

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

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on Saturday the 18th November, 1944.

PRESENT

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given.)

Re Supply Superintendents

Srijut LAKSHESVAR BOROOAH asked :

*84. (a) Will Government be pleased to state the functions of the Supply Superintendents recently appointed by Government ?

(b) Is it a fact that such an Officer has been placed for Dibrugarh ?

(c) Is it a fact that such Officers are appointed to relieve the Extra Assistant Commissioners for Magisterial duties ?

(d) Is it a fact that the Deputy Commissioner, Lakhimpur, has not ordered making over charge to the Supply Superintendent, Dibrugarh ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

84. (a)—They are in charge of the whole supply work in the districts concerned under the general supervision and control of the Deputy Commissioners. The Inspectors, Sub-Inspectors of Supply and the clerical staff for supply work will work under the direction of the Superintendents of Supply who are directly responsible to the Deputy Commissioners. In addition, they are required to do office work and at least 15 days touring in a month.

(b)—Yes.

(c)—Yes, partly.

(d)—Government have no such information.

Srijut LAKSHESVAR BOROOAH: Will the Hon'ble Premier state whether it is a fact that the charge of Supply work has not been entrusted to the Supply Superintendent, Dibrugarh ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The charge of the Supply Department still remains with the Deputy Commissioner and he may delegate his power to any one of his subordinate Magistrates. But the duties of the Supply Superintendent, as enumerated, are to supervise the Supply work in the district concerned and to be in charge of the Inspectorate and Sub-Inspectorate of Supply. He is not to bother himself with office affairs which still lie with the Deputy Commissioner.

Srijut LAKSHESVAR BOROOAH: Is the Extra Assistant Commissioner in charge of Supply to continue to function under the Deputy Commissioner as the Supply Officer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know what designation he is given, but from the correspondence of the District Officer with our Supply Department, in Shillong, I understand that the charge of the Supply subject still lies with the Deputy Commissioner.

Srijut LAKSHESVAR BOROOAH: My Question is whether the Extra Assistant Commissioner in charge of Supply is to continue to perform the work of the Supply Superintendent along with his Magisterial work ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure what special arrangement has been made by the Deputy Commissioner at Dibrugarh. He may continue to do the Supply Secretarial work along with his Magisterial work.

Re Bhogdoi Bridge at Jorhat

Srijut SURENDRA NATH BURAGOHAIN asked :

*85. Will Government be pleased to state—

- (a) Whether they are aware of the danger to which the pedestrians and cyclists are exposed on the Bhogdoi bridge over the Assam Trunk Road at Jorhat due to the greatly increased wheeled traffic ?
- (b) Whether they propose to consider the feasibility of constructing a footpath on this bridge to ensure safety to the pedestrians which include a very large number of school-going girls and boys ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

85. (a)—Yes.

(b)—The matter is receiving attention of Government.

Mr. E. H. S. LEWIS : While the matter is under consideration and until the footbridge is constructed, will Government consider placing a traffic constable at either end of the bridge immediately ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, that will be done.

Number of Questions given notices by hon. Members and the number replied to by Government

Mr. BAIDYANATH MOOKERJEE asked :

*86. Will Government be pleased to state—

- (a) The total number of Questions given notices of by the hon. Members of the Assembly and duly transmitted to Government after admission by the Hon'ble Speaker for replies during the last three Sessions ?
- (b) The total number of Questions that were replied to by Government during the last three Sessions [figures for Starred and Unstarred Questions in both (a) and (b) and also for three different Sessions to be shown separately] ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

86. (a)—

Sessions				Starred Questions	Unstarred Questions
March, 1943	...	...	...	120	135
November, 1943	...	...	...	169	214
March, 1944	...	...	...	231	231

(b)—

Sessions				Starred Questions	Unstarred Questions
March, 1943	...	...	...	87	87
November, 1943	...	...	...	110	142
March, 1944	...	...	...	150	130

Mr. BAIDYANATH MOOKERJEE : Do Government consider that the percentage of answers given to Questions is unsatisfactory ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am regretfully to admit, Sir, that a large percentage of Questions could not be answered. I personally

try my level best to place as much information as possible. Certain Questions could not be answered as they were put very late during the Session and the District Officers had to be consulted. I am impressing upon all that as many Questions as possible should be answered and that if the Questions requiring information from the district cannot be answered, *ad interim* answers to that effect should be given. I hope matters will improv in the future.

Mr. BAIDYANATH MOOKERJEE : Is it not a fact that a larger number of Questions were answered in previous Sessions when the Congress Members used to take part in the Assembly discussions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : There is nothing whatsoever to do with the attendance of the Congress Members.

Mr. BAIDYANATH MOOKERJEE : May I know whether the number of Questions were higher at that time than at present or not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The number of Questions were less and therefore the number of Questions answered were of higher percentage. For example, in the March Session, 1943, the number of Starred Questions were 120, of which 87 were answered, and the number of Unstarred Questions in the March Session, 1944, were 231 of which only 130 could be answered.

Mr. BAIDYANATH MOOKERJEE : Is it a fact that Government deliberately did not like to answer some Questions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir. I have already regretted the inability to answer certain Questions on account of their late receipt and also for want of information from the districts in time. I hope matters will improve in the future.

Mr. BAIDYANATH MOOKERJEE : Is it not a fact that fifteen days' notice is necessary ?

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

Mr. BAIDYANATH MOOKERJEE : Then, why my Questions, which were sent even two months before the Session, have not been answered ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My hon. Friend is partially correct. I have seen that one or two Questions, of which very timely notice was given, were not replied and action was taken at a very late stage. I have ordered the Secretariat that an *ad interim* reply should be given if the whole Question cannot be answered without reference to the District.

Karimpur Tea Estate disaster

Mr. BAIDYANATH MOOKERJEE asked :

*87. Will Government be pleased to state—

- (a) The total number of deaths due to collapse of a leaf house in the Karimpur Tea Estate in the South Sylhet Subdivision of Sylhet District on 18th June, 1944, noon ?
- (b) The total number of persons injured ?
- (c) The total number of injured between the ages of 47 to 49 years becoming permanently invalid ?
- (d) Whether all the dead persons were identified ?
- (e) Of the persons, both injured and killed, how many were Hindus, Muslims and how many belonged to other castes (figures for both injured and killed to be shown separately) ?
- (f) Whether all these victims were Garden labourers ?
- (g) If not, who were they ?
- (h) Who were responsible for their safety and provision of food ?
- (i) Who were responsible for their lodging, sanitary arrangements and medical help, etc. ?

- (j) How many persons were lodged in the leaf house on the date on which it collapsed ?
- (k) What was the plinth area and the height of the house ?
- (l) How many storied was the house concerned ?
- (m) What was the height of each floor ?
- (n) What are the reasons for collapse according to the version of the garden authorities ?
- (o) Whether there were walls in the leaf house ?
- (p) What were the supports of the leaf house ?
- (q) When the building was erected ?
- (r) How, by whom and when the first information of the incident was given to the Government ?
- (s) Whether any reason was stated therein for the collapse of the house ?
- (t) If so, what was that ?

* 88. Will Government be pleased to state—

- (a) What step or steps did Government take after receiving the first information ?
- (b) Whether the Deputy Commissioner, Sylhet, went to the place of occurrence ?
- (c) If so, when ?
- (d) Whether he submitted any report ?
- (e) If so, what is that ?
- (f) When the report was submitted ?
- (g) Whether the Deputy Commissioner went there with medical unit ?
- (h) Who were the other Government officers that accompanied him ?
- (i) Whether the Deputy Commissioner arranged for the removal of the injured persons to Sylhet ?
- (j) If so, how many were so removed in all and by what conveyance ?
- (k) Who fed the injured persons on the way ?
- (l) Whether it is a fact that there was no lighting arrangement in the place of occurrence and that the rescue work had to be stopped in the evening ?
- (m) Whether it is a fact that no shed for cooking was provided for these labourers ?
- (n) Whether it is a fact that there was scarcity of drinking water for these labourers ?
- (o) Whether any building expert later visited the garden and saw the collapsed house on behalf of Government ?
- (p) If so, what were the reasons for collapse according to him ?
- (q) Whether the Controller of Emigrant Labour went to the place of occurrence ?
- (r) If so, when and whether he has submitted any report ?
- (s) Whether it is a fact that the house was gradually leaning from a day or two before the date of collapse ?

* 89. (a) Will Government be pleased to state whether any magisterial or judicial or any other kind of enquiry or enquiries were made to find out the real cause of the collapse of the house ?

- (b) If so, will Government be pleased to lay on the table the report or reports of the said enquiry or enquiries ?
- (c) What step or steps do Government propose to take on the findings of the enquiry or enquiries ?
- (d) What were the terms of reference of the enquiry or enquiries ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

87. (a)—319.

(b)—442, including 15 who died subsequently and are included under the first figures.

(c)—Government have no information on this point.

(d) & (e)—Government have no precise information on the point but have enquired from the Deputy Commissioner. Almost all were Muslims.

(f)—No.

(g)—They were labourers from Eastern Bengal Districts and Sylhet.

(h) to (q)—These are points on which Government have no information except what is contained in the Report of the Commission of Enquiry appointed by them, and since the matter may be taken to the courts, Government do not consider it desirable to make any statement at this juncture.

(r)—The Deputy Commissioner telephoned to the Chief Secretary on the early morning of the 19th June.

(s) and (t)—Government prefer for the reason already given not to go into these points at present.

Mr. BAIDYANATH MOOKERJEE: Sir, Question No.87 (d) has not been answered.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: From the very nature of the accident, all the dead bodies could not be identified.

Babu RABINDRA NATH ADITYA: Is it the intention of the hon. Questioner to insist on communal percentage even in the matter of casualties? (*Laughter.*)

The Hon'ble the SPEAKER: Order, order.

Mr. BAIDYANATH MOOKERJEE: Regarding answer to Question No.87 (h) to (q)—is it the intention of Government to keep the Report of the Commission of Enquiry appointed by them as a private and confidential document, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I remember to have stated on the floor of this House that the matter has been taken up by the Central Government as they say that Mr. Cramphorn was acting under their agency; I cannot lay the Report before the House without their permission and I cannot also take any action of my own.

Maulavi ABDUR RAHMAN: Sir, as regards reply to Question No.87 (a), may I know on what data Government calculated the number of deaths at 319 only?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is the report of our local officers.

Mr. BAIDYANATH MOOKERJEE: Sir, is it not a fact that the enquiry was a public one?

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

Mr. BAIDYANATH MOOKERJEE: Then, what was the harm in giving publicity, Sir?

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: May I know, Sir, how many days after the date of occurrence did the local officers visit the place of occurrence?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am told within 32 hours.

Maulavi ABDUR RAHMAN: Sir, public opinion is that the number of deaths was much higher than the figure given by Government.

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

Mr. BAIDYANATH MOOKERJEE: As regards Question No.87 (r), did the garden authorities give any information to any authority in Shillong, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. The garden authorities did not inform.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Sir, as regards Question No.87 (a), is it not a fact that the Muslim dead bodies were buried without performing *Janaza* prayer?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have received complaints to that effect, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

88.(a)—Government satisfied themselves that the Deputy Commissioner had made all possible arrangements to afford relief and that he was securing the co-operation of all concerned. They awaited further report he would make after visit to the site of the disaster.

(b)—Yes

(c)—On the 19th June.

(d)—Yes.

(e)—Government are not prepared to publish his report at this stage. It was intended for the information of Government only.

(f)—On the 21st June. It reached Government on the 22nd June.

(g)—Yes.

(h)—An Assistant A. R. P. Officer with 33 A. R. P. personnel, the Civil Surgeon, and military parties numbering 75 under two military officers—the Superintendent of Police were also present.

(i)—Yes, in the cases where this was found necessary.

(j)—132, by train.

(k)—Government have no detailed information, but arrangements were made by the Deputy Commissioner.

(l) to (p) and (s)—Government do not propose to deal with these points at present.

(q)—No.

(r)—Does not arise.

Mr. BAIDYANATH MOOKERJEE : Sir, as regards Question No.88 (i), may I know whether all the injured persons could be removed on the first day ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : On the very first day all the persons could not be removed for want of accommodation in the train.

Mr. BAIDYANATH MOOKERJEE : Altogether how many days it took, Sir, to remove all the injured persons ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : All the persons were removed the next day.

Mr. BAIDYANATH MOOKERJEE : As regards Question No.88 (k), Sir, did Government care to gather detailed information ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We have not taken any detailed information on the subject but we are perfectly sure that the Deputy Commissioner, who arranged the removal of these injured persons, made necessary arrangement for feeding them on the way.

Babu KARUNA SINDHU ROY : Is it a fact, Sir, that the many persons and organisations, who went there to remove the dead bodies, were obstructed by the military people ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir. There were sufficient Government relief works. As I said, there were 33 A. R. P. personnel and 75 military personnel to do the necessary relief work and so they considered any extra assistance was not necessary.

Babu KARUNA SINDHU ROY : Is it not a fact that in spite of this obstruction some members of the Communist Party and the Muslim League did enter into the compound and rendered some relief work ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Some of them did enter, Sir.

Mr. BAIDYANATH MOOKERJEE : With regard to Question No.88 (l) to (p) and (s), do Government feel that by suppressing all these informations, they are creating suspicion in the minds of the public prejudicing the cause of the garden authorities ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am surprised at the Question of my hon. Friend Mr. Mookerjee. Mr. Mookerjee is a veteran parliamentarian and he ought to know that when the matter is with the Government of India, I cannot publish the Report unless I get their permission to do so.

Mr. BAIDYANATH MOOKERJEE : I cannot understand, Sir, why Government cannot publish the Report ?

The Hon'ble the SPEAKER : The Hon'ble Prime Minister has said that this matter has been referred to the Government of India and unless he gets their permission he cannot publish the Report in question.

Mr. BAIDYANATH MOOKERJEE : Is it not a fact, Sir, that the Committee of Enquiry was instituted at the public demand ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, while this matter was being considered by this Government, I received a resolution from the Provincial Muslim League demanding a public enquiry into this disaster and when I got the approval of the Government of India, the Commission of Enquiry was constituted.

Srijut SARVESWAR BARUA : When the Committee itself was instituted by the Provincial Government, why the Report of that Committee cannot be published by this Government, Sir ?

The Hon'ble the SPEAKER : That has already been explained.

Mr. BAIDYANATH MOOKERJEE : Was it not the duty of the Controller of Emigrant Labour to go to the place of occurrence ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : This is a very technical question on which correspondence is going on. The Controller of Emigrant Labour, according to the Workmen's Compensation Act, can act provided the labourers are definitely allotted to particular projects. But these labourers were not allotted to any particular work. They were kept in the garden to be allotted to certain works. Therefore, he cannot intervene.

In this connection, I must thankfully acknowledge the part played by the great Tea Industry. Although on this technical ground, the Controller of Emigrant Labour could not give any compensation, the great Tea Industry on their own responsibility paid compensation in a very large number of cases.

We have referred this matter of compensation also to the Government of India recommending that they should brush aside all technical objections and come forward to compensate the relatives of the dead and the injured as early as possible.

Maulavi ABDUR RAHMAN : Are Government aware that the garden authorities have already issued notices to the heirs of the deceased asking them to submit their claims for compensation ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already replied that the Tea Industry has already paid compensation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

89. (a)—An enquiry was held by the Additional District Magistrate.

(b)—Government are not prepared to place such a report on the table, for reasons already given.

(c)—The matter is under correspondence with the Central Government.

(d)—A copy of the terms of reference is placed on the table.

**Copy of terms of reference referred to in reply to Starred
Question No.89(d).**

GOVERNMENT OF ASSAM

Resolution

The Government of Assam have decided to appoint a Commission of Enquiry to enquire into the circumstances of the disaster at Karimpur Tea Estate, South Sylhet, on the 19th of June 1944, in which some 304 labourers were killed by the collapse of a building and many others injured, of whom some died later. The Commission will be convened as early as possible in the week beginning 17th July 1944 and will be composed as follows :—

1. Mr. M. A. Ispahani, District and Sessions Judge, Surma Valley Districts Chairman.

- | | |
|--|------------|
| 2. Mr. H. P. Barua, I.S.E., Executive Engineer ... | } Members. |
| 3. Mr. R. M. Pizey, Monabarric Tea Estate, Mijikajan Post Office. | |
| 4. Maulavi Asad-ud-din Chaudhuri, Chairman, Karimganj Local Board. | |
| 5. The General Officer Commanding, 202 L of C Area, or his representative. | |

The terms of reference will be—

- (a) to ascertain the cause or causes for the collapse of the building ;
- (b) to determine whether adequate precautions for safety of the occupants to the number involved were observed when it was decided to permit labourers to be housed in the building ;
- and
- (c) to report on the adequacy of the arrangements made for the relief of sufferers.

The Commission will be convened by the Chairman.

Ordered that the above resolution be published in the *Assam Gazette*.

By order of the Governor of Assam,

H. G. DENNEHY,

Chief Secretary to the Government of Assam.

SHILLONG,

The 13th July 1944.

†Mr. BAIDYANATH MOOKERJEE : In reply to my Question No.87 (h) to (q), the answer was that they appointed a Commission of Enquiry, but here in reply to Question No.89 (a), they say that an enquiry was held by the Additional District Magistrate. I cannot exactly follow why that has not been mentioned here.

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : In the previous Question, I have already replied that a Commission of Enquiry was appointed. Therefore, I particularly referred to the magisterial enquiry in this reply.

Expenditure by Government for evacuation

Mr. BAIDYANATH MOOKERJEE asked :

*90. (a) Will Government be pleased to state the amount of money spent by them on evacuation account up to September, 1944 ?

(b) How much was spent from the Provincial Exchequer and how much from the Central Government fund ?

(c) Will Government be pleased to lay on the table a statement showing (i) the number of evacuation centres opened in all, (ii) the name of officer-in-charge of each centre and (iii) the amount of money spent in each centre together with the names of the disbursing officers, both official and non-official ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

90. (a) — Very little has been expended on evacuation by the Assam Government and the only item at present known was Rs.712-2-0 for counting the contents of a Treasury which was moved but it would take time to ascertain figures for such expenditure as there was up to so recent a date as the end of September last.

(b) & (c)—The Government are not precisely aware to what centres the hon. Member refers, but they have no information in any case about the activities and expenditure of the Central Government.

†Mr. BAIDYANATH MOOKERJEE : I could not follow the answer to Question No.90 (c). Will the Hon'ble Premier kindly repeat that part of his answer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My answer is this that this Government have not opened any centres themselves, but they have no information in any case about the activities of the Central Government who have got certain centres.

Restrictions on certain Legislative Assembly Members

Mr. BAIDYANATH MOOKERJEE asked :

*91. Will Government be pleased to state what are the present restrictions that have been imposed on—

- (1) Mr. G. N. Bardoloi, M.L.A., Ex-Prime Minister, Assam and Leader of the Congress Party in the Assembly ?
- (2) Mr. A. K. Chanda, M.L.A., Deputy Leader of the Congress Party in the Assembly, and ?
- (3) Mr. L. Barua, M.L.A. ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

91.(1)—Mr. Gopinath Bardoloi has been restricted to residence within the limits of the Gauhati Municipality and is required not to leave the said limits without the written permission of the Deputy Commissioner, Kamrup.

(2)—There is no present restrictive order upon Mr. A. K. Chanda but there is a "Gentleman's agreement" and he has undertaken to advise Government if and when he proposes to return to Silchar.

(3) Mr. Lakshesvar Borooah was directed—

- (1) Not to take any action to forward any agitation against the Government at present established in British India ;
- (2) Not to take any action to prejudice the prosecution of the war or to prejudice the public order ;
- (3) Not to take part in or further the activities of any unlawful association ;
- (4) Not to leave the Dibrugarh Municipality without the written permission of the Deputy Commissioner, Lakhimpur ;
- (5) Not to take any part in any Public meeting without the written permission of the Deputy Commissioner ;
- (6) To hand over for inspection all his correspondence on receipt or before despatch, to an officer to be nominated by the Deputy Commissioner ;
- (7) Not to leave his place of residence between the hours of 8 p.m. and 6 a.m. without the written permission of the Deputy Commissioner, and
- (8) Not to associate with 23 specified individuals of the Lakhimpur District.

†Srijut LAKSHESVAR BOROAH: I have been prevented from associating with about 33 persons.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The figure that I gave may be a printing mistake.

The Hon'ble the SPEAKER: That may be an advantage to the hon. Member (Laughter).

Re potato, sugarcane and pulses cultivation

Mr. BAIDYANATH MOOKERJEE asked :

*92. Will Government be pleased to state the total acreage of land under potato cultivation in the Province in 1941-42, 1942-43 and 1943-44 ?

*93. Will Government be pleased to state the total acreage of land under sugarcane cultivation in the Province in 1940-41, 1941-42, 1942-43 ?

*94. Will Government be pleased to state the total acreage of land under pulses cultivation in the Province in 1941-42, 1942-43 and 1943-44 ?

The Hon'ble Mr. NABA KUMAR DUTTA replied :

92.—1941-42 figures are not available as no separate statistics were collected.

1942-43—51,500 acres.

1943-44—55,100 acres.

93.—1940-41—41,100 acres.

1941-42—44,700 acres.

1942-43—44,500 acres.

Mr. BAIDYANATH MOOKERJEE: May I know why this decrease in the acreage ?

The Hon'ble Mr. NABA KUMAR DUTTA: It is gradually increasing from 1940-41. In 1940-41 it was 41,100 acres and in 1942-43 it has come to 44,500.

Mr. BAIDYANATH MOOKERJEE: From 44,700 in 1941-42 it has come to 44,500 in 1942-43. Is it up or down, Sir ?

The Hon'ble Mr. NABA KUMAR DUTTA: The decrease is very negligible.

Mr. BAIDYANATH MOOKERJEE: Is it due to the Grow-More-Food Campaign?

The Hon'ble Mr. NABA KUMAR DUTTA replied:

94.—For 1941-42 and 1942-43 figures for separate areas are not available. Since 1943-44 submission of a forecast of pulse crop by the Deputy Commissioners has been introduced and according to this forecast the area under pulses for 1943-44 is 270,300 acres.

Re political prisoners

Mr. BAIDYANATH MOOKERJEE asked:

*95. (a) Will Government be pleased to state whether they have arrived at any decision as to the release of political prisoners of the Province ?

(b) If so, what is that ?

(c) If not, why not ?

*96. Will Government be pleased to lay on the table a statement showing (i) the names of political prisoners, (ii) their places of residence, (iii) their present places of detention, (iv) the amount of allowance granted to each of them, both personal and family allowances separately, (v) the dates on which each of them was arrested and (vi) the charges against each ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

95. (a) and (b)—If the hon. Member refers to Security Prisoners, the case of each prisoner is periodically reviewed with a view to release, having due regard to all the circumstances.

(c)—Does not arise.

Babu RABINDRA NATH ADITYA: Is it a fact that many of these prisoners have not got their charge sheets with regard to restrictions imposed on them ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. Each security prisoner was given a charge sheet.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

96. (i) to (v)—Government cannot disclose the particulars of individual security prisoners. The number of security prisoners who belong to various districts and who are still under detention is as follows:—

Sylhet	...	...	...	...	...	...	17
Cachar	...	...	...	...	...	...	1
Nowgong	...	...	...	...	...	...	46
Sibsagar	...	...	...	...	...	...	72
Lakhimpur	...	...	...	...	...	...	6
Darrang	...	...	...	...	...	...	4
Kamrup	...	...	...	...	...	...	16
							<hr/> 162

As regards those in receipt of family and personal allowances, out of 162 in detention, 60 are in receipt of family allowances from Rs. 10 to Rs. 70 per month. In addition

in all cases, where the prisoner has no means of procuring his personal needs, a sum of Rs. 7-8 per mensem may be expended for meeting those needs by the Superintendent of the Jail.

