'ble the SPEAKER: The Hon'ble Minister should remember that just at 4 P. M. we shall have to take up other Demands.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I will try to finish, Sir. I think, I should touch only the towns where we have got some A. R. P. organisations. Sir, in almost all the important towns and other places of strategic importance, we have provided for A. R. P. measures. There has, of-course, been some complaints with regard to trenches. Experience has shown that only the slit trenches are the best means of protecting the lives of the people and we have therefore provided in all our important towns slit trenches both for our public as well as for our important services.

The Hon'ble the SPEAKER: What about the point raised by Srijut Rohini Kumar Chaudhuri? What is going to be done in the villages?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** In the villages, we want, Sir, to extend Civic Guard system through the 'National War Front' and we are trying to instruct our people as to how they can take shelter at the time of air raids. I may say that until now practically nothing has been done for the villages but with the inauguration of our War Front Organisation, we want to do something for our villagers as to how they can take shelter at the time of bombing and whether they can provide slit trenches, etc., for themselves. All these we want to do through our National War Front Organisation.

The Hon'ble the SPEAKER: What about the utility of black-out?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Of course, Sir, Mr. Rohini Kumar Chaudhuri has said that he consulted certain Military Officer and he said that.....

***Srijut ROHINI KUMAR CHAUDHURI:** I read it in the paper.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** But the general opinion is this that there should be black-out in order that we may not be attacked during the night time.

***Srijut ROHINI KUMAR CHAUDHURI:** May we know if in the case of military quarters and military vehicles, the black-out is observed?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** In military quarters there is black-out, but in the case of military vehicles, because they have to proceed swiftly from one place to another, this black-out is not observed.

***Khan Bahadur Maulavi KERAMAT ALI:** Does the Hon'ble Minister know that in Madras black-out begins at night from 9 p. m. ?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** It may be so. In Madras they may begin at 9 p. m.

***Mr. F. W. BLENNERHASSETT:** If the Hon'ble Minister agrees that public vehicles should be blacked out but that military vehicles should not be blacked out, will he explain to us the efficacy of the black-out. There should be black-out in all cases. There should be a uniformity.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** We have no control over the military. What I said is that they are required to proceed from one place to another swiftly and in order to avoid any accident.

***Mr. BAIDYANATH MOOKERJEE:** Empty trucks are running from one place to another.

***Babu. KAMINI KUMAR SEN:** Is it not a fact that A. R. P. officers are tolerating this relaxation of the lighting restriction in the case of military vehicles, but that they are very strict in relaxing this rule with regard to other individuals ?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** If the hon. members want, I may bring it to the notice of the military authorities. But over the military we have no control. We cannot insist upon them the observance of the rule.

***Mr. BAIDYANATH MOOKERJEE:** May I know whether while requesting the military authorities, the Hon'ble Minister will be willing to relax control over us ?

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I cannot say definitely. The matter will be considered. The general rule is that we are to observe black-out in our towns to avoid any bombing.

***Babu KAMINI KUMAR SEN:** I may inform the House that some of the hon. members submitted an application to the Deputy Commissioner as A. R. P. Controller to relax lighting restriction. He wrote in reply that he could not relax the rule in favour of the individual members, while there is relaxation in favour of the military.

***Khan Bahadur Maulavi KERAMAT ALI:** I may just inform the Hon'ble Minister-in-charge that at Jorhat black-out is observed from 8 p.m., but the military insist that it must be observed from 6 p.m. although it is seen that military authorities do not observe it. If they do not observe the rule, I do not know what is the point of this being observed in our case.

***The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** The matter will be inquired into. We have no information with regard to Jorhat.

***Sriji ROHINI KUMAR CHAUDHURI:** I think, the Hon'ble Minister should examine the whole question.

The Hon'ble the SPEAKER: The Hon'ble Minister will take note of all the points raised.

***Maulavi ABDUL BARI CHAUDHURY:** I beg leave of the House to withdraw my motion.

***Mr. BAIDYANATH MOOKERJEE:** I object to this.

***Mr. A. WHITTAKER:** I also object to this.

The Hon'ble the SPEAKER: Order, order. The question is :
 "That the provision of Rs.15,100 under Grant No. 33, Major head—64B. —Civil Defence, Minor head—A.—Expenditure on Air Raid Precautions, Sub-head—1.—Pay of officers, at page 214 of the Budget be reduced by Rs.110, i.e., the amount of the whole grant of Rs.14,83,000 do stand reduced by Rs.110."

The question was negatived.

The Hon'ble the SPEAKER: I am putting the main question. The question is:—

“That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April 1942 to the 24th August 1942, will amount to Rs.14,83,000 (amount of the revised estimate) in respect of the head ‘64B.—Civil Defence’. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.6,68,000.”

The question was adopted.

GRANT No. 12.

(27—ADMINISTRATION OF JUSTICE).

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I beg to move that the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April 1942 to the 24th August 1942, will amount to Rs.7,50,000 (amount of the revised estimate) in respect of the head ‘27—Administration of Justice’. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.3,11,936.

The appropriation has the recommendation of the Governor.

The Hon'ble the SPEAKER: Motion moved:

“That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April 1942 to the 24th August 1942, will amount to Rs.7,50,000 (amount of the revised estimate) in respect of the head ‘27—Administration of Justice’. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs.3,11,936.

There are three cut motions. Is any one of the cut motions going to be moved?

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, I want to move my cut motion.