(vi)—They were detained under the Restriction and Detention Ordinance, 1944 which does not involve a charge.

Recruitment of Labourers in Karimpur Tea Estate

Maulavi ABDUR RAHMAN asked :

*97. Will Government be pleased to state—

- (a) The authority on which the Manager, Karimpur Tea Garden, in the South Sylhet Subdivision, was recruiting labourers for different Military projects for some time past ?
- (b) Whether he was rendering honorary service on this behalf or it was a remunerative one ?
- (c) Whether any permission was taken by the Manager from Government for recruiting such labourers ?
- (d) Whether the Manager was any way responsible to Government for this work ?
- (e) The number of labourers he recruited each month from April to August, 1944 ?
- (f) What arrangements the aforesaid Manager made for the temporary lodging and boarding of these labourers ?
- (g) Whether Government are aware that due to the negligence of the Manager several hundreds of labourers died, as the result of a sudden collapse of a house in June, 1944 ?
- (h) Whether it is a fact that Government instituted an Enquiry Committee to enquire into the cause of the said disaster ?
- (i) What is the result of the said enquiry ?
- (j) Whether Government propose to take necessary steps for the payment of compensation to the heirs of the deceased persons ?
- (k) If so, to what extent ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

97. (a)—The Indian Tea Association acting in conjunction with the Central Government.

(b)—Honorary.

(c)—Not from the Assam Government.

(d)—Not to the Assam Government.

(e)—Government have no figures month by month.

(f) to (i)—A reference is invited to the replies given to Questions (Starred Questions Nos. 87—89) asked by Mr. Baidyanath Mookerjee at this Session.

(j) & (k)—Government bear the matter in hand, in correspondence with the Central Government.

Re Food-stuffs supplied by Messrs. Shaw Wallace

Mr. KEDARMAL BRAHMIN asked :

*98. Are Government aware that the imported food-stuffs supplied by Messrs. Shaw Wallace are all of third class quality but the price is charged for the first class stuff ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

98.—In the case of some commodities particularly Dal there are different qualities, but the supply is made by the respective Provincial Governments at prices fixed by them. Messrs. Shaw Wallace can only inspect and either accept or reject. The question of price has been raised with the Provincial Governments concerned.

†Mr. BAIDYANATH MOOKERJEE: Will Government kindly take the trouble of advising Messrs. Shaw Wallace to reject bad stuff at the time of inspection?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have asked Messrs. Shaw Wallace to send their own officer to inspect before any consignment is booked.

†Mr. BAIDYANATH MOOKERJEE: May we not expect that they should reject bad stuff?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is impied, Sir.

†Babu DAKSHINA RANJAN GUPTA CHAUDHURI: May we know who was responsible for importing of *gur*?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have many times spoken about that, Sir.

Maulavi ABDUR RAHMAN: Are all food-stuffs classified as Class I, Class II and Class III?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of that, but there are different grades in different Provinces.

Maulavi ABDUR RAHMAN: In the Question I find mention of the words "third class quality". That is why I asked whether there was also any second class or first class quality of foodstuffs.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. Friend had better ask the Questioner who has put in this term.

†Srijut SURENDRA NATH BURAGOHAIN: Are Government aware that the quality received by the Indian Tea Association from Messrs. Shaw Wallace was comparatively better than that received by Government in different centres of the Province for the general public?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is entirely a new Question, Sir. I have got no report to this effect.

†Mr. BAIDYANATH MOOKERJEE: Are Government aware that sometimes the Tea Industry receive empty bags?

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

Food-rationing at Gauhati

Mr. KEDARMAL BRAHMIN asked :

*99. Will Government be pleased to state—

(a) When Rationing was started at Gauhati?

(b) Whether ration cards were issued to the public before that date?

The Hon'ble Maulavi Saiyid Sir MUMAMMAD SAADULLA replied :

99. (a) —Rationing was introduced at Gauhati with effect from 30th July, 1944.

(b) —Ration cards were distributed to the public before that date except in the cases of absentees and new comers and those who changed their residences but did not inform the Rationing staff.

Dearth of mustard oil in Shillong

Babu BIPIN BEHARI DAS asked :

*100. Will Government be pleased to state—

- (a) Whether it is a fact that mustard oil has not been available in the Shillong market at the controlled rate of Re. 1-9 per seer for the last three or four months ?
- (b) If so, what action Government have since taken for the availability of the said article at the controlled rate ?
- (c) Whether Government are aware that the non-availability of the said article at the controlled rate has been helping blackmarketing in general ?
- (d) Whether Government are aware that mustard oil is selling in blackmarket at the rate of Rs. 2 to Rs.3 per seer ?
- (e) If so, whether any case has since been detected by the Supply Department ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

100.(a)—Yes.

(b)—Steps have been taken in conjunction with the Deputy Commissioner, Gauhati, to procure a regular monthly quota from the mills. Until recently the supply has not been too regular however nor is control over the mills too effective.

(c)—Yes.

(d)—It is likely though Government have no direct knowledge.

(e)—Yes, but the public do not co-operate with nor assist the authorities in this respect.

Governors' Conference in Delhi

Mr. BAIDYANATH MOOKERJEE asked :

*101. (a) Are Government aware that recently there was a Conference of Governors in Delhi ?

(b) If so, how many conferences were held during the regime of the present Governor-General and also similar conferences previous to the last one ?

(c) Will Government be pleased to state whether the Ministry was consulted on any subject to be discussed at the said Conference by the Governor ?

(d) If so, what were those subjects ?

(e) Whether the Ministry submitted any report or placed any subject before the Governor for discussion at the said Conference ?

(f) If so, what were they ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

101. (a)—Yes.

(b)—Government have no particulars.

(c) to (f)—His Excellency attended the Conference in his personal capacity and not on behalf of the Government of Assam. No question of tendering advice therefore arose and I cannot disclose any particulars regarding informal discussions that may have taken place.

†Mr. BAIDYANATH MOOKERJEE: As regards reply to Question No.101(b), did Government care to get the particulars?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: His Excellency attended the Conference in his personal capacity, and not on behalf of the Government of Assam. So, I could not press him to disclose what matters were discussed. Even if I know something, I am not in a position to disclose anything.

†Mr. BAIDYANATH MOOKERJEE: But Question No.101 (b) was to a different effect, viz., as regards the number of conferences held. The answer was "Government have no particulars". My subsequent Question was whether Government cared to get any particulars?

The Hon'ble the SPEAKER: How are the Government to gather this information? By reference to the Governor-General?

†Mr. BAIDYANATH MOOKERJEE: No, Sir. By watching how many times His Excellency the Governor went to attend conferences.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got nothing more to add. The Assam Government have got no concern with the conferences convened by the Governor-General.

†Mr. BAIDYANATH MOOKERJEE: Regarding replies to Question No.101(c) to (f), may we know whether any informal discussions took place at all?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: His Excellency the Governor was pleased to tell me that he had discussions on certain points.

†Babu KAMINI KUMAR SEN: May we know if any of the decisions of the Governors' Conference will be binding on this Government?

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

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Girls' Middle English School at Baniachong

Babu SHIBENDRA CHANDRA BISWAS asked:

48. (a) Are Government aware that the Girls' Middle English School at Baniachong is suffering from financial difficulties for want of adequate funds?

(b) Is it a fact that Government gave a special grant of Rs.100 to the said School last year for its maintenance?

(c) Do Government propose to give a special grant of Rs.100 this year also to the said School?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

48. (a)—Yes.

(b)—Yes.

(c)—No, as there is no additional provision for direct aid to Secondary Schools in this year's Budget.

Mr. BAIDYANATH MOOKERJEE : As regards Question No.48 (c), may we know from the Hon'ble Minister, why no additional provision was made for this purpose ? Was it due to paucity of fund ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes. The hon. Members will remember that a sum of Rs.50,000 was allotted for giving some relief to the aided school teachers, so no particular provision was made for direct or recurring grant to this school.

Mr. BAIDYANATH MOOKERJEE : Will the Hon'ble Minister help this institution from his discretionary grant ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I am sorry, the discretionary grant at my disposal has been exhausted, but the matter will be considered if funds permit.

Operation of the Goalpara Tenancy (Amendment) Act, 1943

Srijut JOGENDRA CHANDRA NATH asked :

49. Will Government be pleased to state—

- (a) Whether the Goalpara Tenancy (Amendment) Act, 1939 is now in operation ?
- (b) If so, from which date it has come into force ?
- (c) Is it a fact that the tenants of Goalpara have not yet been notified the date from which the said Amending Act has been brought into force ?
- (d) Are Government aware that in the District of Goalpara both the Zemindars, and the Court of Wards are still realising Salami according to the provisions of the original Act ?
- (e) Are Government aware that the Estates are still realising transfer fee according to the old Act of 1929 and that no arrangements have yet been made to give effect to the new Amending Act or the rules made thereunder ?
- (f) When do Government propose to take steps to make it possible for the tenants to get the benefits of the Amending Act, especially as regards abolition of 'transfer fee' ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

49.(a)—Presumably the hon. Member has in mind the Goalpara Tenancy (Amendment) Act, 1943. If so, it is in operation from 1st July 1943.

(b)—If the above presumption is correct then the Act has been in operation from the 1st July 1943.

(c)—The date was notified in the official Gazette and no separate notice to individual tenants is necessary.

(d)—Government have no information.

(e)—Government have no information that the transfer fee abolished by the Amending Act of 1943 is still being realised. The rules under the Goalpara Tenancy Act were amended in the light of the Amending Act of 1943 and finally published on 17th July 1944. There are no further steps for Government to take. If any tenant is aggrieved by the levy of fees now rendered illegal by the Amending Act, he should bring it to the notice of the Deputy Commissioner or seek his remedy in the Courts.

(f)—Does not arise.

Payment of rents by tenants of Mechpara Court of Wards

Srijut JOGENDRA CHANDRA NATH asked :

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

- (a) Whether it is a fact that the Mechpara Court of Wards do not generally

issue demand notices on their tenants and make any verbal demands to pay rents by instalments ?

- (b) Whether it is a fact that the Estate follow the usual practice of calling the tenants to pay rents for the whole year on the 'Punyaha' day ?
- (c) Whether Government propose to ask the Estate authorities to produce documentary evidence to show that they have ever notified the date and time when the instalments of rents were due to be paid ?
- (d) Whether the Hon'ble Minister-in-charge is aware that the Estate authorities demand interest on arrears of rent and calculate the same from the supposed date of default of payment of instalments ?
- (e) Whether the Hon'ble Minister-in-charge of Revenue received representations from the tenants of Mechpara on this matter ?
- (f) If so, whether the Hon'ble Minister-in-charge proposes to take early steps to meet the wishes of the tenants in this respect ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

50.(a) and (b)—Government are not aware as to the correctness or otherwise of the statements made in the Questions. The issue of demand notices is required neither by the Goalpara Tenancy Act nor by the Court of Wards Act. The dates and place for payment of rent are prescribed by Sections 44 and 45 of the Goalpara Tenancy Act. No further notification of the date of payment is necessary.

(c)—Does not arise.

(d)—Section 56 of the Goalpara Tenancy Act as amended by the Amending Act of 1943, prescribes that an arrear of rent shall bear interest at $6\frac{1}{4}$ per cent. per year from the expiration of that quarter of the agricultural year in which an instalment of rent falls due. Interest cannot be calculated from any supposed date.

(e)—Yes.

(f)—No.

Scheme for a separate Judicial Service

Srijut ROHINI KUMAR CHAUDHURI asked :

51. Will Government be pleased to state whether they propose to give effect to the scheme of having a Judicial Service for the Province at an early date ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

51.—The separation of the Executive from the Judiciary will entail a huge expenditure which is not available in these stringent times of War.

Additional Sub-Judge of Assam Valley Districts

Srijut ROHINI KUMAR CHAUDHURI asked :

52. (a) Will Government be pleased to state if they have appointed a successor to Mr. Kamakhya Ram Barua, Additional Sub-Judge of Assam Valley Districts ?

(b) If so, who is he ?

(c) Is it a fact that the Government is contemplating appointment of an officer in permanent Government service as Additional Sub-Judge, Assam Valley Districts, in future ?

(d) If so, what are the reasons for doing so ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

52. (a)—The matter is under the consideration of Government.

(b)—Does not arise.

(c)—The matter is under consideration.

(d)—Does not arise.

Re One Biresh Chandra Bhattacharyya, an I.Sc. student, of Murari Chand College, Sylhet

Srijut RABI CHANDRA KACHARI asked :

53. Will Government be pleased to state—

- (a) Whether it is a fact that one Biresh Chandra Bhattacharyya, an I.Sc. student, residing in the 1st Block of the Murari Chand College hostel, Sylhet, got an attack of fever on or about the 3rd August, 1944?
- (b) Whether it is a fact that it was a suspected case of paratyphoid?
- (c) Who were the doctors that attended him?
- (d) What was the medical opinion of the attending physician of the College hostel?
- (e) Whether the Civil Surgeon or the Assistant Surgeon, Sylhet, was called to examine the patient?
- (f) If so, what was their opinion?
- (g) If not, why not?
- (h) Whether it is a fact that the hostel authorities were pressing the patient to remove himself from the College hostel from the very beginning?
- (i) Whether any typhoid inoculation was given as a preventive to rest of the inmates of the said hostel?
- (j) If not, why not?
- (k) Whether the Superintendent in-charge of the hostel officially informed the guardian of the said Biresh Chandra Bhattacharyya about the fact of his illness?
- (l) If so, when?
- (m) If not, why not?
- (n) Where the guardian of the said student used to reside according to the record maintained in the College or the College hostel?

54. Will Government be pleased to state—

- (a) Whether it is a fact that there is a hospital attached to the Murarichand College hostel meant exclusively for the sick inmates of the hostel?
- (b) Whether it is a fact that some of the relations and friends of the said Biresh Chandra Bhattacharyya requested the Superintendent in-charge of the Murarichand College hostel, 1st Block, on or about the morning of the 8th August, 1944, to remove the patient to the College Hospital?
- (c) Whether it is a fact that the Superintendent did not agree to this on the ground that the hospital building was required to accommodate the marriage party in connection with the marriage ceremony of the daughter of Professor P. C. Sanyal, a Superintendent of another Block of the College hostel?
- (d) If so, why?
- (e) Whether the marriage party was actually accommodated in the said hospital building?
- (f) If so, whether any previous permission of the Government or the Principal, Murari Chand College, was obtained on this behalf?
- (g) If not, why not?
- (h) Whether any rent was paid to Government for such occupation of the hospital building?

- (i) If so, how much ?
- (j) If not, why not ?
- (k) Whether the hospital building is meant for such occupation ?
- (l) Whether the said hospital building was ever used previously for any purpose other than for which it is meant ?
- (m) If so, what were the occasions in each case ?
- (n) Whether any rent was realised on these occasions ?
- (o) If so, what was the amount in each case ?
- (p) If not, why not ?
- (q) Whether it is a fact that due to the pressure put upon by the Superintendent of the Murari Chand College hostel, 1st Block, one Premamcy Bhattacharyya, a relation and an attendant of the said patient Biresh Chandra Bhattacharyya, was compelled to remove the patient on or about the 3th August, 1944, from the hostel to Maulavibazar, where his guardian was staying ?
- (r) Whether any medical opinion was taken by the Hostel Superintendent as to whether the patient was in a fit state of performing journey on that day ?
- (s) If so, who was that doctor and what was his opinion in the matter ?
- (t) If not, why no medical opinion was obtained ?
- (u) What was the temperature of the said patient on the eve of his leaving the hostel ?
- (v) Whether Government propose to lay on the table a statement showing the temperature taken at different times on the last three days prior to the patient's departure from the hostel ?
- (w) Whether any arrangement was made by the Hostel Superintendent for the safe removal of the patient from his hostel to Maulavibazar ?
- (x) If so, what was that ?
- (y) If not, why not ?
- (z) Whether the Superintendent or the Medical Officer in-charge of the hostel was present at the time of the patient's departure from the said hostel ?

55. (a) Are Government aware that the said patient Biresh Chandra Bhattacharyya could not go to Maulavibazar at that time on account of his illness ?

(b) Do Government propose to make an enquiry on the allegations mentioned in Questions Nos. 53 and 54 above ?

(c) If not, why not ?

56. Will Government be pleased to state—

(a) Whether the present Superintendent in-charge of the Murarichand College hostel, 1st Block, gets any quarters free of rent ?

(b) Whether any allowance or special pay is given for his hostel work in addition to free quarters ?

(c) What other privileges are enjoyed by him as Hostel Superintendent ?

(d) The amount of pay at present drawn by him ?

(e) The number of students kept under his care in his hostel ?

(f) Whether Government propose to remove him from his Hostel Superintend-entship ?

(g) Whether Government propose to make a note of the incidents referred to in Questions Nos. 53, 54 and 55 above for consideration at the time when the case of his promotion will arise ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

53. (a)—Yes.

(b)—Yes, if not typhoid.

(c)—The Hostel Medical Officer.

(d)—A case of paratyphoid, if not typhoid.

(e)—No.

(f)—Does not arise.

(g)—The Medical Officer did not think it necessary, at that stage.

(h)—No.

(i)—No.

(j)—It was not thought necessary at that stage by the Hostel Medical Officer.

(k)—No.

(l)—Does not arise.

(m)—Babu Premamay Bhattacharya, the patient's uncle, was attending on the patient. He told the Superintendent that the guardian had been informed.

(n)—Maulavibazar (Sylhet).

54. (a)—Yes, a Hospital consisting of two wards ; (1) General ward, for ordinary cases ; (2) Segregation Ward, for contagious and infectious cases.

(b)—One youngman from the town, said to be a distant relation of the patient requested the Superintendent on the 7th August, 1944, to remove the patient to the General Ward of the Hospital, instead of to the Segregation Ward, where the Medical Officer wanted to remove him.

(c) and (d)—The Superintendent did not agree, because in the opinion of the Medical Officer, it would be inadvisable to keep a suspected case of an infectious disease with the two other patients who were then in the General Ward.

(e)—No.

(f)—(i) Do not arise.

(k)—No.

(l)—Yes, when it was not required for patients.

(m) (i)—For accommodating, temporarily, excess number of boarders.

(ii)—For accommodating, temporarily, visiting teams of players, coming for inter-Collegiate matches from Cotton College and other Colleges.

(n)—The question of rent could not arise.

(o) and (p)—Do not arise.

(q)—No. The uncle removed him in accordance with the instructions of the guardian.

(r)—Yes.

(s)—The Hostel Medical Officer. In his opinion the patient could stand the journey.

(t)—Does not arise.

(u)—About 100°.

(v)—Temperature charts are kept only for indoor patients. As the patient was still in his seat in the hostel, no chart was kept.

(w), (x) and (y)—The uncle took charge of the patient and he was responsible for all the arrangements. The Superintendent, however, asked the uncle to reserve one entire bench on the Bus and advanced money, out of his own pocket, for the purpose.

(z)—No. The uncle removed the patient in the absence of the Medical Officer when the Superintendent also was away at the College.

55. (a)—The uncle did not reserve a bench on the Bus, in time, as asked by the Superintendent, and so could not take the patient to Maulavibazar that day.

(b)—No.

(c)—Government are in possession of all the facts and see no need for an enquiry.

56. (a)—Yes.

(b)—Yes.

(c)—Free medical attendance and medicine for himself.

(d)—Rs. 800 per mensem.

(e)—36.

(f)—No.

(g)—No.

Re Distribution of salt in the Province

Maulavi ABDUR RAHMAN asked :

57. (a) Will Government be pleased to state how far they have been able to remove the public grievances by making arrangements for adequate supply of salt in the Province ?

(b) Are Government aware that poorer class of people are suffering a great deal for want of salt as they cannot purchase salt at high price from blackmarkets ?

(c) Will Government be pleased to state whether Government have been able to arrange transport facilities for better supply of salt in the Province ?

(d) Will Government be pleased to state the present arrangement for distribution of salt in the Province ?

(e) Is it a fact that the quota of salt for each adult at present is less than half a seer per month ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

57. (a)—Steps have been taken to increase the Provincial allotment and also for its speedy movement to various destinations.

(b)—Yes. Reports from districts indicate that the position has since been eased, though public co-operation to detect the blackmarketers is still lacking.

(c)—Yes.

(d)—Government maintain stocks in the district and subdivisional headquarters and also in important places away from the headquarters. Reliable firms of suitable places are appointed whole-salers who are allotted quotas from the Government stocks. In every locality there is at least one retailer who draws his supplies from certain whole-saler to an amount calculated by the District or Subdivisional Officer on the basis of population that the retailer is to cater for. From the retailer consumers draw their supplies according to the allotment made for each family. The distribution is made under the provisions of the Assam Controlled Commodities Distribution Order, 1943.

(e)—The quota sometimes falls below $\frac{1}{2}$ seer when supplies to the Province do not reach in time, but the calculated quota is $\frac{1}{2}$ seer per head.

Re works by the M. E. S. in the Province

Maulavi Syed ABDUR ROUF asked :

58. (a) Are Government aware that the huge amount of money which is being spent on works by the M. E. S. in the Province is almost entirely going to the pockets of Contractors and Labourers belonging to other Provinces ?

(b) Do Government propose to take necessary steps to look to the interest of the people of the Province in general and to the interest of the local labour in particular in this respect ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

58. (a)—Government have no information as the M. E. S. is not under the control of the Provincial Government.

(b)—Does not arise.

Inconvenience of Railway passengers in Assam

Srijut PURNA CHANDRA SARMA asked:

59. (a) Will Government be pleased to state whether they propose to draw the attention of the Bengal and Assam Railway authorities to the inconvenience of passengers for want of sufficient accommodation in the Inter and Third Class carriages in each passenger train in Assam?

(b) Do Government propose to ask the Railway authorities to provide dim lights in the carriages of night trains to prevent many difficulties and unpleasant situation?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

59. (a) & (b)—The hon. Member is referred to the reply to the Question (Starred Question No.50) asked by Srijut Lakshesvar Borooah, B.L., M.L.A., in the current Session of the Assam Legislative Assembly, 1944 on the same subject.

Re Mail Bus from Rangapara to North Lakhimpur

Mr. A. WHITTAKER asked:

60. Will Government be pleased to state why the mails and passengers from Rangapara to North Lakhimpur on the 8th October were delayed for the night at the Boroi River Crossing, although the bus reached the west bank at 5 p.m.?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

60.—When the mail bus arrived at the west bank of the Boroi ferry, the mail boat was crossing with syndicate bus which embarked at 2-30 p.m. and reached east bank at 6-15 p.m. due to strong current. As the crossing required about four hours the boatmen did not dare take the risk to start with the mail bus at late hours.

Surma Trunk Road in Karimganj Town

Babu RABINDRA NATH ADITYA asked:

61. (a) Are Government aware that the position of the Surma Trunk Road lying within the Municipal limits of Karimganj town is too narrow for the traffic it pulls?

(b) Will Government be pleased to state the width of the said road on the eastern side of the Sambhusagar Municipal tank?

(c) In view of heavy motor traffic, do Government propose to take immediate steps to widen the road within Municipal limits of Karimganj?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

61. (a)—The average width of Surma Trunk Road East within the Karimganj Municipality is 18 feet. There has been no complaint of traffic difficulty on this portion of the road.

(b)—16' wide on a length of about one furlong.

(c)—This has been included in Post-War Planning.

Babu RABINDRA NATH ADITYA: In view of the heavy military traffic on this road will Government be pleased to make some provision for widening the road this year, as it will cost a very little amount?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The matter will be examined.

Post-War Reconstruction of roads in Karimganj Subdivision

Babu RABINDRA NATH ADITYA asked:

62. Will Government be pleased to state—

(a) Which of the roads are taken up for improvement and new construction in their plan for Post-War reconstruction in the Subdivision of Karimganj?

(b) What is the proposal of the Government with regard to the (i) Latu-Hingazia Road, (ii) Latu-Nilambazar Road and (iii) Charkhai Dighirpar Road Part I and Part II?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

62. (a)—All the roads in the Karimganj Subdivision of which lists have been received from the Deputy Commissioner have been included for improvement or new construction under the Post-War Road Development Scheme. A list of these roads is placed below—

List of roads included in the Post-War Road Development Scheme in Karimganj Subdivision (Sylhet)

National Highway—Surma Trunk Road East	}	Portions in Karimganj Subdivision.
Provincial Highway—Silchar-Hailakandi-Juri-Brahmanbazar-Shamshernagar-Srimangal Road.		

MAJOR DISTRICT ROADS

	Miles
1. Karimganj-Kanaibazar	18.0
2. Churkhai-Kanaighat	12.5
3. Nilambazar-Latu-Fakirerbazar	13.5
4. Bairajigram-Eraligool road	2
5. Chandkhira-Isabheel road	16.6
6. Latu-Barlekha-Dakshinbhadra-Juri (known as Latu-Hingazia road)	16.75

OTHER DISTRICT ROADS

1. Hakaluki-Barlekha-Patharkandi-Ratabari Dullavcherra-Olivacherra-Dakshincharaji.	42.25
2. Kanaighat-Atgram-Bhanga	15.25
3. Atgram-Ratanganj-Jakiganj-Karimganj	7.25
4. Latu-Jaldhup-Beanibazar-Bairagibazar-Churkai road	19.00
5. C. T. road (Old)	9.00
6. Kaliganj road	5.00

VILLAGE ROADS

Mile-Fur.

1. Latu Railway Station	...	...	...	...	...	0	2
2. Azimganj Bazar Road	...	...	...	...	...	2	2
3. Chaudhurybazar-Dakshinbhag	...	...	...	...	...	1	0
4. Latu-Jaldhup	...	...	...	...	...	2	0
5. Chandkhira-Baithakhal	...	...	...	...	...	4	2
6. Haitkhira road	...	...	...	...	...	4	3
7. Kalkali-Dafalala road	...	...	...	...	...	2	4
8. Lalkhira road	...	...	...	...	...	0	3
9. Langai Railway station road	...	...	...	...	...	0	4
10. Patharkandi-Langaighat road	...	...	...	...	...	1	6
11. Patharkandi-Chandkhira road	...	...	...	...	...	0	2
12. Atgram I. B. road	...	...	...	...	...	1	0
13. Bhanga-Amalshid road	...	...	...	...	...	1	0
14. Langaighat-Chandkhira road	...	...	...	...	...	0	1
15. Bhanga feeder road	...	...	...	...	...	1	0
16. Deopur road	...	...	...	...	...	0	2
17. Routhbhag-Kadimalik road	...	...	...	...	...	0	4
18. Purkayasthagram road	...	...	...	...	...	0	3
19. Batarashi road	...	...	...	...	...	1	2
20. Dargabazar-Sreegauri road	...	...	...	...	...	2	0
21. Malua road	...	...	...	...	...	1	6
22. Extension of Malua road	...	...	...	...	...	0	1
23. Mahakal road	...	...	...	...	...	0	6
24. Malijiri road	...	...	...	...	...	0	5
25. Bagbari road	...	...	...	...	...	0	6
26. Pachalla road	...	...	...	...	...	1	0
27. Hashanpur road	...	...	...	...	...	1	0
28. Bundashil road	...	...	...	...	...	0	4
29. Charigram road	...	...	...	...	...	0	5
30. Fazilpur road	...	...	...	...	...	0	3
31. Sutarkandi road	...	...	...	...	...	0	2
32. Bourbhag road	...	...	...	...	...	0	3
33. Dohal road	...	...	...	...	...	0	1
34. Kukura road	...	...	...	...	...	1	0
35. Natasar road	...	...	...	...	...	1	0
36. Panjipur road	...	...	...	...	...	0	2
37. Bhagershangram road	...	...	...	...	...	0	7
38. Falishashan road	...	...	...	...	...	0	2
39. Falishashan road	...	...	...	...	...	0	6
40. Purabari road	...	...	...	...	...	2	0
41. Duttagram road	...	...	...	...	...	0	1
42. Abdullapur road	...	...	...	...	...	0	6
43. Latubazar road	...	...	...	...	...	3	0
44. Sundarganj road	...	...	...	...	...	1	0
45. Bhattasree road	...	...	...	...	...	1	4
46. Gungadia road	...	...	...	...	...	1	2
47. Chattalikha Tea Garden road	...	...	...	...	...	1	1
48. Kalibari-Sharifganj road	...	...	...	...	...	0	2
49. Dakshinbhag road	...	...	...	...	...	0	4
50. Karnamadhu road	...	...	...	...	...	0	3
51. Biscut road	...	...	...	...	...	1	4
52. Kanakpur road	...	...	...	...	...	1	4
53. Kayasthagram road	...	...	...	...	...	1	0
54. Linking up Kayasthagram-Duttagram road	...	...	...	...	...	1	4
55. Moricha V. R.	...	...	...	...	...	0	2

							Mile-Fur.
55. Mirzapur road	...	...	...	...	...	...	2 0
56. Baburbazar road	...	...	...	...	...	...	0 4
57. Brahmangram road	...	...	...	...	...	...	0 6
58. Ramda I. B. road	...	...	...	...	...	...	0 3
59. Ampandit road	...	...	...	...	...	...	0 7
60. Mewa V. R.	...	...	...	...	...	...	0 2
61. Narshingpur road	...	...	...	...	...	...	1 3
62. Uttarkul road	...	...	...	...	...	...	1 2
63. West Mirzapur road	...	...	...	...	...	...	1 4
64. Amlashid-Katagong road	...	...	...	...	...	...	1 0
65. Dasgram-Supatola road	...	...	...	...	...	...	1 4
66. Kalibari-Bisrabazar road	...	...	...	...	...	...	0 5
67. Chaildhia V. R.	...	...	...	...	...	...	0 4
68. Harai-Trilochan road	...	...	...	...	...	...	0 6
69. Approach road to Malua tank	...	...	...	...	...	...	0 2
70. " " to Routhbha tank	...	...	...	...	...	...	0 4
71. Extension of Biscut road	...	...	...	...	...	...	1 7
72. Srimanta-Kanishail road	...	...	...	...	...	...	2 1
73. Marjat Kandi road	...	...	...	...	...	...	3 0
74. Dabagh road	...	...	...	...	...	...	1 0
75. Brahmanpara road	...	...	...	...	...	...	0 5
76. Juri-Amtali road	...	...	...	...	...	...	2 0
77. Beanibazar-Jibaitikar	upto	Latu-Jaldhup	road	...	...	...	5 0
78. Ghungadia Mewa	...	...	...	...	...	...	4 0
(b)—(i) Latu-Hingazia Road,	}	These roads are classed as District Roads, Class I.					
and							
(ii) Latu-Nilam-bazar Road,							
and	}	This road is included in two parts—Kanaighat, Atgram-Bhanga Road as District Road, Class II and the Churkhai-Kanaighat as District Road, Class I.					
(iii) Churkhai-Dighir-par Road.							

Re-appointment of one Srijut Harendra Chandra Bora, as Mouzadar

Khan Sahib Maulavi MUHAMMAD AMIRUDDIN asked :

63. (a) Is it a fact that one Srijut Harendra Chandra Bora, a dismissed Mouzadar from the Lawkhoa Mouza has been re-appointed Mouzadar in the newly created Mouza, recently so constituted, out of the original undivided Lahorighat Mouza ?

(b) If so, by whom, why and when ?

(c) Will Government be pleased to state whether this post was advertised ?

(d) If not, why not ?

(e) Will Government be pleased to state whether there was no better candidate from within the new Mouza and why no chance was given to other candidates available within the Mouza ?

(f) Is it a fact that the said new Mouza is most predominantly inhabited by immigrant Muslims ?

(g) If so, will Government be pleased to state the present population figures of each class or community (Muslims, Hindus and Tribals, separately) inhabiting the said Mouza along with the number of old and new colonists and other persons obtaining settlement recently under the Circle of the Sub-Deputy Collector ?

(h) Do Government propose to revoke and rescind the order appointing the said Mouzadar and to direct the Deputy Commissioner, Nowgong, to call for applications, as usual ?

(i) Do Government propose to give adequate representation to the Muslims in the matter of Mouzadari appointments in the District of Nowgong ?

(j) Do Government propose to instruct the Deputy Commissioner, Nowgong not to make over the charge of the said new mouza to aforesaid Srijut Harendra Chandra Bora until the question of appointing another Mouzadar is decided upon ?

(k) Is it a fact that the old Mouzadar's home land and office will fall under the new Mouzadar ?

(l) If so, what steps Government propose to take to remove this anomaly ?

(m) Is it a fact that no definite proposal as to the boundary, amount of revenue expected and the names of villages which will fall within the new Mouza, etc., was submitted to Government by the Deputy Commissioner, Nowgong.

(n) If so, why ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

63. (a), (m) and (n)—The Mouza has not yet been split up
(b) to (l)—Do not arise.

Special supply of salt during the Tithis and other festivals

Srijut MAHI CHANDRA BORA asked :

64. Are Government aware—

(a) That Janmasthami, Tithis of Sree Sankardeb, Madhabdeb and Damodardeb are widely observed by the Hindu community and the Assamese Hindus ?

(b) That offerings, i. e. *Maha Prasad* with salt are used and distributed on such occasions ?

(c) That in many a village and house the same could not be performed for want of salt this year ?

(d) Do Government propose to make provisions of salt in future on such occasions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

64. (a) and (b);—Yes.

(c)—Government have no information.

(d)—Salt is only used with other foodstuffs for preparing the 'Prasad.' The extra requirements of salt for such purposes must vary from place to place. Hence no uniform standard can be laid down. Individual applications for such occasions will be looked into by District authorities, but issue must depend on stock position of the commodity in the District.

Grants-in-aid to Schools

Maulavi Syed ABDUR ROUF asked :

65. Will the Hon'ble Minister in charge of Education be pleased to state—

(a) Whether he proposes to give any grant-in-aid to the Bagudi Middle English School and Galia Kujarpith Middle English School in the Barpeta Subdivision this year ?

(b) Whether he proposes to substantially increase the grants-in-aid of the other Middle English Schools and Madrassas which are being run by Muslims of the Barpeta Subdivision ?

66. Will Government be pleased to state whether they propose to give any grant-in-aid this year to the Howly High English School ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

65. (a)—No, there is no provision in the current year's Budget for giving grant-in-aid to Secondary Schools.

(b)—This will be considered along with the demands of other schools of the Province if and when fund is provided in the Budget for the purpose.

66.—The hon. Member is referred to the reply given to Question No.65(a) above.

Appointment of Junior Officers as Assistant Director of Public Instruction and Inspectors of Schools

Srijut GHANASHYAM DAS asked :

67. (a) Is it a fact that in the posts of the Assistant Director of Public Instruction and the Inspector of Schools, junior officers have been taken by Government in supersession of the claims of senior officers working in the Education Department ?

(b) If so, why ?

(c) If not, will Government be pleased to state whether these two posts were offered to senior officers when the last vacancy occurred ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

67. (a), (b) and (c)—As all these posts are in class I of Assam Education Service there is no question of supersession of any officers. It is at the discretion of Government to select officers for various posts according to their suitability.

Revision of Assam Land and Revenue Regulation, 1886

Maulavi Syed ABDUR ROUF asked :

68. (a) Are Government aware that the provisions of the Assam Land and Revenue Regulation, 1886 do not fall in line with the requirements of the changing times ?

(b) Do Government propose to replace the same by an Act on modern lines ?

(c) If so, do Government propose to appoint a Special Officer or set up a Committee to draft a Bill for the purpose ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

68. (a)—The hon. Member's Question is in such general terms that it is not possible for Government to give a specific reply.

If the hon. Member's intention is to suggest that the Assam Land and Revenue Regulation needs to be amended here and there for detailed working, then the answer is in the affirmative. If not, the answer is in the negative.

(b)—What the hon. Member means by "An Act on modern lines," is not properly understood. If he has the intention as suggested in the reply to (a) above, then Government propose to amend the Regulation in that light as soon as possible.

(c)—Government propose to appoint a Special Officer for the purpose, as soon as a suitable one will be available

Export of "China" crop from Assam

Maulavi Syed ABDUR ROUF asked :

69. (a) Are Government aware that the summer crop "China" is not consumed in part of Assam though it is produced in the Province in abundance ?

(b) Is it a fact that the Central Government have classed it as paddy and have thus prohibited its export from Assam ?

(c) If so, do Government propose to move the Central Government to lift the ban so that this product may have a fair market in Bengal ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

69. (a)—Yes.

(b)—The Provincial Government banned its export till the *aus* crop was ready but the ban was subsequently removed.

(c)—Does not arise.

Barpeta Tarabari Road

Maulavi Syed ABDUR ROUF asked :

70. Will Government be pleased to state—

(a) The mileage of the Barpeta Tarabari Road ?

(b) The amount spent on its improvement or otherwise in the year 1943-44 ?

(c) Whether Government propose to improve the road in near future ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

70. (a)—12 miles.

(b)—Rs. 16,040 was spent on repairs.

(c)—No.

Services of Gaonburas and Mandals in distribution of controlled commodities

Maulavi Syed ABDUR ROUF asked :

71. (a) Are Government aware that services of Gaonburas have of late become essentially necessary for proper distribution of controlled commodities to the public and for getting many important and correct figures ?

(b) If so, do Government propose to overhaul the whole system, appoint Gaonburas in every village from respectable and educated classes and raise their status substantially ?

72. Will Government be pleased to state whether they propose to consider the question of substantially increasing the number of Mandals so that they may be entrusted with supplying reliable statistics regarding various matters concerning village life ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

71. (a)—Government have not specifically asked for the services of the Gaonburas to be utilised in connection with the distribution of the controlled commodities. But it is understood from the Supply Department that leading men of rural areas are to be asked to co-operate through the vigilance committees or otherwise, in checking black-marketing and assisting in proper distribution of the commodities to the public.

(b)—There is no such proposal. Government do not consider any change in the existing system necessary in view of the fact that there has been no increase in the permanent duties of a Gaonbura as laid down in rule 162 at page 195 of the Land Revenue Manual. Any activities of a Gaonbura in connection with Supply matters are purely temporary.

72.—No, unless this is necessary in the interest of land settlement and land records work, which is the only concern of Mandals. They have nothing to do with collections of statistics about village life.

Public Works Department contracts in Karimganj Subdivision

Maulavi MABARAK ALI asked :

73. Will Government be pleased to state—

- (a) The names of recognised contractors under Public Works Department in the Subdivision of Karimganj ?
- (b) The ratio in which the contracts are distributed between the Hindu and Muslim contractors ?
- (c) Whether it is a fact that more than 90 per cent. of the contract works are distributed among the Hindu contractors ?
- (d) Whether it is a fact that notices of the contracts are sometimes issued after the completion of the work ?
- (e) The total value of contract works done under the Karimganj Public Works Department office in the year 1944 ?
- (f) The value of total contract works done by the Muslim contractors ?
- (g) Whether it is a fact that sometimes contracts are also given to un-recognised contractors and also to those who are not natives of the Subdivision ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

73. (a)—A statement is shown below—

List of Contractors working mainly in the Karimganj Subdivision

1. Babu Digendra Nath Das, Karimganj.
2. M. Abdul Khalique Chowdhury, B.A., Karimganj.
3. M. Faiz Uddin Ahmed, Karimganj.
4. M. Ibrahim Ali, Karimganj.
5. Babu Ashutosh Paul, Karimganj.
6. Babu Hiralal Paul, Karimganj.
7. M. Abdul Wahed Choudhury, Karimganj.
8. M. Ayub Ali, Karimganj.
9. Babu Sashanka Ranjan Majumdar, Karimganj.
10. Babu Sasindra Ch. Laskar, Karimganj.
11. Babu Rabindra Kr. Das, Karimganj.
12. Kutub Ali, Karimganj.
13. M. Mutiur Rahman, Karimganj.
14. M. Watir Ali, Karimganj.
15. M. Idris Meah, Karimganj.
16. Tasir Ali, Karimganj.
17. Bepin Chandra Das, Karimganj.
18. Khamba Singh, Karimganj.
19. Babu Kumud Ranjan Sarma, Karimganj.
20. M. Azad Ali, Karimganj.
21. Babu Anil Baran Roy, Karimganj.
22. M. Tahirul Hoque Choudhury, Karimganj.
23. M. Abdul Mannan Choudhury, Karimganj.
24. M. Abdur Rahman Choudhury, Karimganj.
25. Babu Balaram Sarkar, M.L.A., Karimganj.
26. M. Hasibur Raza Choudhury, Karimganj.
27. M. Ajmal Ali Choudhury, Karimganj.
28. M. Monojjir Ali, Karimganj.
29. M. Seraj Uddin Choudhury, Karimganj.
30. Babu D. N. Das, Karimganj.

31. M. A. Khalique Choudhury, Karimganj.
32. Babu Jogodish Chandra Das Purkayastha, Karimganj.
33. M. Abdul Hafiz Choudhury, Karimganj.
34. M. Arshad Ali, Karimganj.
35. M. A. Azim Choudhury.
36. Babu Rashendra Kr. Bhattacharjee.
37. M. Mohohar Ali.
38. M. After Meah.
39. M. Abru Meah Mazumdar.
40. M. Fazlur Rahman.
41. M. Gabru Meah.
42. M. Abdul Noor.
43. Babu R. L. Sen.
44. Babu Niranjan Das.
45. Babu Sachidananda Dutta.
46. Babu Rasik Rj. Bhattacharjee.

(b)—About 39 per cent. Hindus and 61 per cent. Muslims.

(c)—No.

(d)—No.

(e)—Total value of work done in Karimganj Subdivision in 1944 is about Rs.3,40,917.

(f)—The value of work given to Muslim contractors is about Rs.2,12,742 which comes out to be 62.4 per cent.

(g)—A native of the Subdivision is always given preference if he is otherwise qualified. From the list it will appear that about 76 per cent. of the contracts was given to the native of the Subdivision.

Contract work is also given to new contractors when found suitable as there is no bar against it. There is no such rules to restrict the distribution of work to the natives of the Subdivision only.

Partners of Procurement Agencies in Assam

Maulavi MABARAK ALI asked :

74. Will Government be pleased to state—

- (a) The names of partners of the various Procurement Agencies in Assam ?
- (b) Their connection with the Legislature of the Province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

74. (a)—Government have appointed four Procurement Agencies, namely,
 1) Messrs. Steel Brothers and Company, Limited, (2) Messrs. Surma Valley Food-grain Syndicate, (3) Messrs. Eastern Bengal and Assam Commercial Syndicate and
 4) Messrs. Assam Valley Trading Syndicate. Their respective constitutions are:—
 (1) Is a Company incorporated in England and the names of the partners are not readily available.
 (2) (i) Messrs. H. Chakravarty and Brothers of Hailakandi and (ii) Khan Bahadur Abdul Majid Chaudhury and Khan Sahib Abdul Karim Chaudhury of Karimganj.
 (3) (i) Mr. Benode Behari Dutt, (ii) Mr. Radhika Ranjan Dam and (iii) Maulavi Abdur Rahman, (iv) Maulavi Naziruddin Ahmed, (v) Maulavi Abdul Hassan Chaudhury, (vi) Maulavi Maqbul Hussain Chaudhury.
 (4) (i) Babu Kamakhyalal Bajoria, (ii) Babu Jagodish Prasad Agarwalla, (iii) Babu Gopichand Kabra, (iv) Babu Bolaram Agarwalla, (v) Maulavi Talmihur Rahman.

(b)—Some of the partners of the Surma Valley Foodgrain Syndicate and the Eastern Bengal and Assam Commercial Syndicate are members of the Assam Legislative Assembly.

Sale of paddy and rice below the controlled rate

Maulavi MABARAK ALI asked :

75. (a) Are Government aware that due to the ban on export, many cultivators could not dispose of their stock at the controlled price ?

(b) Are Government aware that the Procurement Agencies always tried and forced the cultivators to sell at a price below the controlled rate ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

75. (a)—No.

(b)—Yes, the controlled price is the maximum in consuming areas.

Commission and other charges paid to Purchasing Agencies

Maulavi MABARAK ALI asked :

76. Will Government be pleased to state—

(a) The amount of commission, coolie charges and other incidental charges (each to be shown separately) paid to each of the Foodgrains Syndicates or Purchasing Agencies upto the end of the month of September 1944 ?

(b) The amount of commission paid to (i) Messrs. Shaw Wallace and (ii) Steel Brothers in 1943-44 or within the period of one full year ?

(c) The amount of commission likely to be paid by Government for supply of controlled commodities to (i) Messrs. Shaw Wallace and (ii) the local agents in both the Valleys during the year 1944 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

76. (a)—(i) Eastern Bengal and Assam Commercial Syndicate : Commission—Rs. 30,549-7-0, coolie and other charges—Rs. 16,002-6-0, (ii) Surma Valley Foodgrain Syndicate : Commission—Rs. 46,255-14-0, coolie and other charges—Rs. 1,80,515-9-0, (iii) Steel Brothers upto August 1944 : Commission—Rs. 8,56,624-0-0, coolie and other charges—Rs. 1,80,573-0-0, (iv) Assam Valley Trading Syndicate : Commission—Rs. 37,643-0-0, coolie and other charges—Rs. 36,710-10-0.

(b)—(i) Rs. 1,22,761-0-0 in 1943-44, (ii) Rs. 4,62,656-0-0 in 1943-44.

(c)—(i) To Messrs. Shaw Wallace and Company about Rs. 1,85,000-0-0, (ii) To other local Agents—About a lakh.

Report of the Special Officer on land settlement

Srijut GHANASHYAM DAS asked :

77. (a) Is it a fact that Mr. S. P. Desai, I.C.S., was deputed as a Special Officer to find out areas of cultivable lands for settlement with landless people in Assam in order to give effect to the land settlement policy of Government adumbrated in their Resolution of August 1943 ?

(b) Is it a fact that he toured in the Districts of Nowgong, Darrang and Kamrup and submitted a report to Government after proper enquiry ?

(c) Do Government propose to publish his report in the *Assam Gazette* ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

77. (a)—Mr. Desai was deputed to examine the Professional Grazing Reserves in order to find out how far they were surplus to the requirements of cattle grazing there.

(b)—Yes.