Mr. Speaker, Sir, I beg to move that the provision of Rs.1,48,165 under Grant No. 12, Major head—27—Administration of Justice, Minor head—I—Criminal Courts at page 91, of the Budget be reduced by Rs.101, i.e., the amount of the whole grant of Rs.7,50,000 do stand reduced by Rs.101.

Sir, I have tabled this motion to criticise Government for not taking an effective step in the matter of separation of the executive from judiciary.

On the floor of this House for a long time we are demanding that the executive should be separated from the judiciary and accordingly one Special Officer was appointed by the Government, I think it is two years ago, but yet we do not know what is his recommendation and whether any action will be taken by the Government on the subject or not. Sir, it is high time that these two departments should be separated. Because inspite of our repeated demands, our desire has not been fulfilled. I think there are sufficient grounds for moving this cut motion to reduce the amount of grant by Rs.101.

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

The Hon'ble the SPEAKER: Cut motion moved:

“That the provision of Rs.1,48,165 under Grant No. 12, Major head—27—Administration of Justice, Minor head—I—Criminal Courts at page 91 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.7,50,000 do stand reduced by Rs. 101.”

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I rise to support this motion because it is absolutely necessary in a place like Garo Hills to have the executive separated from judiciary. Sir, we had a conference for the partially excluded areas to discuss about the rules and regulations of justice and police for these areas and we completed that conference and the proceedings had been sent to His Excellency the Governor for action and that action has not up till now been forthcoming. So I personally think that such a separation is absolutely necessary. I therefore support the motion.

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I am very glad that the hon. mover of the motion has brought this important question for discussion in this House. It is not for the fault of the present Ministry that the matter has been delayed. Perhaps it is known to some hon. members here that this idea of separation of the executive from judicial function first originated from the discussion of the Retrenchment Committee which sat from time to time in 1938. Our Hon'ble Prime Minister was the Chairman of that Committee and he took a very keen interest on the subject. The hon. mover himself, I think, was one of the members who sat in that Retrenchment Committee. That Retrenchment Committee continued to sit even in 1939. Since that time there had been changes of successive Ministries. The Congress-Coalition Ministry came in and resigned. After that Sir Muhammad Saadulla again took up the reins of the Government and he took up the matter in right earnest; and appointed a Special Officer for the purpose as has been already pointed out by the hon. mover himself. The officer has submitted his report with a scheme but before that scheme could be scrutinised and considered by the Government, the Ministry had to resign. Then the Administration under section 93 came in and nothing could be done during that period. The present Ministry came to function only a few months ago and they had hardly any time to look into this matter. As the matter has now been raised by the hon. mover, Government will see what can be done in the matter as early as possible. I think in view of what I have said, the hon. member will see his way to withdraw the motion.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information: what about the formation of a judicial service in Assam? The scheme is ready, I think.

The Hon'ble Srijut RUPNATH BRAHMA: That is I think entirely a different matter.

Srijut ROHINI KUMAR CHAUDHURI: Not different.

The Hon'ble the SPEAKER: It is relevant.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The question as regards the formation of a judicial service does not lie with this Government alone. We are for long bound by agreement with the Bengal Government who lend the services of a certain number of their judicial service officers to serve as Munsif and Sub-Judge in the District of Sylhet. We have got to come to an understanding with Bengal and then alone we can try to form our judicial service. That proposal is dealt in the report of Mr. Radha Ranjan Dhor. We cannot take up the question piecemeal. First, we shall have to consult the Bengal Government and if we come to an understanding with them we shall have to take certain members of the Bengal Judicial Service and then we shall have to recruit for the rest of the cadre settled for Assam.

Therefore the two questions are closely connected, and I hope my hon. friend will give the present Ministry some time before they are asked to take up the matter. At present they are too much engaged with more pressing duties. As a sort of beginning, the Assam Government recently recruited 10 practising lawyers with 10 years' experience, and the whole set of these 10 lawyers have been put for judicial and civil work. In a way, a beginning has been made although no definite scheme has been formulated as yet.

Mr. BAIDYANATH MOOKERJEE: May I have some idea about the time?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It will be taken up next year. This session will continue till the end of this month ; immediately after that, I have got some urgent work at Calcutta in connection with civil defence. I have been asked to go and discuss with the Hon'ble Member in charge of that Department in the Viceroy's Executive Council. As a matter of fact, Sir Jwala Prasad Srivastava, who is in charge of this department, telephoned to me to go to Delhi just now. I 'phoned back saying that I was busy with the Budget Session, and could not go immediately. I will meet him in Calcutta when he will be there on the 1st of next month. I shall discuss with him the financial question, and about certain help which the Central Government is willing to render to Assam. So, I will be very busy during December as well. We hope to take up the question next year.

Mr. BAIDYANATH MOOKERJEE : In view of the assurance given both by the Hon'ble Premier and the Hon'ble Minister-in-charge, I beg leave of the House to withdraw my motion.

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

The Hon'ble the SPEAKER : I am putting the demand.

The question is :

"That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August 1942 to the 31st March 1943 of such sum as, together with the expenditure already incurred from the 1st April 1942 to the 24th August 1942, will amount to Rs. 7,50,000 (amount of the revised estimate) in respect of the head '27.—Administration of Justice'. The expenditure incurred from the 1st April to the 24th August 1942 is believed to be about Rs. 3,11,936."

The question was adopted.

Adjournment

The Assembly was then adjourned till 2 P. M., on Friday, the 20th November 1942.

SHILLONG,

The 11th January 1943.

A. K. BARUA,

*Secretary, Legislative Assembly,
Assam.*