(c)—No. This is meant for official use only.

Land settlement policy of Government

Srijut GHANASHYAM DAS asked :

78. Will Government be pleased to state the total areas in bighas of cultivable land found for settlement under the present land settlement policy of Government with the landless people in the Districts of Nowgong, Kamrup and Darrang, separately, District by District ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

78.—Information is not yet available. The District Officers have been authorised to open portions of Professional Grazing Reserves found by them according to the standard laid down by Government as surplus to requirement. Apart from these there are considerable areas of waste land in every District available for settlement with any indigenous person who likes to apply for land. A very rough estimate has been made that such lands aggregate 20 lakhs of acres.

Professional Grazing Reserves and Forest Reserves opened for settlement

Srijut GHANASHYAM DAS asked :

79. (a) Will Government be pleased to name the Professional Grazing Reserves and Forest Reserves opened for settlement in each District of the Province, separately ?

(b) How many indigenous Assamese families and immigrant families have been provided with lands in each of these Reserves which have been thrown open for settlement ?

(c) Is it a fact that in the Barbala Professional Grazing Reserve in the Barpeta Subdivision, many immigrant families have been given settlement of lands in supersession of the claims of indigenous landless Assamese families ?

(d) Is it a fact that the families who were rendered landless on account of their lands being taken away for military purposes, went to settle at Barbala Reserve and that they have been refused settlements there also ?

(e) If so, why ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

79. (a)—In Kamrup no Professional Grazing Reserve has yet been finally opened. In Nowgong, Odoloni, Bhurabandha (part), Borghuli (part), Kachariberi (part) and Laokhowa (part) have been opened and in Darrang, Chowguri, Gaodhoa Chapri, Karaikhowa and Bandia Chapori. Information called for in respect of other Districts has not yet been received.

(b), (c), (d) & (e)—Government have no information.

Sylhet Colonisation Area in Nowgong District

Srijut GHANASHYAM DAS asked :

80 (a) Will Government be pleased to state the number of landless families from the Surma Valley that have got settlement in the Sylhet Colonisation Area in the District of Nowgong ?

(b) The number of such immigrant families, that have not yet been given settlement in that Colonisation Area for want of land ?

81.(a) Will Government be pleased to state the total area in bighas covered by the Sylhet Colonisation Area and the immigrants Colonisation Area separately in the District of Nowgong ?

(b) Is it a fact that in the District of Nowgong a new Reserve will be opened soon for settlement in which Sylhet immigrants will have no claim for settlement ?

(c) If so, why ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

80.(a) & (b)—No detailed information is available.

81.(a)—There is no Sylhet Colonisation Area in Nowgong. The Colonisation Area which is open for settlement by indigenous people as well as immigrants changes materially from time to time, as lands fully settled are taken out of it and placed under Circle Sub-Deputy Collector and other areas are added which are proposed for colonisation or development.

(b)—Government have no information : the Colonisation Officer has been directed to ensure that all communities get a share in lands opened for settlement under the Development Scheme in Nowgong and Government have called for a statement to show allocations with various communities up to 31st October 1944, but it has not yet been received.

(c)—Does not arise.

Scheduled Caste Primary Schools

Babu BALARAM SIRCAR asked :

82. Will Government be pleased to state—

- (a) The number of scheduled caste Primary Schools in the Province ?
- (b) Whether there is any special inspecting officer from the scheduled castes for these schools as in the case of Muslims ?
- (c) If not, whether Government propose to appoint some such officer or officers ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied .

82.(a)—There is no separate scheduled caste Primary School in the Province.

(b) & (c)—Do not arise.

Re Sub-Inspectors of Schools

Babu BALARAM SIRCAR asked :

83. (a) Will Government be pleased to state whether all the newly appointed Sub-Inspectors of Schools hold the B.T. degree ?

(b) Will Government be pleased to lay on the table a list of Sub-Inspectors of Schools appointed in the years 1941, 1942 and 1943 with their (i) names, (ii) qualifications, (iii) dates of appointments and (iv) community to which each of them belongs (to be shown Valley by Valley) ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

83. (a)—No. A few have yet to obtain the B.T. degree.

(b)—A list is placed below:—

Surma Valley

(I)	(II)	(III)	(IV)	
Maulavi Madasir Ali ...	... B.A.	9th Sep. 1941	Muslim	} Appeared in the last B.T. Examination.
" Rafique Ahmed Choudhury	B.A.	3rd Feb. 1942	Ditto.	
" Gausul Hussain ...	... B.A., B.T.	5th Feb. 1943	Ditto.	
" Cheraguddin Ahmed Choudhury.	B.A., B.T.	1st Oct. 1943	Ditto.	
Babu Surendra Chandra Deb	... M.A., B.T.	6th July 1943	Hindu.	

Assam Valley

Srijut Keshab Chandra Das	... B.A.	1st Apr. 1941	Hindu.	
Maulavi Ubedur Rahman	... B.A.	8th Aug. 1941	Muslim.	
Srijut Someswar Deuri ...	... B.A.	11th Aug. 1941	Tribal plains since appointed Sub-Deputy Collector, temporarily Maulavi Mafizur Rahman, B. A. officiating from 11th June 1943.	
Srijut Radha Charan Choudhury	... B.A.	13th Aug. 1941	Hindu.	
" Dharendra Lal Das	... B.A.	17th Aug. 1941	Scheduled.	
Maulavi Mushaffy Hussain	... B.A.	16th Apr. 1943	Muslim.	
" Kamaruzzaman ...	... B.A.	1st July 1943	Ditto.	
" Md. Eussa ...	... B.A., B.L.	4th Aug. 1943	Ditto.	

Catering Establishments Control Order, 1944

Mr. D. B. H. MOORE asked:

84. With reference to the Catering Establishments Control Order, 1944, do Government propose to declare as Controlled Areas places other than the Dibrugarh Subdivision and Shillong?

85. Will Government be pleased to state with reference to the Catering Establishments Control Order, 1944—

- How many establishments in the Dibrugarh Subdivision have been licensed?
- What conditions the Deputy Commissioner, Lakhimpur has imposed on owners of such establishments in the matter of the supply of meals?
- How many meals are served in licensed establishments to—(i) Civilians and (ii) Military personnel?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

84.—Besides Dibrugarh Subdivision and Shillong, the areas within the jurisdiction of Tezpur and Dhakiajuli Police stations in Darrang, have been declared as controlled areas. Other places of the Province may be declared when suggestions are received from the Deputy Commissioners who have been consulted.

85. (a)—(c)—The Deputy Commissioner, Lakhimpur has been asked to furnish information, but it has not yet been received.

Publication of Census Report for 1941

Srijut JOGENDRA NARAYAN MANDAL asked:

86. Will Government be pleased to state—

- Whether the Census Report for 1941 for the Province of Assam has been finally published by Government?
- If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

86. (a)—There was not complete tabulation but the Census Report of India has been published, and the figures for Assam were published in the Gazette of 6th August 1941, page 991.

(b)—On account of paper economy and pressure of other business further compilation and publication must wait till after the war.

Measures taken against corruption, profiteering and black-marketing in Nowgong

Khan Sahib Maulavi MUHAMMAD AMIRUDDIN asked :

87. (a) Will Government be pleased to state what measures, if any, Government propose to take towards combating corruptions, profiteering and black-marketing in Nowgong ?

(b) Do Government propose to empower an Extra Assistant Commissioner to locally enquire into and try cases of alleged corruptions, profiteering and black-marketing ?

(c) Are Government aware of the big expenses required by persons victimized by such mal-practices to fight a case of such corruption, profiteering or black-marketing in Courts ?

(d) Is it a fact that no case of profiteering or bribery or black-marketing can be entertained by the District Judicial officers except when not reported by Supply Sub-Inspectors or Inspectors ?

(e) Do Government propose to direct the Supply Extra Assistant Commissioner or any other Extra Assistant Commissioner to take up such cases and enquire them personally in the locality concerned without sending them for enquiry by their subordinate staff ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

87. (a)—Government have been issuing instructions to all Magistrates to try cases of profiteering, etc., summarily and to convict offenders with deterrent punishment.

(b)—It is already within the competence of a Magistrate.

(c)—No. As soon as Government take up the case there seems no expenditure for the person who reports against such mal-practices.

(d)—Yes, it is mandatory under Defence of India Rule 130(I) except in cases of bribery. In case of a private complaint, enquiry will be made by the supply staff who will submit formal report for prosecution.

(e)—It is a matter of Judicial discretion to be exercised by the Magistrate under the relevant provisions of the Defence of India Rules, 1939 and the Criminal Procedure Code.

Daily rations to Government servants and private citizens

Mr. A. WHITTAKER asked :

88. Will Government be pleased to state—(a) What is the adult ration in rice, Dal, Atta, salt, sugar, kerosene, mustard oil, for (i) Government servants and (ii) private citizens ?

(b) Whether Government consider that Government servants require heavier rations than private citizens ?

(c) If so, on what grounds ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

88. (a)—(i) The daily ration allowed to Government servants is rice or Atta 10 chhataks, Dal 2 chhataks, mustard oil $\frac{1}{2}$ chhatak, salt $\frac{1}{2}$ chhatak, sugar 1 chhatak, tea $2/15$ chhatak.

(ii) As regards the adult ration for private citizens the attention of the hon. Member is invited to Government Notification No. SD.166/44/1, dated the 20th May 1944.

Both the rations are being revised now.

(b)—No. Government servants were given a scale free ration as a cost of living concession long before general rationing came into force.

(c)—Rations are being revised.

Restrictions on sale or movement of oranges from Sylhet District

Babu RABINDRA NATH ADITYA asked :

89. (a) Have Government imposed any restrictions on the sale or movement of oranges this year from the District of Sylhet ?

(b) If so, what are they ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

89. (a) & (b)—Yes. The hon. Member may refer to Supply Department Notification No. SD.410/43/1, dated the 20th December 1943 as amended by Notification No. SD.410/43/19, dated the 24th June 1944, published in the *Assam Gazette* of the 22nd December 1943 and the 28th June 1944, respectively.

Supplementary Demands for Grants

No.1

29.—POLICE

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.21,329 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head "29.—Police".

	Rs.
Grant originally voted by the Assembly	34,03,200
II. Sub-head under which the Supplementary Grant will be accounted for—	
K.—Works—	
(a) Original works—in charge of civil officers	21,329
	<hr/> 21,329

EXPLANATORY NOTE

The purpose of this Grant is to provide accommodation for the stores and personnel of the Railforce Sector Headquarters at Silchar and Dibrugarh. The work is very urgent and the entire expenditure is recoverable from the Government of India. But, as this is a major work and the expenditure will be met at the first instance from the provincial accounts a Supplementary Demand has become necessary.

As explained in the explanatory note, this is only a book transfer. The cost of this construction will come from the Government of India. We have only to carry out the work and put up the bill.

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs.21,329 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head "29.—Police".

Now, there are five * Cut Motions to this Demand. I am afraid, all are out of order. These Cut Motions want to discuss certain policy of Government on the subject of administration of the Defence of India Rules, with regard to detention of certain Members thereunder, and so on and so forth. But this Demand has been asked for the purpose of getting private accommodation for stores and personnel of the Rail force Sector Headquarters at Silchar and Dibrugarh. The Hon'ble Premier has explained that this is only a book transfer and ultimately this expenditure will be realised from the Central Government. On previous occasions, I pointed out to the hon. Members that debates on Supplementary Demands are to be confined only to the particulars of the Demand, as stated in the Supplementary Statement, and any question of policy which only relates to the points arising in regard to the Demand moved can be discussed in a Cut Motion. Therefore, I am sorry, I cannot allow any of the Cut Motions to be moved on this Demand.

Then I am putting the question.

The question is :

That a sum not exceeding Rs.21,329 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head—"29—Police".

The question was adopted.

*Motions.—

1. Srijut LAKSHESVAR BOROOA to move :—

That the total provision of Rs.21,329 under Supplementary Demand No.1, Major head 29.—Police, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.21,329 do stand reduced by Rs.100.

(To criticise Government in ruthlessly keeping several Congress men of Dibrugarh under externment orders.)

2. Srijut LAKSHESVAR BOROOA to move :—

That the total provision of Rs.21,329 under Supplementary Demand No.1, Major head—29.—Police at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.21,329 do stand reduced by Rs.100.

(To criticise Government for injudicious exercise of the Defence of India Rules by the District Magistrate, Dibrugarh, in refusing permission to hold public meetings at Dibrugarh to discuss matters absolutely unconnected with War effort.)

3. Srijut LAKSHESVAR BOROOAH to move :—

That the total provision of Rs.21,329 under Supplementary Demand No.1, Major head—29.—Police, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.21,329 do stand reduced by Rs.100.

(To raise a discussion about the inconvenience felt by public for improper refusal of permission to go and stay at protected areas like Digboi, Margherita and Tinsukia in following their normal avocation of life.)

4. Srijut BELIRAM DAS to move :—

That the total provision of Rs.21,329 under Supplementary Demand No.1, Major head—29.—Police, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.21,329 do stand reduced by Rs.100.

(To criticise Government for their failure to provide Police protection to the fishery leasees and fish carriers against immigrants from Bengal occupying the *chars*.)

5. Babu KARUNA SINDHU ROY to move :—

That the total provision of Rs.21,329 under Supplementary Demand No.1, Major head—29.—Police, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.21,329 do stand reduced by Rs.100.

(To criticise that the Superintendent of Police, Shillong, has refused permission to hold a conference by Mahila Atmarakhyia Samity, Shillong.)

No. 2

42.—CO-OPERATION

The Hon'ble Dr. MAHENDRA NATH SAIKIA : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs. 5,332 be granted to the Minister in charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head "42.—Co-operation".

Grant originally voted by the Assembly	...	...	...	Rs. 2,53,200
II. Sub-heads under which the Supplementary Grant will be accounted for—				
B.—Superintendence—				Rs.
1. Pay of officers	...	...	...	750
2. Pay of establishment...	...	...	...	3,330
3. Allowances and honoraria	...	...	...	1,085
4. Contingencies	...	...	...	167
Total				5,332

EXPLANATORY NOTE

The Supply Department made an arrangement for the import of iron, steel and plain sheets for the manufacture of agricultural and household implements, and of brass sheets for the manufacture of brass utensils and other brassware as part of a proposal to fabricate some consumer goods inside the Province. A number of Industrial Co-operative Societies have been organised to undertake the work of distributing the raw materials and getting the finished articles fabricated through local artisans. As the organisation and working of the societies require strong effort, undivided attention and whole-hearted action, a separate staff of one Superintendent and 8 Inspectors, is indispensable, the officers of the Department at the present moment being busy with multifarious work. It is necessary, therefore, that the staff should be appointed immediately, but there is no provision in the current year's Budget for the purpose. The Supplementary Grant is therefore essentially necessary.

The staff will be temporary for one year for the present and it is hoped that the entire expenditure thereon will be covered by audit fees, which under the recent amendment of the rules relating to audit fees should be large, as the societies will all have a big working capital.

The objects and reasons for moving this Supplementary Demand has been clearly stated in the explanatory note.

The Hon'ble the SPEAKER : Motion moved :

"That an additional sum of Rs.5,332 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head '42—Co-operation'."

There are three* Cut Motions. Of these only the Cut Motion standing in the

*Motions.—

1, Babu KARUNA SINDHU ROY to move :—

That the total provision of Rs.5,332 under Supplementary Demand No.2, Major head—42.—Co-operation at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.5,332 do stand reduced by Rs.100. (To criticise Government for not taking steps for starting co-operative stores to cover every area in the Province.)

2, Sri Jut PARAMANANDA DAS to move :—

That the total provision of Rs.5,332 under Supplementary Demand No.2, Major head—42.—Co-operation, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.2, i.e., the amount of the whole Supplementary Demand of Rs.5,332 do stand reduced by Rs.2. (To criticise the lack of superintendence on the part of the officers concerned.)

3, Babu KARUNA SINDHU ROY to move :—

That the total provision of Rs.5,332 under Supplementary Demand No.2, Major head—42.—Co-operation, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Re.1 i.e., the amount of the whole Supplementary Demand of Rs.5,332 do stand reduced by Re.1. (To criticise Government for not arranging for supply to Co-operative Stores so that members and non-members get adequate supply of controlled goods.)

name of Srijut Paramananda Das is in order. In accordance with the principle stated in connection with the first Demand, I shall only allow Srijut Paramananda Das to move his Cut Motion.

Srijut PARAMANANDA DAS: I beg, Sir, to move that the total provision of Rs.5,332 under Supplementary Demand No.2, Major head—42.—Co-operation, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.2, i.e. the amount of the whole Supplementary Demand of Rs 5,332 do stand reduced by Rs.2.

Mr. Speaker, Sir, I am moving this Cut Motion in order to criticise the policy of not taking special care of the newly opened Consumers' Co-operative Stores after opening them. Co-operative Stores are nice things and the opening of such ones throughout the length and breadth of the Province is a good and laudable work, but if you remain content after opening them, the movement is bound to be a failure. These need constant supervision. The Inspectors and others should visit them every three months and advise the Promoters how to manage and check their activities when they go astray. The majority of the share-holders are illiterate people. They cannot check fraud, misappropriation, black-marketing when practised by the more educated and clever men who promote those stores. So without the fostering care of the Department these stores cannot thrive.

I shall cite a concrete example. In my village Pachonia there is a Rural Co-operative Credit Society of 40 years standing. A Consumers' Co-operative Store was opened in November, 1943. I took four shares, but before the Store was doing business I got scent of the fact that Rs.400 was misappropriated. I with 24 others sent a requisition letter to convene a meeting to scrutinise the fund. The Secretary did not convene the meeting. I saw the Inspector. He told me that he could not take any action, because the Store was not still registered and advised me to go to the Law Court. I took legal advice. The lawyer told me that I had no other remedy than to run to the Registrar, for the situation was quite anomalous. The Court is not likely to take cognisance of the case as the model rules issued by the Co-operative Department to which all shareholders subscribed, contain no provision of compelling the Secretary to convene a requisition meeting in case he does not. So, in utter disgust I took out my shares. After that it happened that black-marketing and fraud were widely practised by the Secretary. Some 44 share-holders gave a notice to him to convene a requisition meeting. The Secretary did not do that. The signatories of that notice at last took recourse to Court. The case is still pending in the Subdivisional Officer's Court at Goalpara. If that be the case in a village like ours which is fairly advanced, what cannot take place at other places? There have been so many Consumers' Co-operative Stores throughout the Province. As soon as they were opened by the officers concerned, the Inspectors give up taking care at all. Instead of going to advise how to manage them, they sit tight in the Subdivisional towns and so nobody can approach them. So I have brought this Cut Motion and commend this Motion to the acceptance of the House.

The Hon'ble SPEAKER: Motion moved:

"That the total provision of Rs. 5,332 under Supplementary Demand No. 2, Major head—42.—Co-operation, at page 1 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.2, i.e., the amount of the whole Supplementary Demand of Rs.5,332 do stand reduced by Rs.2."

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Mr. Speaker, Sir, I admit that the Co-operative staff has not been able to cope with the work owing to the huge increase in the number of Co-operative Stores recently. In the beginning, I mean at the time of our taking office this time, the number of Co-operative Stores in the Province was only 5 and during this short space of time it has gone up to nearly 2,000, and a further number of stores are in the process of formation. Though during the last two or three years we have increased the staff from 17 to 47 in the Inspector's cadre, and also 19 new posts of Assistant Auditors have been created to facilitate the working of the Co-operative movement, even then the staff is considered inadequate and we are

further considering the question of increasing the staff. It can easily be realised that, as in addition to the old existing Societies, the number of Co-operative Stores has gone up from 5 to 2,000, the tremendous work that has been put upon the co-operative staff is really unimaginable, and for that there may be some Co-operative Stores to which the Co-operative staff has not been able to pay any visit. For the efficient management of the Co-operative Stores the accounts specially have to be checked from time to time and many of our officers have been keeping themselves busy checking the accounts. Our staff, therefore, in some cases have not been able to pay any visit to see how things are going on. After all it is a public concern the efficient management of which entirely depends upon the managing bodies. If any Society finds that the management is deteriorating due to the fault of certain members of the Managing Body, it is up to them to reconstitute the Managing Body and bring matters to the notice of Government for necessary action. Just now a case has been referred to me about certain Co-operative Store at Goalpara by the mover of the Cut Motion. I am not in possession of the facts about it. If the hon. Member brings any particular case to my notice, I will surely take necessary action.

So far as these consumer goods—I mean the agricultural and household implements are concerned, this scheme is essentially necessary. In course of discussion of the Motion that was moved the other day regarding the consumer goods procurement policy, much stress was laid by many hon. Members on the procurement of such goods in the interests of the peasants of the Province. So, I think there can be no objection to this scheme as there is nothing to say against it and I hope the House will agree to the Demand.

*Srijut PARAMANANDA DAS: What about the model rules which are defective?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: If any rule is defective and it is brought to the notice of Government, Government will certainly take action to set it right.

*Srijut PARAMANANDA DAS: Sir, I beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: Has the hon. Member got leave of the House to withdraw the Motion?

(After a pause)

The Motion stands withdrawn with the leave of the House.

Mr. BAIDYANATH MOOKERJEE: Sir, with your permission I want to speak something on the original Motion. As I find in the Explanatory Notes that this amount is required for appointing one Superintendent and 8 Inspectors to supervise the works that will be entrusted to a number of Industrial Societies, and to take up the work of distribution of the iron, steel and brass, etc. which have been and will be imported by the Supply Department to this Province. Sir, I thought that the Hon'ble Minister, while moving his Motion, would enlighten us about the number of such Societies. He did not do that. And while replying to the Cut Motion moved by my hon. Friend Mr. Das he traversed far beyond the scope and even then also he did not care to enlighten the House whether there is any justification for appointing a Superintendent and 9 Inspectors. Sir, before we vote for this amount we want to know how many Industrial Societies have already been formed and registered. It has also been stated in the Explanatory Note that the present staff is very busy with multifarious works. Sir, words like these may be used by one and all but they require explanation. We all know about the activities of the Co-operative Department in this Province. It was in a moribund condition. Though there were officers and staff they did not do anything. But as there were agitations session after session in this august House, Government provided some money in the Budget, but they could not or did not spend the money for which purpose it was allotted. Now, Sir, as some Co-operative Societies have been started and people are taking interest in them due to the scarcity of various kinds of daily necessities of life and we can see that some of them are working. But still, I venture to say, the present

staff is not fully occupied with the work and there is no reason or justification for which another new branch in the Department should be opened. I say, Sir, there is no necessity. With these words, Sir, I oppose the original Motion of the Hon'ble Minister.

The Hon'ble Dr. MAHENDRA NATH SAIKIA : I was following the usual procedure that has been followed up till now that after the Motion is moved, it is for the hon. Members to take part in its discussion. So while moving the Motion I did not speak about the details of the scheme. Now as the hon. Member wants a certain clarification I am prepared to do it. The genesis of this scheme is that some time back the Director of Supply, Mr. Marar, enquired of the Director of Industries whether the Industries Department could take up the work of distribution of the controlled materials to be imported such as brass sheets, iron sheets and steel plates for manufacture of household and agricultural implements which shall have to be sold to the peasants of the Province at reasonable prices, and he wanted to make sure, as the procurement of these materials comes under control order, that the manufactured goods would be sold to the public at reasonable prices, and that no such materials would go to the black market. Having agreed, the Director of Industries thought it proper to come forward with a clear cut scheme to fulfil the conditions that were imposed upon the Industries Department and for working according to their directions for the success of the object. In moving his Cut Motion Sri Jut Paramananda Das said that there has been lack of superintendence on the part of Co-operative staff which is undoubtedly due to inadequacy of staff. So, for proper administration of the control orders about these materials, we thought it proper to have a separate staff so that no law in that direction would be violated, and we had to come forward with this scheme for staff exclusively meant for the Industrial Societies which would import these goods and also manufacture consumer goods for sale at reasonable prices to the public.

*Mr. BAIDYANATH MOOKERJEE : It is not insufficiency of staff but it is negligence on the part of the Department.

The Hon'ble Dr. MAHENDRA NATH SAIKIA : It is for the House to judge whether the present staff of the Co-operative Department is sufficient to check properly the accounts of thousands of Co-operative Stores which have sprung up during the short space of time.

The Hon'ble the SPEAKER : Hon. Mr. Mookerjee wants to know how many Industrial Co-operative Societies are there.

The Hon'ble Dr. MAHENDRA NATH SAIKIA : Already nine such Industrial Co-operative Societies have been formed at nine different centres, namely, Tezpur, Mangaldai, Gauhati, Dhubri, Maulvibazar, Habiganj, Sylhet, Nowgong and Sunamganj, and I have further information that another has been formed in Barpeta Subdivision and further Societies are in the process of formation.

*Mr. BAIDYANATH MOOKERJEE : One Inspector for one Society ? The Hon'ble Minister may come before the House for increased number of staff in case the number of Societies is increased, during the Budget session.

The Hon'ble Dr. MAHENDRA NATH SAIKIA : Sir, we will not appoint staff unnecessarily. We will appoint staff according to the demand. We want only sanction. We will not appoint all at the same time.

*Babu KAMINI KUMAR SEN : May I know on a point of information, Sir, what is the provincial quota of these articles and how many Societies are justified to distribute all the quotas that have been allotted to this Province ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA : As regards the quota, I shall not be able to tell off-hand but I can say that the quota will not be so small that our scheme will have to fall through.

*Babu KAMINI KUMAR SEN : Without knowing how many Societies will be necessary to distribute this quota what is the data on which Government is coming forward for a separate staff ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: The quota may be increased or decreased from time to time according to emergency.

*Babu KAMINI KUMAR SEN: Is the Hon'ble Minister satisfied that even the present number of Societies will be fully occupied by the materials that have already been received by this Government?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: The Director of Industries discussed the matter fully with the Director of Supply and he was satisfied that the quota will be sufficient to run the Societies.

*Babu KARUNA SINDHU ROY: May I know, Sir, whether Government can appoint honorary organisers?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: We have already got honorary Co-operative Organisers.

The Hon'ble the SPEAKER: Order, order. The question is:

"That an additional sum of Rs.5,332 be granted to the Minister in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head '42.—Co-operation'."

The question was adopted.

No.3.

50.—CIVIL WORKS

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.28,066 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head "50.—Civil Works".

Grant originally voted by the Assembly ... Rs 34,57,900

II. Sub-heads under which this Supplementary Grant will be accounted for—

A.—Original Works—

(a) Buildings—

Jails and Convict Settlements ... Rs. 28,066

EXPLANATORY NOTE

The additional grant is required for the construction of a District Jail in the Margherita (protected) area with accommodation for 56 prisoners including 6 female prisoners. The need for a jail at this place is fully justified by the facts that the number of under-trials and convicts requiring detention has greatly increased of late and that Margherita, the headquarters of the Tirap Frontier Tract is likely to continue to be important after the war from the aspect of Law and Order—owing to the opening up of communications with Burma and China.

This amount, as has been explained in the Explanatory Note, is required for the construction of a District Jail in Margherita which is the headquarters of Tirap Frontier Tract and which is important and is likely to continue to be important after the war from the aspect of Law and Order.

The Hon'ble the SPEAKER: The Motion moved:

"That an additional sum of Rs.28,066 be granted to the Minister in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head "50.—Civil Works".

There is one †Cut Motion to this Demand in the name of Babu Rabindra Nath Aditya. The hon. Member wants to discuss two points; one point can be discussed under a Cut Motion. But the points he wants to discuss relate to another department. This Demand is under "Civil Works" which is only an executing department; for the points the hon. Member wants to raise, the department of "Civil Works" is not the administrative department. So the Cut Motion is out of order. The hon. Member may discuss the main Demand.

*Speech not corrected.

†Motion:—

Babu RABINDRA NATH ADITYA to move:—

That the total provision of Rs.28,066 under Supplementary Demand No.3, Major head—50.—Civil Works, at page 2 of the list of Supplementary Demands for Grants for 1944-45, be reduced by Rs.100, i.e., the amount of the whole Supplementary Demand of Rs.28,066 do stand reduced by Rs.100. (To raise a discussion for construction of barracks for accommodation of ill-paid Government servants of Shillong and extension of the hostel accommodation for Assembly Members).

Babu RABINDRA NATH ADITYA: My submission to the House is that these ill-paid Government servants and the Members of the House now lodged in the Assembly hostel are not better than the convicts. When the Hon'ble Minister has been kind enough to make provision for the convicts, he should also try for the accommodation of these ill-paid clerks who are drawing a pay of Rs.60 to Rs.70 a month and who have no house in Shillong. They are to pay the hotel charges at the rate of Rs.3-8-0 per day.

The Hon'ble the SPEAKER: What is the use of discussing this? Such discussion is quite irrelevant under this Demand.

Babu RABINDRA NATH ADITYA: I am just making a request to the Hon'ble Minister so that some funds may be made available for the purpose. The Hon'ble Minister himself knows how congested is the Members' hostel. He should therefore have a project for enlarging the accommodation of these Members.

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, I hope I shall be relevant on the subject. The Hon'ble Minister is a man of Dibrugarh and has the direct knowledge of the place where he intends to build the jail. From my experience as a lawyer in the locality, I can say that the location of a jail at Margherita without providing a Court with a Magistrate with full powers, will cause inconvenience to the undertrials. The Hon'ble Minister knows that it is about 60 miles away from Dibrugarh. Supposing a man is arrested by the police on a certain day and he will have to be kept in the lock-up for that day. Under the present transport difficulties it will take three days for him to be taken to Dibrugarh in order to get an order of remand and also to allow him to engage a pleader and to arrange for his release on bail.

The Hon'ble the SPEAKER: Again the hon. Member is also speaking of the Jail Department.

Srijut LAKSHESVAR BOROOAH: But, Sir, all the same the inconvenience will be felt by the inmates of the jail for its location at Margherita without a Court. Therefore, Sir, I don't think we should establish a jail at Margherita without providing for a Court with a Magistrate. If that is not done, I shall be compelled to oppose the Motion.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, as you rightly suggested I am only executing the order given by the respective administrative department. I am sure the suggestion which has been given by the hon. Member will be carefully considered by the Hon'ble Minister-in-charge. So far as this Motion is concerned, I think the House will agree to accept it.

The Hon'ble the SPEAKER: The question is:

"That an additional sum of Rs. 28,066 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March 1945, for the administration of the head '50.—Civil Works'."

The question was adopted.

The Assam Revenue Tribunal, Bill, 1941 (as amended by Assam Legislative Council)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg, Sir, to move that the amendments made by the Assam Legislative Council on the Assam Revenue Tribunal Bill, 1941, be taken into consideration.

Hon. Members have already been supplied with a copy of the Bill that was passed by the Assam Legislative Council. They will find that the Legislative Council after careful consideration made four amendments to the Bill that was passed by this House. One of the amendments was that the qualification of a non-official member was not provided in the Bill that was passed by this House. The Members of the Council thought that it would be advisable to provide that in the Bill itself. For the qualification of a non-official member, they have laid down that a member shall be a non-official who has been for not less than 10 years a pleader, advocate, or barrister, or who has for at least ten years held a judicial office in British India not inferior to that of a Subordinate Judge.

As the Revenue Tribunal is considered to be a High Court in revenue matters I think, the qualifications which they have laid down for a non-official member

of the proposed Revenue Tribunal are quite in order. In the original Bill we did not provide for these qualifications. But there is no harm in laying down the qualifications in the Act itself. So, from the point of view of this Government there is no harm in allowing this amendment to be embodied in the Act itself.

The second amendment that they have made is of a verbal nature. In Clause 5, Sub-Clause (3)(c) they have added a new Clause wherein they provided for the age-limit of the Members of the Revenue Tribunal. Now, as regards this age also, we thought at the first sight to prescribe this by rule, but the Council thought that this Clause should be embodied in the Act itself. As regards age-limit, of course, it is already there in the Government of India Act,—Section (220)—to the effect that the age-limit of a High Court Judge should be 60 years. So, I think no harm has been done by introducing this amendment in the Bill itself.

Maulavi ABDUL BARI CHAUDHURY: Is this 60 years age-limit for the time of appointment or retirement?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: For the time of retirement. The Clause is quite clear. It runs as follows:—

“No person shall be appointed or retained in the post of President or non-official Member after he has attained the age of sixty years.”

A similar Clause is also there in the Government of India Act itself as regards High Court Judges, and, as I have said before that this Tribunal is regarded to be a High Court in revenue matters, I think it is in the fitness of things that the age of the Members of the Revenue Tribunal should be on a similar basis.

Now, as regards the third amendment, it is of a verbal nature, because only a word ‘revision’ was dropped in the Bill that was passed by this House. They have introduced the word ‘revision’ now.

As regards the fourth amendment, they have introduced another item in the schedule itself. They are:

1. Application under Section 83(2);

2. Application under Section 102;

of the Assam (Temporarily-Settled Districts) Tenancy Act, 1935 (III of 1935).

The adaptation order to Government of India Act replaced the word ‘Provincial Government’ for ‘Local Government’ and the Government was all along under the impression that the revision of appeals could be heard by the Provincial Government. But in 1943 after this Bill was introduced and considered in the Legislature, the Member of the Revenue Tribunal held that as the matters come under the definition of revenue cases, the Provincial Government is divested of its power to hear those appeals of revision and the authority to hear them is vested in the Revenue Tribunal. There was no time to introduce this item in the Schedule itself but this was pressed by the Mover in the Assam Legislative Council and although the Government was of the opinion that this could be done later by notification under Clause (5)(1), the Council insisted that this should be incorporated in the Schedule and accordingly it was done. I do not see any harm in allowing this item to be retained in the Schedule, because if after experience it is found that this matter should be taken away from the jurisdiction of the Tribunal, then the Government later on by notification may cancel this item from the Schedule. So, these are the amendments that have been made by the Council in the acceptance of which I do not see any harm.

With these words, I beg, Sir, to commend these amendments to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved:

“That the amendments made by the Assam Legislative Council on the Assam Revenue Tribunal Bill, 1941, be taken into consideration.”

Maulavi Abdul BARI CHAUDHURY: Mr. Speaker, Sir, I want to say a few words on the amendments that have been proposed by the hon. Members of the Upper House on the Assam Revenue Tribunal Bill, 1941.

I find, Sir, that the amendments that have been proposed by them have in some cases improved the Bill and in one case it is of a verbal nature. Therefore, I think that

the hon. Members of this House should not hesitate to accept all these amendments. If we do not accept any one of these amendments the result will be that the Bill will again be referred to the Upper House and this will mean delay. As the present amendments do not change the spirit of the Bill I think all these amendments ought to be accepted by this House.

As regards the amendment to Clause 3(3)(c), I want to refer to a special aspect of the matter. In prescribing the age-limit they have stated "No person shall be appointed or retained in the post of President or non-official Member after he has attained the age of sixty years." To my mind it appears that it ought to have been like this: "No person shall be retained in the post of the President or non-official Member after he has attained the age of sixty years." Perhaps that would have made the thing very clear, but still, as the Hon'ble Minister has pointed out, the word 'appointed' makes no difference.

As regards the addition to the list of Schedule, I find that a particular Section pertaining to the Assam (Temporarily-settled Districts) Tenancy Act, 1935 (III of 1935) has been added. That also refers to revenue matters. So I think in the fitness of things this should also go to the Revenue Tribunal. With these words, I support the Motion moved by the Hon'ble Minister.

The Hon'ble the SPEAKER: Does the Hon'ble Minister want to say anything further?

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

The Hon'ble the SPEAKER: Then I am putting the question. The question is: "That the amendments made by the Assam Legislative Council on the Assam Revenue Tribunal Bill, 1941, be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER: Further amendments to these amendments shall have to be tabled before 3 P. M. on the 20th.

Then comes the consideration of the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1944, clause by clause.

There are no amendments.

The Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1944.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I beg to move that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1944, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1944, be passed."

Mr. A. WHITTAKER: Mr. Speaker, Sir, I have only one small point to ask for information from the Hon'ble Finance Minister. This proposal to tax motor spirit and lubricants imported into the Province does not, as at present drafted, cover the import and consumption of the very large quantities of motor spirit and lubricants brought in by Forces of the United Nations. It is quite true that the motor spirit produced in the Province and consumed by the Army bears this tax, but a very much larger volume of motor spirit imported direct by the Army does not carry this tax. As you will remember, Sir, the tax on motor spirit forms the first instalment of what we all hope will be a very large capital sum for reconstruction and I hope therefore that the Hon'ble Finance Minister is going to endeavour to secure sales tax on all the motor spirits and lubricants consumed by the Army.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I brought this Bill in order to avoid any loss of revenue and I am certainly obliged to Mr. Whittaker for pointing out another loophole through which our revenue is leaking. I shall certainly look into the matter and see what can be done in this respect.

The Hon'ble the SPEAKER: The question is:

"That the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1944, be passed."

The question was adopted.

The Assam Legislative Chambers (Members' Emoluments) Bill, 1944.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to introduce the Assam Legislative Chambers (Members' Emoluments) Bill, 1944 and to move that the Bill be taken into consideration.

The Bill is very short and I have endeavoured in the Statement of Objects and Reasons to show the necessity for the proposed increase. I might add only one little thing, that is, at present the Government of Assam, in order to help the Government servants in the shape of war bonus *i. e.* by the percentage increase of salary, dearness allowance, rice concession and free ration, are spending about Rs. 73 lacs. Therefore this Government thought that it is high time that some increase to the emoluments of the Members of the Legislature is over-due. I hope this little effort on the part of Government will meet with the approval of the House.

The Hon'ble the SPEAKER: Before placing the Motion before the House I would like to read a message from His Excellency the Governor under Section 82(3) of the Government of India Act.

"Under the provisions of Section 82(3) of the Government of India Act, 1935, I, Andrew Gourlay Clow, recommend to the Assam Legislative Assembly the consideration of the Assam Legislative Chambers (Members' Emoluments) Bill, 1944."

Motion moved:

"That the Assam Legislative Chambers (Members' Emoluments) Bill, 1944, be taken into consideration.

Srijut SARVESWAR BARUA: Mr. Speaker, Sir, I rise to oppose this Motion. The attitude of the Congress Party in this matter has been very clear. The Congress Parliamentary Party has decided that the emoluments of the Members of the Legislature should not exceed Rs 75 a month. This was, in view of the fact that the Members are not wholtime public servants—they are only part-time workers—devoting themselves exclusively to legislative work only during the sessions and otherwise attending to this work as occasions demand. As almost all of them have got their own private business or calling, the amount of Rs. 75 a month was considered adequate. Now too, Sir, if we had been wholtime workers, we might have considered the emolument of Rs. 100 inadequate for a Member of the Legislature; but when we take into consideration the fact that each of us has his own means of livelihood apart from the salary drawn as a Member of the Legislature, we do not think we can rightly demand any enhancement of our emolument—not to speak of a 50 per cent. increment. In this connection I would like to remind the House that it has not yet been possible for us to give any increment of pay or allowance to a class of hard worked and poorly paid public servants like the lower Primary School Teachers.

So, Sir, our Party on principle oppose the Bill.

Maulana ABDUL HAMID KHAN: আমি মেম্বারদের এই salary বিল oppose করিতেছি। আমি এই বেতন বৃদ্ধি সম্বন্ধে কোন প্রকার বুদ্ধি সম্বত কারণ ইহার ভিতর জিয়া পাইতেছি। সারাবৎসরে আমাদের মাত্র এক মাসের কম সময়ের জন্য সেখানে আসিতে হয়। নিজেদের সময় ব্যয় করিতে হয়। তাহার জন্য Halting Allowance রয়েছে সেইজন্য আমরা কখনও এই বেতন বৃদ্ধি সমর্থন করিতে পারি না। আজ আমাদের প্রাইমারী ও Aided স্কুলগুলি খের অভাবে লোপ পাইতে বসিয়াছে। এই জন্য গভর্ণমেন্ট টাকা দিতে পারিতেছেন না। বর্তমানে আমাদের প্রাইমারী স্কুলের শিক্ষকদের দুর্দশা দেখিয়া মনে হয় আশা কিছুতেই শিক্ষাপ্রতিষ্ঠানগুলিকে চাইয়া রাখা সম্ভব হইবে না। গভর্ণমেন্টের কাছে বহু আবেদন জানাইয়াও কোনই প্রতিকার পাওয়া যায় নাই। প্রাইমারী স্কুলের শিক্ষকদের বেতন বৃদ্ধি করা হয় নাই। আমরা যখন এই Assemblyতে জনসাধারণের প্রতিনিধি হইয়া আসিয়াছিলাম তখন জনসাধারণকে আশা দিয়াছিলাম যে তাহাদের জন্য প্রস্তাবগুলির ব্যবস্থা করিব, চিকিৎসার ব্যবস্থা করিব, শিক্ষার ব্যবস্থা করিব, আর্থিক ও নৈতিক অনুষ্ঠানের ব্যবস্থা করিব কিন্তু এখানে আসিয়া সে সব কিছুই করিতে পারি নাই, শুধু নিজেদের বেতন বৃদ্ধি করিবার জন্য লালায়িত। আমি আশা করি প্রত্যেক মেম্বার এই বেতন বৃদ্ধি oppose করিবেন। আমাদের প্রত্যেকেরই কাজ কর্ত্ত আছে কেহ ওকালতি করেন কেহ বা কৃষি কাজ করেন নিয়মমত

আমাদের অনারারী ভাবে কাজ করা উচিত ছিল। আমরা জনসাধারণের প্রতিনিধি—বেতন লইয়া এখানে চাকুরী করিতে আসি নাই। পুৰণি যখন মেম্বারদের বেতন বাধা করা হয় তখন আমি উহা oppose করিয়াছিলাম এই বলিয়া যে আমরা জনসাধারণের প্রতিনিধি হইয়া আসিয়াছি গভৰ্ণমেন্টের চাকর হইয়া আসি নাই। আমি আশা করি প্রত্যেক মেম্বার এই বেতন বৃদ্ধি oppose করিবেন এবং জনসাধারণের জন্য যাহাতে এই টাকা ব্যয় হয় তাহার চেষ্টা করিবেন।

Mr. E. H. S. LEWIS: Mr. Speaker, Sir, in rising to speak on this Bill I must confess that I have found it very difficult to marshal my arguments but there is no doubt, I think, that the intention behind this Bill deserves support. The cost of living has risen, and there is the other aspect that perhaps even the original figure fixed as the salary of the Members of this House is not enough. But, Sir, I think we must object to the way in which the Bill has been presented. I would ask the House to take its mind back to the Budget Session of 1943. On the 25th March that year a private member's Resolution was put forward suggesting an increase in the halting allowance from Rs. 5 to Rs. 7-8-0. Both I and my hon. Friend Mr. Nirendra Nath Deb, who opposed that Resolution, were unable to get from the Mover or any other Member who supported it in the lobby satisfactory reasons. But when Government produced their Bill a few days later the Hon'ble Premier explained, and to quote from his speech, "the Government has been convinced that the hon. members of this House ought for the purposes of travelling and halting allowances to be considered as first class officers of the first grade. There was an anomaly before that, a member was treated as first class officer of first grade for the purpose of travelling allowance and a first class officer of the fourth grade for halting allowance. That anomaly we have sought to remove by the Bill".

Now, Sir, we are here as public servants; the tax-payers pay our salaries. It is therefore pertinent to see what has been done for other public servants. For the scale of Rs. 60 to Rs. 100, *i.e.*, the scale in which we fall, the dearness allowance sanctioned in the notification of the 17th July this year was 20 per cent. for those living in the Khasi and Jaintia Hills and 15 per cent. for the rest of Assam. The present Bill, Sir, suggests an increase of 50 per cent. And we find in looking to this notification of the 17th July that the only group of Government servants who have been awarded a 50 per cent. dearness allowance are those drawing pays of Rs. 30 per month or below. It therefore appears, Sir, that another anomaly has been introduced in that while we are considered first class officers of the first grade for purposes of travelling and halting allowances, we are classed with the most menial of Government servants for the purpose of dearness allowance.

On the other hand, Sir, first class Government officers of the first grade have been granted a 10 per cent. dearness allowance by notification dated the 31st October 1944. Confusion is worse confounded by a later notification—a very recent one—of 13th November 1944 which says "the Government of Assam have been pleased to sanction an extra dearness allowance of Rs. 5 per mensem to all Government servants in the Province drawing pay not exceeding Rs. 250 per month".

There is another point. The first notification published a sliding scale, and there are good reasons for and against a sliding scale of dearness allowance. This later notification introduces a flat rate, and there are also good reasons for and against a flat rate. But I find it very difficult to understand the reasons justifying both a sliding scale and a flat rate applying to the same people.

Then, Sir, there is one more aspect of the present Bill, *viz.*, that it seeks to give retrospective effect. We, Sir, do not like a payment of this nature to be made retrospective other than to the first of the month in which the notification is made. But in any case even if it is contended that this is necessary owing to this House being unable to bring such a Bill earlier, there is no justification for taking it back further than the 1st of July which was the date to which the notification of the 17th July applied. I am afraid, Sir, I have wandered back and forth on various aspects, but summarising it, we do not consider we have any right in this House to vote ourselves better terms of

dearness allowance than the exchequer is able to afford for other Government servants on the same scale as ourselves.

Srijut SURENDRA NATH BURAGOHAIN: Mr. Speaker, Sir, in rising to oppose this Bill I do not want the hon. Members to understand me to under-value them in any sense. Sir, this practice of fixing salaries for the Members of the Legislature has been introduced into the Indian provincial Legislatures after 1937 when the 1935 Act came into operation, and this has been done to bring these Legislatures in line with the rest of the Legislatures of the world.

If we look to the condition that is prevailing in the Mother of Parliaments, we find that Members of that Parliament are now drawing a salary of £600 a year and that that has been fixed for them in 1937. Previous to it they were of course drawing at the rate of £400 a year, and that they were drawing since 1911. Sir, coming to the United States of America we find that the salary of Members of the Congress is much more than that fixed in the Mother of Parliaments; there, the salary of a Member of the Congress is more than what we have been affording to the Hon'ble Ministers here. Sir, I do not want to make out here that our hon. Members are not worth the amount that has been proposed. Certainly the professional loss and the business loss that an hon. Member has to incur in carrying out the duties imposed upon him for being a Member of this Legislature, are quite known to the hon. Members. I know of some hon. Members of this House whose one day's professional income would be much more than the amount proposed as salary for a month. I need not, of course, go into the question of hon. Members who are engaged in business and in this war boom they are certainly earning much more than those engaged in professions. But it is not on this account that I am opposing this Bill. I have to oppose this Bill from another point of view. This proposal of increasing the salary of the hon. Members of this House was privately canvassed among the Members during the last March Session. Thus we had an opportunity of anticipating the present Bill, and in the mean time, therefore, we had an opportunity of sounding opinion among our constituents. So far as my own constituents are concerned, certainly their one reaction to this proposal of enhanced salary of hon. Members is one of disfavour. It is in that view of things, Sir, that I feel compelled to oppose this Bill.

With these few words, therefore, I beg to oppose this Bill.

Mr. BAIDYANATH MOOKERJEE: Sir, I also rise to oppose this Motion. Sir, reference has been made by Hon'ble Prime Minister that this principle has been recognised in some cases of public service. Sir, it has been rightly pointed out by my Friend, Mr. Lewis the percentage of increment in their cases. Sir, those who are whole-time servants of Government are not getting sufficient increment to maintain their families. Whereas we, who spend only six to seven weeks in the whole year for the work of this Legislature, are going to get an increment of 50 per cent. Sir, I do not know whether there is any relation of this Bill with the next Bill that is coming before the House—I mean, the Ministers' Salary Bill. Sir, if the same consideration would have been shown by this Government to the Government servants, I would have hesitated to oppose this Bill. But, Sir, when everything depends on the Members of this Legislature so far as the salary of the hon. Members of this House or of the other House or of Government servants are concerned, I think, I shall be failing in my duty, if I do not protest on principle at the consideration stage of this Bill. Sir, this Bill also wants to give retrospective effect. On principle no one should support this measure. Sir, we came here to do some good to our constituents. Can any hon. Member say honestly that up till now we have been able to remove any difficulty of the people of this Province? Have we been able to do any good to the people? What will our constituents say, what the public at large and the world will say, if we go away with our salary increased and without doing anything tangible to remove the difficulties and miseries of our constituents?

Sir, the Hon'ble Ministers are also coming with a Bill for increasing their salary. In their case, of course, I shall say whether there is any justification or not and how far it is justified when the occasion arises; but, Sir, I would request the Hon'ble Prime

Minister not to press for the passing of this Bill, which seems like a bait to the hon. Members. Sir, we shall get opportunities of discussing the Bill, clause by clause, if the Hon'ble Ministers succeed at this stage. So without taking much time of this hon. House, again I protest the measure and oppose this Bill, and, at the same time, request the Hon'ble Prime Minister not to proceed with this Bill. When the people require various kinds of help it would not be fair on our part to increase our salary before improving the lot and meeting the demands of the people.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, this is a measure which touches the hon. Members of this House. In a sense it is a personal matter to the hon. Members. The initiative has been taken in this House by Government. There has been a move from the Government Party. Some of the hon. Members are not satisfied with the present amount of salary they are receiving. As a result of that, when the matter came up before the Party meeting, by a majority of opinion it was decided that some such Bill be presented before the House.

Sir, whatever may be the personal opinion regarding the increase of salary of the hon. Members, we belong to a party which is now supporting Government and while there is a majority decision of the Party that the Bill be presented and that it should be placed before the House, we have no personal opinion to give.

Adjournment

The Assembly was then adjourned for Lunch till 2 p.m.

After Lunch

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I was telling the House that this Bill which the Ministry has been pleased to introduce is on the strength of the recommendation made by several hon. Members of this House belonging to both Government Party as well as the Independent Group. I have heard up till now all those hon. Members who are not in favour of increasing the salary of the Members. Personally speaking, there are many Members on this side of the House belonging to the Government Party who are also not in favour of any such increment of the salary. But, as I have told, while there has been a decision by the majority of the Party that there should be a Bill for enhancement of the salary of the Members, I for myself cannot go beyond the discipline of the Party although my personal view is not in favour of any such increment. Now it is of course very lamentable that one of our Members of this side who is holding a very high position as the President of the Assam Muslim League, is very much opposed to this Bill. I am sorry, that he has gone a bit away by breaking the discipline of the Party as so long he remains in the Party he cannot do so. My idea is that he ought not to have gone so far, being such a responsible man in the Party. Any way, as has been remarked by Mr. Mookerjee, I also want to suggest to the Hon'ble Minister in charge of the Bill that, while some hon. Members of the House are not in favour of the increase of the salary of the Members, I do not find the reason why there should be such a hurry in introducing this Bill. If he takes a stand on the recommendation of the Members who submitted the representation then of course there is a justification to come forward with this Bill.

Mr. BINODE KUMAR J. SARWAN: Mr. Speaker, Sir, I beg to support the Members' Salary Amendment Bill as has been brought forward by Government. The reason why a Member cannot manage his maintenance with Rs. 100 per month is known to all. The salary of Rs.100 per month which was fixed was during the normal time before the war. Now, since the war began, the price of all things, such as food-stuffs and other materials have risen considerably higher than what it was before—some 5 to 10 times more than the usual price. I do not like to go into the details, as this is known to all the hon. Members. We find, Sir, in this abnormal time the daily *faltoo* ordinary labourers also demand for their wages from Rs.2 to Rs.3 per day, which comes to Rs.60 or Rs.75 per month. Also the mechanics, *mistries*, carpenters, etc., can earn from Rs.3 to Rs.5 daily or even more, and this comes to Rs.100 per month or more. During this war time it is good that they get more pay, and we should not grudge this, otherwise they cannot manage their livelihood. Sir, the Governments of the Punjab and Bengal are also raising the salaries of their Members. So, Sir,

I hope every hon. Member will lend his support in passing this Bill. With these few words I resume my seat.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, this Bill has been brought before this House by the Hon'ble Premier in consultation with His Excellency and after due consideration of all the circumstances and experience in this war crisis. There is no doubt, Sir, that we are all in financial difficulties. Besides this, in my opinion, since the Government have brought this Bill before this House and as we are staunch supporters of Government, we should lend our support to this Bill and we should make our best attempts to see that this Bill is passed and I hope that the leader of the European Group, Mr. Whittaker and his Party will also support this Bill and see that the Bill is passed. If this Bill is thrown out there might be a crisis. One hon. Member, Srijiut Surendranath Buragohain, was opposing this Bill for the sake of his personal interest, that is, because of the fear of his constituency lest he might not be returned in the next election. The reason for his opposing this bill is not at all reasonable. Sir, I support that this Bill should be passed.

Mr. C. GOLDSMITH: Mr. Speaker, Sir, whether the hon. Members should have salary or not or they should be given Rs. 75 or more, consideration of that stage is passed. We find now that as Members we are enjoying this salary for the last 7 years. If arguments are wanted to prove whether Members should have salary, such arguments there are plenty. I shall mention just a few. Not going even as far as the Mother of Parliaments or United States of America, as one of my hon. Friends has gone, even in our own Provinces in India, if we look carefully we find that being Members of the Legislature they accept salary.

Another argument is that certain Members at first opposed the passing of the Bill and I do not know that those hon. Members who formerly opposed the grant of salary to the Members, are not enjoying this salary. There is provision in the Government of India Act itself for the possibilities of having a salary for Members. When it is so, there is greater force in the argument. All the Members of this Assembly are not of the same status and position financially—their capacity of earning varies. There are Members who do not want money or salary. It is true there are Members who do not want money. There are Members who are busy with their own occupation which they can pursue without any interference. But there are Members here who on account of being Members had to give up their jobs. In my personal case I can say that I had to give up my job on coming to the Assembly. We have to consider the cases of those who are actually hit and not the Members who have business or become contractors, or who are rich. We should not think about them. Sir, we are in the midst of an unprecedented situation, acute dearth of food and abnormal rise of prices. My hon. Friend, Mr. Lewis, has compared the Members with Government servants. The status and position of Government servants can never be compared with the Members of the Assembly. Government servants are whole-time servants but we are not. They have normal periodic increment for themselves, but we have not. They are provided with Provident Fund, but we are not. They are assured of pension, but we are not. During war time their salaries have been increased while our's are not so far. They have had free ration or rice at concession rates but Members do not have any such privilege. When the section 93 was applied and the sittings of the Assembly were suspended what happened to the Members? Nothing of the kind happened to the Government servants and at any time from now if the Members of the opposition so desire as to break the administration and bring back another application of section 93 again what will happen to the Members? So I would ask Mr. Lewis to consider all these facts when comparing the Members of the Assembly with the Government servants. I would request the European Group to consider all these facts and to see their way not to stand in the way of passing this Bill. Therefore, Sir, with these few words, I support the Government Bill.

*Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, I rise to support this Bill. I would like to say only two points in the matter. Nobody in the House will deny that there should be salary of the Members but the difference is with regard to the amount. What should be the amount of salary of the Members? Sir, we have accepted

a salary very very low in comparison with the duties we are to perform here and the Bill that has been introduced by the Ministry, for raising the salary to Rs. 150 per month for each Member is, I consider, too low for the Members to pull on with their duties and responsibilities.

*Mr. BAIDYANATH MOOKERJEE: Please come with an amendment for Rs. 500.

*Maulavi JAHANUDDIN AHMED: Yes, Sir, I will do that. Another thing.

Sir, I am very very sorry to hear from some hon. Members that we are not whole time servants. I don't think that we are doing justice to our constituencies if we think that we are not whole time servants of the people. Do the Members deny that they never attend meetings in their constituencies to hear the grievances of the public? We do attend meetings to hear their grievances leaving our other duties. So in this respect I submit that we are whole time servants of the public. Therefore we should be well paid from the public exchequer.

Khan Bahadur Maulavi KERAMAT ALI: Mr. Speaker, Sir, party politics is an English phrase. I do not know whether there is an equivalent for this phrase in any of the Indian languages. Party politics has also been provided in the very Constitution under which we have been working. Therefore if some Members who do not want the increase vote for the Bill and some others who want the increase vote against the Bill it is party politics that is responsible. Sir, there are however Members who may be voting against the Bill, but if ultimately the Bill is passed they will receive their salary alright.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I never thought that this simple Bill will rouse so much criticism and controversy. I was prepared for the opposition from my Friends opposite for they are bound by their party discipline not to press for anything higher than Rs. 75 per month which was laid down for normal and peace times by the Congress. I wonder, if the great organisation of the Indian National Congress were functioning at the time, they would not have thought it wise to revise the scale on account of the extremely high cost of living. Any way, I respect their feeling, but at the same time I respect their pockets as two hon. Members have already said whatever they may profess, I think, they will never say "No" when the pay sheet is placed before them for their signature.

As regards the European Group, we know that they have always been opposed to the principle of salary and for a very good reason, *i.e.*, they are very well looked after by their constituency, the Indian Tea Association. The position of Government, as regards the present Bill is this that excluding the Members of these two Groups, I was handed over, as mentioned by my hon. Friends Sriji Surendranath Buragohain and Maulavi Abdur Rahman, with a petition signed not only by those Members who sit behind my Bench but also by some Members who adorn the Independent Bench to the effect that the salary of the hon. Members of the Legislature should be increased. I find as many as 37 signatures in that petition which unfortunately I have not got before me now. There I find that the majority of opinions of the Ministerial Party as well as of the Independent Group are that on account of the very costly living in these days of war, the hon. Members find it difficult to make both ends meet with their present salary and that it should be increased. This session as I was drafting the Bill according to that mandate, we received notice of a Motion standing in the name of Mr. Binode Kumar J. Sarwan to the effect that the salary of the Members should be fixed at Rs. 150 per month. The Government Bill was drafted on those lines, because I thought that majority of the Members, barring those two Groups, are in favour of this figure. I believe, Sir, that Mr. Sarwan did not move his Motion as he was entitled, because he found on the agenda that the Government Bill embodies his recommendation. Although I have been requested from two opposite quarters, namely Mr. Baidyanath Mookerjee who is rolling in wealth and does not mind this paltry increase of Rs. 50, and Maulavi Abdur Rahman, that I should not

press for this Bill, I think it will be a breach of faith on my part, after not allowing the Motion of Mr. Sarwan to be moved, to withdraw the Bill at this stage. The position of the Ministry, therefore, is that they want to fulfil the desire of quite a considerable part of the House and that they will be guided by the majority of votes of hon. Members. I allow all Ministers individual liberty to vote as an ordinary Member of the House on this Bill.

I am pained to see that an enlightened Member like Mr. Lewis imported many irrelevant matters in the discussion of this question, that is, whether the Members' salary should be raised or not. I was prepared to ignore all the arguments and false analogies, but the majority of my Cabinet decided that I should reply to those arguments.

Mr. Baidyanath Mookerjee and Mr. Lewis were emphasizing upon one sentence in the Statement of Objects and Reasons that whether Government by bringing in this Bill are only trying to do the hon. Members of the House what they have done in these hard days for their own Government servants. It was never my intention to compare with the Government servants, the hon. Members of the House who are not Government servants in this matter at all. I need hardly remind the hon. Members of the House that no Government servant draws his salary by an Act of the Legislature, whereas under the present Constitution, Section 72 of the Government of India Act provides that salaries and allowances of hon. Members are to be determined by Act of the Legislature. Therefore, there cannot be any analogy of Government servants to hon. Members of the House. My hon. Friends said that we should treat hon. Members of the House on the same line as we have treated *pucca* Government servants drawing a salary of Rs. 100 per month; in other words, there is no justification in allowing 50 per cent. increase in the salary of hon. Members when we have not increased by 50 per cent. the pay of those Government servants who draw a similar sum. Nothing can be more misleading than this.

The annual salary Bill of the Government of Assam including His Excellency the Governor as well as the Ministers and Members of the Legislature in normal time stood very nearly at Rs. 1½ crores. Since the war and the very stringent time through which we are passing, Government had to come to the aid of their different grades of officers in different ways. Free ration has been provided in the case of those drawing pay up to Rs. 100 per month, if they prefer it, or the rice concession. At the time when rice was selling at Rs. 25 per maund, Government offered the poorly paid Government servants rice at a rate of Rs. 12 or so per maund. Then, dearness allowance was provided to meet hard cases. Lastly, in conformity with the decision of the Government of India,—but the Assam Government moved earlier than the Government of India—war bonus in the shape of percentage increase in the salary of Government servants has recently been provided. All these have cost Assam exchequer to the tune of 73 lakhs of rupees. Let Mr. Lewis and those of his ways of thinking see for themselves whether the Salary Bill has not been increased by more than 50 per cent. Then, again, Sir, the same hon. Member may be told that a Government servant drawing Rs. 100 per month is entitled to the following concessions, *viz.*, 10 per cent. increase in his salary, *i. e.*, a bonus of Rs. 10; rice concession or free ration. After a careful scrutiny it has been found that free ration cost Government Rs. 13 to Rs. 15 per head per month.

If we take the middle, *i. e.*, Rs. 14, it comes to a cash value of Rs. 24. On the top of this a dearness allowance of Rs. 5 has been recently given. That is, in all a sum of Rs. 29 is being provided to a *pucca* Government servant, who has various other privileges which the Members of this House do not enjoy. My Friend Mr. Goldsmith has enumerated some, so I do not want to repeat them, but I need only say that the Government servants are entitled to other kinds of privileges, such as leave for recoupment—privilege leave, casual leave and medical leave, all up to certain period on full pay and sometimes on half pay. So, comparison of the lots of Government servants with those of hon. Members of this House will be a false analogy.

In this matter, Sir, I find that the Assam Legislature is not alone. I have got cuttings here of a news which was published in the *Amrita Bazar Patrika* as recently as on the 15th November last wherein I find that the Punjab Assembly is also moving in the same direction. That is, they want to increase their monthly allowance from Rs. 200 to Rs. 300 that is a 50 per cent. increase. I have not seen their Bill, but this news shows that the Bill was gazetted to-day. Then, Sir, though I have not seen a Bill on the same matter of the Bengal Government, but I have correspondence in the Government files wherein the Bengal Government wanted to know whether we are moving in this matter saying that they also intend to increase the salaries of the hon. Members of their Legislature.

Then, Sir, another matter which has been opposed by two hon. Members is the proposed retrospective effect that is going to be given to this Bill. I find, Sir, from the same newspaper cutting which I have just now mentioned, that we are alone in this respect, but that the Punjab Government also propose to increase the salaries of the Members of their Legislature with retrospective effect from April last.

Sir, in this matter also we will be guided by the verdict of the House. If the House decide that the Members should not get any increase of their salaries, or, in other words, they do not want to exercise the right which has been given to them by the Statute, *viz.*, section 72 of the Act, I will only be too glad to drop the Bill. But if the majority of the hon. Members say that we should proceed with the Bill, we shall be compelled to do so.

The Hon'ble the SPEAKER: Order, order. The question is:

"That the Assam Legislative Chambers (Members' Emoluments) Bill, 1944, be taken into consideration."

The Assembly Divided
AYES—37

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 17. Maulavi Md. Abdus Salam. |
| 2. The Hon'ble Mr. Naba Kumar Dutta. | 18. Khan Sahib Maulavi Dewan Muhammad Ahbab Chaudhury. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 19. Khan Sahib Maulavi Muhammad Amiruddin. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 20. Maulavi Badaruddin Ahmed. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 21. Maulavi Ghyasuddin Ahmed. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 22. Maulavi Jahanuddin Ahmed. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 23. Khan Bahadur Maulavi Keramat Ali. |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 24. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 9. The Hon'ble Miss Mavis Dunn. | 25. Khan Bahadur Maulavi Mufizur Rahman. |
| 10. The Hon'ble Srijut Rupnath Brahma. | 26. Maulavi Sheikh Osman Ali Sadagar. |
| 11. Babu Balaram Sircar. | 27. Mr. Benjamin Ch. Momin. |
| 12. Babu Bipin Behari Das | 28. Srijut Bhairab Chandra Das. |
| 13. Babu Kalachand Roy. | 29. Srijut Bideshi Pan Tanti. |
| 14. Maulavi Abdul Aziz. | 30. Mr. Binode Kumar J. Sarwan. |
| 15. Khan Bahadur Hazi Abdul Majid Chaudhury. | 31. Srijut Dhirsingh Deuri. |
| 16. Maulavi Abdur Rahman. | 32. Rev. L. Gatphoh. |
| | 33. Mr. C. Goldsmith. |
| | 34. Mr. Jobang D. Marak. |
| | 35. Srijut Khorsing Terang. |
| | 36. Srijut Rabi Chandra Kachari. |
| | 37. Babu Sanat Kumar Ahir. |

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| 1. Mr. Baidyanath Mookerjee. | 10. Srijut Lakshesvar Borooah. |
| 2. Srijut Bepin Chandra Medhi. | 11. Babu Lalit Mohon Kar. |
| 3. Babu Dakshina Ranjan Gupta Chaudhuri. | 12. Srijut Mahi Chandra Bora. |
| 4. Srijut Ghanashyam Das. | 13. Srijut Paramananda Das. |
| 5. Babu Harendra Narayan Chaudhuri. | 14. Babu Rabindra Nath Aditya. |
| 6. Srijut Jadav Prasad Chaliha. | 15. Rai Sahib Doulat Chandra Gohain. |
| 7. Srijut Jogendra Chandra Nath. | 16. Srijut Rajendra Nath Barua. |
| 8. Babu Kamini Kumar Sen. | 17. Srijut Sarveswar Barua. |
| 9. Babu Karuna Sindhu Roy. | 18. Babu Shibendra Chandra Biswas. |
| | 19. Srijut Surendranath Buragohain. |
| | 20. Maulana Abdul Hamid Khan. |

The question was adopted.

The Hon'ble the SPEAKER: Hon Members wishing to table amendments to this Bill shall have to do so before 3 P.M., on the 20th November 1944. I have extended the time having regard to the fact that the Motion for consideration comes one day late. This extension of time for tabling amendments will also apply to the other two Bills, in case the Motions to take them into consideration are carried.

The Assam Ministers' (Salaries and Allowances) Bill, 1944

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to introduce the Assam Ministers' (Salaries and Allowances) Bill, 1944, and to move that the Bill be taken into consideration.

Hon. Members must have read that the Ministers' salaries are provided by section 51 of the Government of India Act, 1935.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise on a point of order.

The Hon'ble the SPEAKER: Let the Hon'ble Premier finish his speech.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Hon. Members are aware that the method of payment of salaries to the Ministers has been provided in section 51 of the Government of India Act. This Ministry, which came into existence after the 3 Administration was withdrawn towards the end of August 1942, had not asked for any Act of the Legislature to fix their salaries. They were therefore drawing their salaries under the old Act that was still in force. Now Government have come to the conclusion that it is high time that this present House should fix a salary for the Ministers as laid down by the Constitution Act.

It is regretted that an earlier opportunity could not be taken to provide a Salary Act for the present Ministry, but better late than never. An opportunity has been taken on this present occasion to increase the salaries of the Ministers and the allowances that are given to them by a sum of Rs.500. It may be questioned why this figure has been fixed. But it will be seen, Sir, that the Assam Ministry is the most poorly-paid of all Ministries that are now functioning in this sub-continent of India, and that now that the prices of every article have gone up very high, Government thought that the salaries provided in the Bill and the allowances are meet and proper for the office of a Minister. According to the provisions of the section that I have quoted, the Ministry could claim salaries from the very day they took their oath in 1942, but in the Statement of Objects and Reasons of the Bill I have made it quite clear that the Ministry do not intend to do so. If the House vote the salaries and pass this Bill, the Ministry can give this assurance that they would not draw the salaries provided in this Bill from a date anterior to the 1st of April.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise on a point of order. Sir, the section mentioned by the Hon'ble Prime Minister, viz., section 51 (3), provides that the salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine,

shall be determined by the Governor. But there is a proviso which says "Provided that the salary of a Minister shall not be varied during his term of office".

Sir, on two other occasions points of order were raised at the time of considering the Ministers' Salaries Bill, but they were on different grounds. And, Sir, you very rightly gave your rulings on those two occasions, and so far as the point of order that I have raised to-day you referred to that point as well. Sir, it runs like this: (I am reading the relevant portions only): "I said that that Bill, as was framed, was a Bill to provide salaries for the Ministers for all time to come, and incidentally I also gave a ruling, interpreting sub-section (3) of section 51, that its proviso allowed that the Ministers' salaries can be varied by a legislation, if the salaries were not fixed during the tenure of office of the Ministry who seek to vary the salary provided by the Act. I said also that, if a Ministry brings forward a Ministers' Salaries Bill and if, after the Bill is passed into an Act, the Ministers accept the salaries provided by that Act, then those salaries cannot be varied. I may read one portion of that ruling:—

"So, in that view I hold that the salary which this House will fix is a salary without any reference to the existing personnel of the Ministry. Of course the salaries are being fixed during the term of the present Ministry and so long they will be holding office, these salaries cannot be varied."

Now, Sir, in the Bill you will find that no date has been specifically mentioned when this Bill, if passed, will come into operation. My submission is this: that under Section 5(1) of the Assam General Clauses Act, 1915, it will be found, "Where any Act is not expressed to come into operation on a particular day, then it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereto of the Governor, the Governor-General or His Majesty, as the case may require, is first published in the Official Gazette, and if it is an Act of the Governor, on the day on which it is first published as an Act in the Official Gazette, and in every such Act, the date of such first publication shall be printed either above or below the title of the Act, and shall form part of every such Act." Then, Sir, it has also been stated in sub-section (2), "Unless the contrary is expressed, an Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement".

Now, Sir, this Bill wants to give retrospective effect, though it has been mentioned in the Statement of Objects and Reasons, and also expressed by the Hon'ble Prime Minister in his speech at the time of Moving the motion, that the Ministers will not take the salary according to the rates mentioned in the Bill from a date anterior to the 1st March 1944. It shows, Sir, that there is something wrong here, which I am going to explain. The retrospective effect has been given only to give a bluff to this House; it is nothing but a dodge. Sir, nothing has been said about the former Act, the life of which is being taken out by the present one. Only the carcass of that Act will remain. This Bill is not called an Amendment Bill. The former Act remains, but the life portion of that Act is going to be virtually repealed by this Bill.

Now, Sir, after accepting the salary at the present rate for more than two years, I fail to understand, why Government is going as far back as August, 1942; if their intention is to draw the salary at this rate from the 1st of April, 1944, why that date has not been mentioned in the Bill? Then again, Sir, if this present Bill is passed it will get life, as I have already stated, when it will be published in the Gazette so it seems that it will begin to function long before it would take its birth; it will take its birth after consent is given by His Excellency, but it will begin to function from more than two years back. This is a very peculiar position.

The Hon'ble the SPEAKER: I do not understand the point of order as is being put by the hon. Member.

Mr. BAIDYANATH MOOKERJEE: As I have already stated before, that according to the proviso to sub-section (3) of Section 51 of the Government of India Act the present Ministry cannot vary their present scale of salary. If they want to change it there is a course open to them. At the very outset, I want to make it clear that I am not challenging the increment, but I am challenging the procedure. It will be better if the Prime Minister by mutual agreement resigns and forms a new Ministry and then

there cannot be any objection if he comes with this Bill. My point is this, Sir, that by this procedure the provisions of the Government of India Act should not be flouted. Then again, there are other points which I can bring to the notice of the House.

The Hon'ble the SPEAKER: Does the hon. Member mean that because they cannot change their salary, therefore, this legislation is incompetent? Is it the point?

Mr. BAIDYANATH MOOKERJEE: Yer, Sir, that is my point. This Bill if passed will be just like omnipresent God. As it will be found in all the religions—the Holy Gita of the Hindus, the Holy Quran of the Muhammadans and the Holy Bible of the Christians: God is past, God is present and God is future. This Bill is like the God. It is going to provide for the present, for the past and for the future. (Laughter.)

Sir, I hope, the House will be well-advised if our learned Advocate General makes a few questions clear to us and specially to me—which have arisen in my mind.

Now, Sir, whether the arrear pay can be drawn by a Minister even after he ceases to be a Minister. God forbid, if one of the Ministers dies (laughter) and his heir or heirs come forward and wants to draw the salary, will there be any one in the earth to prevent it? Law will assist the drawer.

I want to make this position clear.

The Hon'ble the SPEAKER: How does it affect the competence of the Legislature to pass the legislation? Whether the change in the salaries of the Ministers would be legal or not is a different question?

Mr. BAIDYANATH MOOKERJEE: The competence of the Legislature is affected in this way. The Statement of Objects and Reasons will not be a part of this Bill, when it will be passed into an Act. By passing this Bill, we are going to commit ourselves not actually from 1st April, 1944, but from 25th August, 1942.

Then again, it will be found in the Bill that in two cases, viz., in clauses 2 and 3 the word 'was' has been used, e.g., with effect from the date from which "he was sworn in". Then again, in clause 3—"with effect from the date when he was sworn". Now, Sir, whether a future Ministry will be bound by this Act or by the former Act—that also remains a matter which should be made clear by our learned Advocate General.

As I have already stated, that the proviso to sub-section (3) of Section 51 is so very clear that this Bill is out of order, and, Sir, I hope, you will give your ruling in my favour.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: I take exception to a remark made by Mr. Mookerjee with reference to Holy Quran. I hope, he will withdraw his remark.

Mr. BAIDYANATH MOOKERJEE: What is the objection?

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: I seriously take exception to a remark made by Mr. Mookerjee. Is he competent to make a remark regarding the Holy Quran and omnipresent God? I hope, he will withdraw his remark.

Mr. BAIDYANATH MOOKERJEE: What is the objection, Sir? I cannot follow the hon. Member.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: In connection with this Bill, why should he refer to the Holy Quran?

Mr. BAIDYANATH MOOKERJEE: Is it a crime to mention the name of the Holy Quran?

The Hon'ble the SPEAKER: He was not saying anything in deprecation of the Holy Quran, or bring in the name of that Sacred Book in a spirit of ridicule.

Mr. BAIDYANATH MOOKERJEE: I said that in all the religions, God is omnipresent, that God is past, God is present and God is future. This will be found in all these three great Books of the three religions. I do not find any harm in saying this or there is any objection in mentioning the name of the religious Book. What is his fear? The Bill is such as if it is like a God, it is past, it is present, it is future. I am not going to withdraw, Sir.

The Hon'ble the SPEAKER: Order, order.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir. Without going into the merits or demerits of this Bill, I take my stand to support the point of order as raised by Mr. Mookerjee. I do not like to go into the details of the Bill, because it is a point of order. Proviso to sub-section (3) of Section 51 is as clear as day light. As on a different occasion you were pleased, Sir, to give a ruling that once the salary of Ministers is fixed it cannot be changed during the term of the office of the same Ministry.

The Hon'ble the SPEAKER: That was not my ruling. The hon. Member is not correctly quoting it. The present Act was not passed during the tenure of this Ministry.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: The fact to day is, Sir, that under certain Act of the Legislature as established by the Government of India Act the Ministry has been drawing certain salary from the very beginning. This is a factum today and as such after accepting a certain kind of salary for a definite period of time, under the Act I maintain that there is absolutely no right to have a different scale of salary from today as has been made clear in the Statement of Objects and Reasons which reads as—"The provisions of section 51(3) of the Government of India Act, 1935, entail that action to increase the emoluments in line with the remedies adopted for the economic difficulties of other public servants must in the case of Ministers have effect for the period of their office." Nothing of the sort is found in section 51. It only provides that the salary of a Minister shall not be varied during his term of office. But having regard to the present day conditions the Ministry could have resorted to other methods by which they could increase their salary. For such an intention, as has been suggested by my Friend Mr. Mookerjee, the Ministry might have resigned first and then come in again to form a new Ministry or Cabinet, or they could have applied to the British Parliament to amend the Government of India Act under certain circumstances. And if on the ground of certain exigencies the present emolument is going to be changed today by the present Bill, who knows that after a lapse of three or four months the Ministry would not come forward for another change on the ground of some other exigencies. In that case, Sir, the present intention of the Act, as provided under the proviso to sub-section (3), of section 51 is defeated. It has always been the procedure that the intention of the Act must be followed. So, Sir, I say that if the salary of the Ministry is changed from time to time, the intention of the Act is not followed and is frustrated. The Act is as good as non-existent. I do maintain that, Sir, the salary that this Bill has provided for the present Ministry today, is not in order even though they want to avoid the exact wording of the section by saying that according to the proviso the salary will have effect from the day on which the present Council of Ministers took their oath of allegiance. In this way also the proviso to section 51(3) of the Act is fully and clearly going to be nullified. I maintain that this Legislature is not competent to pass this Bill. This Bill is clearly out of orders because this Legislature is merely a child of the Act which was passed by the Parliament that has brought it into being. As such it has absolutely no right to contravene any section or proviso of the Government of India Act, 1935.

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, in supporting this point of order I submit that this Bill which has been brought under section 51 of the Government of India Act clearly contravenes that particular section of the Constitution Act and also it defeats the very intention of the Government of India Act and as such the Bill is illegal and out of order. Proviso to sub-section (3) of section 51 of the Act says, "Provided that the salary of a Minister shall not be varied during his term of office." Sir, it is quite clear that the salary of a Minister shall not be varied during his term of office. It is I think also undisputable that the present Council of Ministers are drawing their salary under the existing Act which is still in force. So it is evident that the Bill which has been presented before the House contravenes that particular sub-section of this Act. Now, in order to avoid the difficulty of that section of the Act attempt has been made to give retrospective effect to the Bill by providing in clause 2 of the Bill that it will take effect from the date on which a Minister was sworn as a Member of the Governor's Council of Ministers. But, Sir, I submit that this provision for

retrospective effect is a sheer camoullage and mere eyewash. The Objects and Reasons of the Bill do not justify this retrospective effect and the Hon'ble Ministers themselves also do not intend to give effect to it. They have put in this clause only to avoid the difficulty arising from the proviso of the section I have just referred to. The Objects and Reasons say that the salary of the Ministers is being increased due to economic condition. But, Sir, it is undisputed that this condition did not exist in August 1942, when the present Council of Ministers took oath of office. On the other hand the Ministers themselves in the latter part of the Statement of Objects and Reasons say that they do not like to give retrospective effect. So, Sir, the provision of retrospective effect is a sheer camoullage. The Ministers have been drawing their salary from August 1942 at the rate fixed by the present Act and they never protested against this. Even supposing they draw the salary if the present Bill is passed, it cannot be denied that the present salary is varied by the present Bill. That is how this Bill clearly contravenes sub-section (3) of section 51 of the Act.....

Maulavi ABDUR RAHMAN: Will the hon. Member please let me know whether this House has the right to amend the existing Salary Act during the Ministry's term of office?

Babu KAMINI KUMAR SEN: No, Sir, the House has no right and that is the point I am trying to drive at. My contention is that during the term of the present Ministry the Legislature cannot alter that salary which they have been accepting without protest. That my contention is correct will also be clear if we consider the matter in another way. If this Bill is in order then certainly a Bill to fix a lesser salary will be in order if retrospective effect is given to such a Bill. Now if such a Bill providing lesser pay is passed into law, may I enquire if the Hon'ble Ministers will be bound to refund the excess which they have drawn legally under the existing Act?

Then, Sir, the next point I like to press is that the Bill clearly defeats the very intention of the Constitution Act. It will be found, if the Government of India Act is scrutinised, that this particular provision that the salary of a Minister shall not be varied during the term of his office, is peculiar only with regard to the salary of an Hon'ble Minister. No such provision has been made in the case of the salary of the Hon'ble Speaker, the Deputy Speaker or the hon. Members. This provision is peculiar only in the case of the salary of the Ministers and what was the reason for this special provision for the Hon'ble Ministers? I think, Sir, it will not be out of place to mention here that under the old Act the salary of the Ministers was a votable subject and every year the Council of Ministers had to worry much about their salary and as such they felt some sense of insecurity which hampered them in their work. This particular provision has been provided, I submit, Sir, to avoid that continued sense of insecurity which the Ministers under the old Act had to feel. This is why no such provision has been made in case of others. The intention of the Government of India Act appears to be that once the salary of the Ministers was fixed they should not worry about their salary during their term of office and with that intention this particular proviso has been introduced. Now, if such a Bill is found to be in order as I have already pointed out, a Bill providing lesser salary with retrospective effect will also be in order and as such the very intention of the framers of the Government of India Act will be defeated and the Hon'ble Ministers will themselves have to worry over their salary because the Bill with lesser salary and with retrospective effect will not be uncommon in this Legislature. Lastly, Sir, I think I should say something about the right of the Hon'ble Speaker. It might be contended that it is a pure question of law and the Chair is not competent to decide that question. But I maintain, Sir, this is not purely a question of law. The law is absolutely clear. The proviso is absolutely unambiguous that the salary of a Minister shall not be varied during his term of office. It is also undisputed that the present Council of Ministers is drawing their salary without protest for the last two years under the present Act. In a case like this where the law is clear, the section is unambiguous, I think, Sir, that the Chair is not only competent to decide that issue, but it is fit and proper that the Chair should exercise that right to decide

the issue. If he does not decide that issue, the minority will have no other remedy but to test the validity of this legislation in a court of law. On the other hand as has been pointed out by Mr. Mookerjee and Mr. Gupta the Ministry has got an easier remedy. They can resign and form another Ministry and bring forward another Bill if they have the intention of increasing their salary. Sir, when the minority have no other remedy, when the Council of Ministers have got other means and the proviso is unambiguous, I submit, Sir, that the Chair has not only the right but it is fit and proper that the Chair should exercise that right to protect the right of the House.

Sir, it is fortunate that the Advocate General is here. I hope the House will like to hear him on the issues that have been raised.

Mr. P. L. SHOME (Advocate General): Mr. Speaker, Sir, it seems to be the pleasure of the House to give me an opportunity to speak on the point that has been raised by Messrs. Mookerjee, Gupta Chaudhury and Sen. I feel it a pleasure and privilege to address this august House today.

The point that has been raised, so far as I understood it from the speeches that have been delivered, is that by this Bill the salary of the Ministers is going to be varied, and therefore, it contravenes the proviso to sub-section 3) of section 51 of the Government of India Act. If the hon. Members will please look to section 51, they will find that the House has the indefeasible right to pass a salary Bill for Ministers at any time they like. The only question that would arise is whether the new scale of salary that is fixed by a new Bill would apply in the case of Ministers during their term of office. Because under the proviso it is provided that the salary of a Minister shall not be varied during his term of office. Hon. Members will find that in the Bill, provision has been made for a new scale of salary to come in force from the date on which Hon'ble Ministers assumed their office. If that is so, then in my opinion there would be no variation in their salary (*Applause*.) They would be drawing their salary that would now be fixed by the Act from the date of assumption of office, and there cannot be said to be any variation in salary that is proposed to be passed. An Hon'ble Minister is not bound to take any salary. Even if a salary is voted by the House, the Minister may say—"I don't take that salary". There is a precedent about that in this Province. When the Congress Ministry was installed in the Province, I understand that though the salaries were fixed at a higher scale, they did not take more than the figure that their party voted for them. Even taking that analogy, if when a Ministry take a lower salary for a particular period and then the House passes a higher salary for the period from which they assume their office, I would submit that it would not be an indiscretion on their part nor would it be illegal to draw their salary at that rate.

Babu KAMINI KUMAR SEN: What will be the result if it is not given retrospective effect?

The Advocate General (Mr. P. L. SHOME): If it is not given retrospective effect, in my opinion, the Bill will contravene the proviso. But in any case, the House can pass this Bill with the provision with retrospective effect or without it. The question of legality would arise when the Ministers will draw their salary at the new rate. But that is not a question for the House to decide. Under section 51 of the Government of India Act the House have got indefeasible right to provide any salary they consider proper for Ministers at any time they like. The only question is that the Ministers would not be allowed to draw on two scales of salary. Now, the suggestion that has been made that the procedure adopted in the present Bill for giving retrospective effect is a camouflage and bluff and the like, That is a matter of opinion and not of law (*Laughter*). I am not going to it. I may, however, point out that the suggestion made by one hon. Member, who raised a point of law, *viz.*, that Ministers ought to resign and get re-appointed and get the new scale of pay, is in my opinion equally a camouflage and bluff (*Laughter*). I believe, I have answered the points that have been raised by hon. Members and I need not take the time of the House any further.

Regarding the Hon'ble Speaker's right, a question was raised, but I believe that the Hon'ble Speaker is strong enough to take charge of that (*Laughter*).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I gave my utmost attention to find out what the real point of order is, but in spite of every effort on my part in that behalf, up till now I have failed to realise the significance of the point of order raised by my hon. Friend, Mr. Mookerjee. He is a learned and erudite scholar and a Brahmin and has shown his knowledge of comparative religions by quoting scriptures in raising his objection ; but in spite of all that, he has not been able to place his case before the House at all. The point to my mind is absolutely clear, not only clear, but crystal clear. In spite of my hon. Friend saying that the attempt of Government has been to camouflage, eyewash and bluff, the point as the learned Advocate General has placed before the House, is this. Under the Constitution this House has been given indefeasible right of fixing salary of Ministers—not only once, but in the wording of the section, “from time to time.” Section 51, sub-section (3) of the Government of India Act says—“The salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine.” The only point which the hon. Member has been laying stress on is that the present Bill will contravene the proviso to sub-section (3) of section 51. I think, Sir, there is a misreading of the situation and misunderstanding of facts.

The proviso says that the “salary of a Minister shall not be varied during his term of office”. Now, so far as the present Ministry is concerned, which was reconstituted by me in August 1942, this Legislature has not fixed any salary for the Ministers by an Act. We came at a time, Sir, which was a mid-season, when there was no opportunity to summon the Assembly to pass an Act for fixing the salaries. I do not think any hon. Member contends that as in the normal course sessions are called either in November or December and if the Ministry had brought in a Bill in December 1942 and had the salary fixed, they could not draw any salary from the 26th August, when I formed the Ministry up to the time the Bill was passed. I do not think anybody contends like that. The Ministry finding an existing Act drew salaries for themselves on the basis of that Act. That the Ministry slept over the matter so long and was not coming forward with the Bill for the last two years does not prevent them from asking the House to fix a salary. It is for the House to decide. But the House has got right to fix the salaries of the Hon'ble Ministers and as the salaries were fixed last in 1940, when the present Ministry was not in existence, the proviso does not debar the present Bill to be brought in. That is the position which we have taken, Sir.

The Hon'ble the SPEAKER : Stress has been laid upon the fact that the Ministers accepted the salary.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The acceptance of a salary does not mean that the Ministry cannot come before the House for a determination of their salary, Sir.

Babu KAMINI KUMAR SEN : On a point of information, Sir. Supposing this present Bill is passed and the Hon'ble Ministers relinquish the excesses provided in this Bill, then what will be the position with regard to salaries that have already been drawn by the Hon'ble Ministers ? Will these salaries be drawn under the existing Act or under the Bill that is going to be passed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Salaries will be drawn as available under the Act if the House pass this Bill. As the learned Advocate General has pointed out that the salaries can be provided under an Act, there is no force on earth to make them take that if they do not want to accept those salaries. It has been rightly pointed out, Sir, that you did not draw the full salary that was provided under the Speaker's Salary Act, for a long time, because you were asked by your party mandate not to accept a salary higher than upto a certain figure. Similarly, if the House pass this Bill and we are entitled to draw at the higher rate nobody can say it will be illegal on our part not to draw the full amount of that salary. We have given our solemn statement in clear terms that no Minister is going to take advantage of the provisions of this Bill and will draw salary from a particular period only if the House passes this Bill. We had placed this matter, before the highest legal authority in India. We had referred this matter to the Government of India and their opinion is that the Bill is perfectly legal.

Babu KAMINI KUMAR SEN : Will the Hon'ble Prime Minister please read out that opinion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : If you allow me, Sir, I will read out that opinion of the Government of India.

The Hon'ble the SPEAKER : If there be no objection, the Hon'ble Prime Minister can read it out.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Very well, Sir. I am reading out that opinion.

This letter is dated 25th October 1944, written by E. W. Perry, Esq., C.I.E., I.C.S., Secretary to the Governor General (Public) to the Secretary to His Excellency the Governor of Assam. It runs as follows :—

"I am directed to invite a reference to the letter from the Provincial Government to the Legislative Department of the Government of India, of the 4th October 1944, on the above subject. The opinion held here is that since the salaries of Ministers were fixed by an Act of the Assam Legislature passed before the present Ministry assumed office, these salaries can be increased or reduced by an Act of the Legislature at any time after the Ministers assumed office. The general position is that each Ministry will be entitled to the salary fixed for it by an Act of the Legislature and this salary will not be liable to variation so long as that Ministry stays in office. If a new Ministry comes to office, the Legislature will be quite competent to fix a fresh salary for it and this can be done at any time during its tenure."

Then, Sir, this Bill is not a new thing as such Bill were placed before the Legislature of other parts of the country. We know, Sir, that in the North-West Frontier Province when the Ministry came into office they passed a new Act. Similarly, the Ministry of Orissa, which is now defunct, passed a new Act. It is therefore quite within the competence of this Legislature and the procedure adopted is backed by the opinion of the highest legal authority in India.

The Hon'ble the SPEAKER : First of all I would like to ascertain whether hon. Members are willing to sit late to-day in order to dispose of these Motions, the present Motion and the Motion with regard to other Bills. If it be the desire of the House I can sit for some time longer. *(After a pause.)*

Very well, we have got ten minutes at our disposal before the Clock strikes 4. Now I shall dispose of this point of order raised.

With regard to the point of order that has been raised, the fact that is to be noticed is that the hon. Members who have spoken on this point of order raising it and supporting it have really understood the scheme of the Bill, and from what they have said it appears to me that the hon. Members have correctly realised that the Bill has been so designed as to get over the difficulty of the proviso to section 51 (3) of the Government of India Act, on the basis of which the point of order has been raised. The Bill certainly seeks to effect a change in the salaries of the Hon'ble Ministers that they have been drawing under the Act that is in force now. This would appear from the provisions that have been made in clauses 2 and 3 of the Bill which again, have been so drafted as to give retrospective effect, to the salaries to be prescribed from the dates on which the Hon'ble Ministers took office. It is quite apparent that the intention of Government is to have the new scales of the salaries to be so fixed as to have the effect of their having been fixed from the day on which the Hon'ble Ministers were sworn in. That is really the whole plan of the Bill, which the learned Advocate General has elucidated in his speech. He has rightly said that if the Bill be passed, the salaries that would be prescribed by it would be considered to have been fixed from the date on which the Hon'ble Ministers came into office. And the effect in the eye of law would be that there has been no change in the salaries and that the salaries that they have been drawing on the basis of the Act in force would appear only to be less than what really their salaries are to be considered to have been fixed on the date of their taking office. Now having understood this scheme of the Bill designed to have that effect, the hon. Members who have supported the point of order have come forward to criticise the same as being a camouflage and they have gone so far as

to say that that this attempt to give retrospective effect to the provisions of the Bill is merely a bluff. But the Chair is not at all concerned to decide if it is so, because the law allows that a Bill may be passed giving retrospective effect to its provision. The desirability or otherwise of giving retrospective effect to the provisions of a legislation does not affect at all the competency of the Legislature to pass it. The Chair would therefore be going beyond its jurisdiction to give its opinion as to whether the Government have adopted a right plan or a wrong plan in presenting this Bill in this form. So, on ultimate analysis of all the contentions raised, the question reduces itself to this that in order to find whether the Ministers are going to vary the salaries which they have been drawing, it would be going to decide a question of mixed law and facts and to come to the conclusion that this procedure adopted by the framers of this Bill for taking its provisions out of the mischief of the proviso to section 51 (3) of the Government of India Act has been illegal. That is certainly a point to be decided by the law court and it is not the function of the Chair to give its verdict on it and hold that this Legislature is incompetent to legislate in this manner. In this view, the point of order is not really a point of order.

Babu Kamini Kumar Sen asked a question to the learned Advocate General to the effect that if the provisions of the Bill giving retrospective effect be deleted, what would be the result? The learned Advocate General has, I think, given the right answer by saying that the Bill would contravene the proviso to section 51 (3) of the Government of India Act and that the question of legality would arise when the Ministers will draw their salaries at the new scales; but that the Legislature can pass the Bill with the provision of retrospective effect or without it. I am referring to this only to show that when that is the real position then this Bill should be allowed to be considered. The House has the right, if it chooses to exercise it, to delete the provision giving retrospective effect to the new scales of salaries proposed. If they succeed in giving effect to that then this Bill, if passed, may be ineffective.

Mr. P. L. SHOME (Advocate General): My opinion was that if the provision as to the retrospective effect is deleted, then this Bill will be perfectly valid, but will be ineffective so far as this Ministry is concerned.

The Hon'ble the SPEAKER: Yes, the Bill will be perfectly valid; so, whether the Ministry are to be allowed to draw their salaries with retrospective effect or not would become a different question with which the House is not concerned at all at this stage. The real question urged, as I have shown, is whether Government are entitled to draft the Bill, as they have done, in such a way as to take away its provisions out of the mischief of the proviso to section 51 (3) of the Government of India Act. And I have already said that it is not the function of the Chair to decide that, for which the law court is the proper forum.

It has been said that the minority's rights are to be protected by the Chair. But the hon. Members know that the facts and circumstances under which this point of order has been raised do not justify the invocation of that principle for the Chair to follow. Now in a question of point of order as to the competency of the Legislature in regard to any proposed legislation the question of protecting the rights of the minority hardly arises. If the question of minority is to be looked into then who are the minority and who are the majority in the present case? A Council of Ministers consisting of ten hon. Members are to draw the salaries that are going to be prescribed by the Bill and having regard to the fact that it is really the interests of ten Ministers which are involved, the opposition Members, I think, constitute the real majority as opposed to the ten Members of the Council of Ministers. To hold therefore in favour of the point of order is to throw out the Bill and thus to decide against the interests of ten Hon'ble Ministers. But in regard to this matter of the proposed legislation, the question whether the Legislature is competent or not to undertake it is to be decided on the other considerations that have been urged. In giving its decision the Chair is to decide fully unfettered by any consideration as to whether its decision in favour of the legislation being allowed to proceed would protect any interests of the minority or would go against them. What really is the

duty of the Chair in a matter of this nature was explained by me on a previous occasion while giving my ruling on a similar point of order relating to the Ministers' Salaries Bill, which was passed as the present Act in force. Amongst other things I pointed to the House then that "having regard to the well known principle that when there arises a case of doubt as to the competency of a Legislature in regard to any legislation on any matter, the benefit of the doubt should be given to the Legislature in favour of proceeding with the legislation and the Bill should be held to be in order." Anyway, therefore, I am not to decide on an interpretation of the proviso to section 51 (3) of the Government of India Act, whether the Legislature is competent or not to legislate on this matter and the question of minority or majority does not arise at all. Now if I am to decide what the real interpretation of the proviso to section 51 (3) is, then the views I gave on the said previous occasion certainly hold good even now. It appears to me that the views I gave then are exactly the same as the opinion of the Government of India that has been read out by the Hon'ble Premier in his reply to the point of order. I may refer to what I said on that occasion.

"The present Ministers' Salaries Act is such an Act which the present Bill tabled seeks to repeal. It came into force when the present Ministry was not in office. So even if the present Ministers are drawing under the Act their salaries, it comes to this then that the salaries that are being drawn by the Ministers were not fixed during their tenure of office. So according to the interpretation of the proviso to sub-section (3) as has been explained, there cannot be any bar to the variation of the salaries of the present body of Ministers even though the Act is in general terms and has fixed the salaries of Ministers for all time to come. To hold that the present Act is a bar to the exercise of the right of the Legislature to fix salaries of Ministers from time to time will be to take away the very right which has been given to the Legislature to vary the salary of a Minister not fixed during his tenure of office. That would mean the ignoring of the very principle underlying the provision of section 51 of the Constitution Act relating to the matter of Ministers' salaries. It will be practically nullifying the whole principle on which the right of the Legislature to vary the Ministers' salaries is based. If the present Act is held to have this effect, it must have also the same effect after a general election when a new Ministry is bound to be formed. Remembering that a Legislature cannot function to legislate on any matter until there be a Ministry, the successor of this House then would not be entitled to fix the salaries of the Ministers who would form the Ministry even if the number of Ministers is to be greater than the present number and even if the considerations arising out of the financial position of the Province or some other exigencies may require lesser or higher salaries than now to be provided for the Ministers".

Then, again, I pointed out to the House on several occasions before, as the hon. Members may very well recollect, that when the Chair is called upon to interpret certain sections of the Government of India Act, the Chair will have to see whether that provision has any relation to the rules framed by the Assembly and is required to be interpreted for the enforcement of those rules.

Now, what is really a point of order? The occasion for a point of order to be raised arises when in the transaction of any business, a certain procedure is adopted which goes against the rules of the Assembly. A complaint that a certain rule of the Assembly is going to be breached is really a point of order. And in deciding whether that is so, the Assembly rule with reference to which the point of order is raised is interpreted and if that rule has any connection with any section of the Government of India Act, that section is incidentally interpreted, if it be necessary in order to see whether the rule can be applied in a particular way. Here in this case the hon. Members really asked me to interpret a certain section of the Government of India Act and do not really complain that any rule of the Assembly is not being observed. Therefore it is purely a legal question that the Chair is called upon to decide. The competency of the Legislature with regard

to legislation about Ministers' salaries is given by section 51 and by list II of the Seventh Schedule of the Government of India Act, and the restrictions on the powers of legislation of Legislatures in India are separately stated in Part V, Chapters I and II. Considering the various sections under Chapters I and II of Part V along with the Second Legislative List of the Seventh Schedule of the Government of India Act, and also considering the substantive provision of section 51, it will appear that this Legislature has got a clear right to legislate on Ministers' salaries in order to provide salaries of Ministers from time to time. The proviso to section 51 (3) is not at all a restriction on the right of the Legislature to undertake legislation for fixing salaries of Ministers from time to time. Finally I would like to quote another portion of my previous Ruling bearing on the point before the House. This is as follows :—

"Again the question whether the provision to give retrospective effect is legal or not is not a question which arises in connection with the competency or otherwise of the Legislature to undertake the legislation. The competency of the Legislature to vary Ministers' salaries from time to time is admitted. The question is whether under the given circumstances that competency stands curtailed. Therefore in the view that the point of order involves adjudication of a legal question involving an interpretation of a provision of the Constitution Act affecting rights of a particular body of existing Ministers under certain given circumstances, the Chair would not assume the role of an interpreter of that provision and hold that the Bill would be *ultra vires* of the Legislature. A decision on the question to be final and binding on all concerned must be obtained from the proper forum which is functioning in the land. The very same considerations would have also arisen if the present Bill were a Bill fixing a lower scale of salaries than the existing Act does and would have led the Chair to hold this view".

Now, exactly here there are some given circumstances which have been stated by the hon. Members, who have spoken on the point of order and with reference to which the Chair has been asked to interpret a particular section of the Government of India Act. This is certainly not the function of the Chair in order to decide whether this Legislature is competent to legislate on a particular matter.

So, having regard to all these, I decide against the point of order raised.

I shall now place the Motion before the House. The Motion moved :

"That the Assam Ministers' (Salaries and Allowances) Bill, 1944, be taken into consideration".

The debate will now proceed.

Mr. A. WHITTAKER : Mr. Speaker, Sir, I think it must be admitted that Assam has the highest cost of living of any Province in India, and so long as our lines of communication are congested with Military traffic there is no early prospect of any relief. Therefore, Sir, any proposal which aims at compensating servants of the public is entitled to sympathy. On the subject of salaries of Ministers this Group has always taken the view that the payment of a high salary is a true economy, but a view to which we have never subscribed is that the Government of Assam needs ten Ministers drawing a high salary. While submitting that the claims for compensation should be sympathetically considered, that sympathy, Sir, must cover the whole field of public servants. This is not the same as saying that all classes have the same claim to redress and that redress should be given simultaneously. The Hon'ble Prime Minister has rebuked in his charming way my Friend, Mr. Lewis, for pressing the analogy of Government servants and Members of this Assembly, but if the Hon'ble Prime Minister chooses to make a Statement of Objects and Reasons in which this phrase occurs, he must expect Members of the Assembly to continue to use the same analogy as my Friend, Mr. Lewis, has done. This is what it says (every word counts) : "The provisions of section 51 (3) of the Government of India Act, 1935, entail that action to increase the emoluments in line with the remedies adopted for the economic difficulties of other public servants must in the case of Ministers have effect for the period of their office".

In the Statement of Objects and Reasons I underline the word "other", showing quite clearly that the Hon'ble Prime Minister himself had other classes of public servants in mind.

My criticisms of the present Bill are four in number.

First of all the Bill proposes to deal with the Ministers before other equally deserving public servants in the same pay-bracket receive any redress. Secondly, the Bill proposes to make increases in salary which everyone in this Assembly knows to be permanent. The Statement of Objects and Reasons refers to the increase in the cost of living. That increase, I sincerely hope, is not permanent, and therefore, a compensation which, I admit, is due to the Ministers should more properly be given by way of allowance rather than an increase in basic salary which we know will be permanent. If this Bill is passed, Sir, no Government in future is ever going to bring in a Bill to reduce salaries. Thirdly, the Bill proposes that the House Allowance of Rs.125 shall be doubled; whereas the Rent Control Order passed by the Government of Assam prohibits any increase in the rents in the town of Shillong by more than 10 per cent. If that order is effective, there can be no case whatever for doubling the House Allowance: if the Rent Control Order is ineffective, the responsibility is the Ministry's, and there is equally, Sir, no case for doubling the House Allowance unless this Government is prepared to admit publicly, in the capital of the Province, their own capital, that their own order is being ignored. My fourth objection deals with the legal and technical reasons which enable the Ministry to say that salaries must have effect for the period of their office. I think, the congratulations of all Members of this House are due to the very ingenious draftsman of this Bill. The Statement of Objects and Reasons declares that the Ministry will not draw this increase with effect from September 1942, but only with effect from the 1st March, 1944. This Group has consistently opposed legislation with retrospective effect, but we do welcome and welcome most warmly the Ministerial self-denial in not wishing to take this increased pay and allowance from August 1942, but only from the 1st March, 1944. At the risk of seeming ungracious, I must protest against the intention to draw the salary from the 1st March, 1944. The maximum retrospective effect the Ministry could fairly ask the House to agree to is the date from which the Government servants drawing less than one thousand rupees a month received their first increase. That date is the 1st July, 1944. I would also ask the House to note that Government which has the power to grant compensation allowances to all its servants has not granted anything to servants drawing more than Rs.1,000 per month. It has granted to Government servants drawing between Rs.250 and Rs.1,000—10 per cent. of their pay, whereas the Junior Ministers are given an increase of 33½ per cent. of their pay and their House and Car Allowances are to be doubled. The income of Junior Ministers, therefore, is raised by 50 per cent. The Prime Minister is to receive a modest increase of only 14 per cent. in pay and the same doubled allowances; whereas, our view is that the Prime Minister could justly claim and should receive a higher salary than that laid down in this Bill. The only feature of this Bill to which I can give unqualified approval is the doubling of the allowance for motor car. Anyone who keeps a motor car and has to tour in this Province, as Ministers do, not only endangers his car, but endangers his life. Rs.250 a month is a very modest sum for the risk undergone and the inevitable collisions with army lorries and damage due to driving on bad roads will swallow up many hundreds of rupees in course of twelve months.

Now, Sir, as indicative of this Group's criticism of certain clauses of the Bill, we shall endeavour to table amendments later. If the Bill passes the Assembly, I hope, the Ministry will accept the reasonableness of the view that they should draw the increased salary from the same date as Government servants, *i. e.*, the 1st July, 1944. Alternatively, I suggest that Government servants should also be given the 10 per cent. allowance from the 1st March, 1944. It is no part of my case, Sir, that compensation should not be given; in fact in my opinion, compensation is very long overdue. My case is, however, that the Ministers should not treat themselves more generously in

the matter of retrospective effect than they treat their own employees. In this respect, Sir, we are entitled to ask the Ministry to set an example by proving that their regard for their own employees is as high as their regard for the public purse.

Srijut LAKSHESVAR BOROOAH: I rise, Sir, to oppose this Bill on general principles in that this Bill provides for a salary which is not commensurate with the paying capacity of Indian tax-payers. Sir, Congress after a good deal of investigation fixed the maximum salary which the public offices in India should carry. Sir, the public criticise the British Government for providing in the Government of India Act a salary for the Indian Civil Service which is far in excess of the standard fixed by the Congress and it is one of the features for which the Government of India Act is characterised as a hollow show. I join with those hon. Members who spoke in connection with a previous Bill that as the Government of Assam have not been able to extend their helping hands to the agriculturists to tide over the difficulties through which they are now passing, that is, as we have not provided any money in the shape of agricultural loan to them for purchasing plough cattle and agricultural implements, the prices of which have risen 4 to 5 hundred per cent. and as we have not been able to provide any money for the hard worked primary school teachers, it ill behoves the Ministry to bring in such a Bill which provides for swelling of their pockets.

With these words, Sir, I oppose this Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I must thank my Friend, the Leader of the European Group, for his very kind and sympathetic words as regards myself and for his conceding that the Prime Minister ought to receive a higher salary than what is provided for in the Bill. But, Sir, I do not want to be selfish and I must look to the interests, the needs and requirements of our people and I have to see that my Colleagues are also paid such a salary as is commensurate to the high post they hold, their present needs and the position and prestige that they have to maintain. Mr. Whittaker has laid down four different heads of criticism with regard to the present Bill. The first one he raised is this that the Ministry by their present provision in the Bill are looking to their own benefit, but they are callous to the needs of the big category of Government servants serving under them. I hope, Sir, I will be giving out no secret when I say that the Assam Government went the farthest than any other Provincial Governments in recommending a pay increase of Government servants drawing a thousand rupees and more. It was the Central Government which opposed originally that proposal of the local Government. But this matter is still under correspondence with the Central Government. I can, therefore, assure my Friend that on this score he cannot lay any blame upon the Ministry. Then my Friend's second criticism is that provision for an increase of salary is permanent and therefore his Group would have preferred that the increase should have been by way of allowance as compensation for dear living. I do not think, Sir, that there is much force in this argument, for, as we have just now discussed on the point of order, that it is open to any Ministry that succeed this Ministry to change the provision of salary. We have got examples of this sort in this House that during the first Ministry we received a salary of Rs.2,500 for the Prime Minister and when that Ministry was succeeded by the Congress Ministry they repealed that provision and brought that salary to Rs.500. The difficulty mentioned by Mr. Whittaker about permanent increase of salary, will have no chance of arising when the Legislature has the power to fix a salary in each change of Ministry. My Friend has been good enough to consider that the motor allowance proposed is a desirable one and goes further that it is not adequate. If my Friend is convinced of the inadequacy under this head but at the same time he is complaining about doubling the house allowance he could very well move an amendment that whatever he thinks excess in the house allowance be added to the motor allowance, and I will then have no objection *(laughter)*. My Friend has very rightly pointed out that under the Rent Control Order we have fixed 10 per cent. as the maximum to which rent could be raised in a town like Shillong. From this he deduces the argument that if at all the house allowance is to be raised, it should be raised to 10 per cent. only. But this house allowance is given to even those Ministers who do not rent a house. I know that four of them have got their own houses. Some live in their own

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THE ASSAM SPEAKER'S SALARY BILL, 1944

houses and yet they are granted the allowance. Then it could be very well argued that those who live in their own houses and do not rent houses should not get any house allowance. That will be an argument quite in keeping with the argument that this allowance is being provided only for enabling the Ministers to live in decent quarters. The position of house allowance is this. I personally know at my cost that whereas till last month my house rent was Rs. 150 and it has been doubled to Rs. 300 from the 10th of this month not by a profiteering land-lord but as the house I live in being inadequate and I could not get any other house elsewhere I rented an extra house. Luckily as a house within the same compound has fallen vacant and in order that I can live a little comfortably, I had to rent that building as well. I think different hon. Members have had the same predicament to face and hence the increase of house allowance.

Lastly, my Friend has very reasonably argued that as his Group has always been against the retrospective effect they are opposed to this provision in the Bill. In this matter he has made a very feeling appeal to me that if at all the Ministry should receive their increased salary and the Bill is passed, then it should be effective from the first of July 1944 when the Government servants drawing pay over Rs. 250 got their first monetary concession or rather increase in their salary. This is a matter which will receive my sincere and careful attention and I will have to place this matter before my Colleagues before I can commit to anything now.

Sir, I have got one more word to add and that is in reply to my Friend Sriyut Lakshesvar Borooah. I have no quarrel either with the principles which he follow or the factors that led them to adopt the principle of five hundred rupees salary to Ministers. When the Leader of the Congress, namely, Mahatma Gandhi prescribed a sum of Rs. 500 for the Viceroy as salary, I think it is magnanimous and kind that the Congress Party allow a similar sum for their Ministers. The difference in outlook between them and us is this that we are realistic while they are idealists.

The Hon'ble the SPEAKER: The question is:

"That the Ministers' (Salaries and Allowances) Bill, 1944, be taken into consideration."

The question was adopted.

The Assam Speaker's Salary Bill, 1944

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I beg to introduce the Assam Speaker's Salary Bill, 1944 and to move that the Bill be taken into consideration.

As I stated in the Statement of Objects and Reasons, the Bill, in common with the Bills to fix afresh salaries and allowances of Ministers and the emoluments of Members of the Legislature, provides an increase in the salary fixed for the Speaker in 1937 on account of the increase in the cost of living. It may be argued, Sir, why the same proportion has not been fixed for the Hon'ble the Speaker as it has been fixed in the case of Hon'ble Ministers. Two circumstances led Government to come to this decision. In the first place, Sir, that your stay in Shillong is for a much shorter period than the Ministers who have to remain in the Headquarters all the year round. In the second place, Sir, when you go out of Shillong it has been reported to me and I place it before the House subject to correction that you are entitled to draw halting allowance.

The Hon'ble the SPEAKER: No; That is not correct.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry, Sir, but I know that while you are in Shillong you draw halting allowance. Then, again, Government have provided very decent quarters for the Speaker and rent compared to the present state of affairs in Shillong is not very high. Therefore Government thought that if the equivalent of the house rent which has been provided for the Ministers is not given to the Hon'ble Speaker there will be no denial of justice to him, Sir.

Lastly, that in the scheme of the Ministers' Bill from 1940, there have been provisions for house allowance and car allowance but in the Bill which fixed salary for the Speaker in 1937, there is no such scheme and only a substantial salary was fixed. We want to raise the substantive salary by 25 per cent.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Speaker's Salary Bill, 1944 be taken into consideration."

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, at the very beginning of what I desire to say on the subject of this Bill, I do want to make one point perfectly clear. That point is that I consider that when compared with the salaries obtaining in other Provinces, the salaries of all grades of this Legislature are low pitched. Following that point I shall be specific in the matter of the salary which the Speaker of this Assembly draws, for I consider that it is at the moment much below that which an efficient and good Speaker, if I may say so Sir, without flattering you unduly, like yourself, is worth. I go further. I think the Speaker of this Assembly would be almost underpaid at the figure to which it is proposed to raise his salary in the Bill now before us.

Another aspect of the case is that the present cost of living indicates an all round increase in wages but with all humility I do wish to submit that the time chosen for the introduction of this Bill is hardly opportune. I have admitted the necessity for increased salaries on two grounds, but I think this House should consider very carefully what action it will take regarding the proposal before us in view of what happened to the Motion moved the other day for the increase of primary school teachers' pay.

There is only one aspect of the Bill to which I have any legal objection and that is its retrospective effect. We in these Benches have always resisted retrospective legislation and I see no reason for us to veer from that policy on this occasion. No doubt, this aspect of the Bill will be dealt with when the time comes to table amendments; so I will content myself now by remarking that I consider whatever happens to the Bill it should not be given retrospective effect as from the first day of March, 1944, but rather from the date that Government servants on the Rs. 1,000 grade draw a dearness allowance, i.e., 1st July 1944.

Finally, Sir, as the cost of living has reached such heights as make it impossible for any Government to provide absolute compensation, it follows that the best it can do is to provide token compensation. Therefore, Sir, I suggest the proposed increase should be given in the form of a special allowance, rather than as an increase of basic pay. This view is supported by the Statement of Objects and Reasons of the Bill itself. For there it is stated that the proposed increase of salary is to meet the rise in the cost of living, which we hope has not come to stay.

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, I shall be lacking in moral courage if I do not oppose this Bill also on the same general principle on which I opposed the Ministers' Salaries Bill. Sir, you have been good enough to recognise the reasonableness of fixing Rs. 500 for public offices in India and you have been good enough to fill in this office with that salary so many years. I crave your indulgence to say that you have filled in this office not with a distant idea of gain but in a spirit of service for which we all bow down to you in gratitude. Sir, the provision of an increase of your salary will not in my opinion, materially affect you. In the circumstances, Sir, on the same principle I oppose this Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I do not know what to say on this occasion for I have got the statement of Mr. Blennerhassett that the salary proposed for you is inadequate, whereas my Friend Mr. Lakshesvar Borooah extolling your sacrifice financially with which I agree, that you have undergone in pursuing the Congress policy by not drawing even a salary of Rs. 1,000 which was provided for you from a long time. Frankly speaking, Sir, I am providing in this Bill for an increased salary for the Speaker. I do wish, Sir, that you will continue, but God forbid, if either on the demands on your party or at the dictates of your conscience or on account of some public exigency, you do not occupy the Chair, anyone coming to the Chair may not show the same self-sacrifice as you have shown. (*Hear hear.*) Therefore, Sir, although I am providing for a higher salary than what has been provided in the last Act, I doubt very much that you will be permitted to draw that according to the dictates of your own conscience or by the demands of party discipline for a low salary has been

adopted by the Congress Party. But keeping aside the objection of both Mr. Blennerhassett and Srijut Lakshesvar Borooah, after due consideration we have fixed the salary of the Speaker at Rs. 1,250 in the Bill.

My hon. Friend, Mr. Blennerhassett, has raised a point to which I have already replied during the discussion of the previous Bill in connection with a question of Mr. Whittaker. I need only advert to the argument of Mr. Blennerhassett that how we are coming with the increased salary Bills when we could not provide for the increased salary of the primary school teachers about which a Motion was passed only the other day. The magnitude of the expenditure involved in carrying out the Motion about increased salary of the primary school teachers can be visualized when I state the fact that by raising the salary of the primary school teachers by Re. 1 it will cost the Province $1\frac{1}{2}$ lakhs of rupees every year. If we take the average pay of the primary school teachers at Rs. 15 per month, the cost will be in the neighbourhood of Rs. 30 lakhs. When the entire Education Budget is a little over 40 lakhs, can anyone reasonably expect Government to increase the salary of only one section of the teachers of the Education Department and increase the Budget by 75 per cent. ?

*Mr. F. W. BLENNERHASSETT : May I be allowed to say that I am speaking rather on the terms of principle ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Now, I see the point of Mr. Blennerhassett. I think his point is that if the Speaker, the Members and the Ministers are to be compensated for the hard living, then the case of the primary school teachers should not go unheeded. I can assure all that we are doing our level best within the limitation of funds to give them some help. Recently Rs. 3 extra for each teacher was provided by Government and almost 75 per cent. of the primary school teachers have been benefited by that. Government have also adopted a scheme of helping teachers of aided primary schools, and also schools which do not get aid from Government through the Local Boards. Any way, that is beside the point.

The cost involved in this present Bill is only Rs. 3,000 annually and that involved in the previous two Bills taken together will come to the neighbourhood of Rs. 60,000 each. When Government have already incurred an expenditure of Rs. 73 lakhs

*Speech not corrected.

(d) — (i) —

	June	July	August
1st half	123 lbs.	124 lbs.	120 lbs.
2nd half	123 „	124 „	120 „
(ii)	11 years 9 months 19 days (excluding remission).		
	14 years 7 months 29 days (including remission).		
(iii)	8 years 2 months 11 days (excluding remission).		
	5 years 4 months 1 day (including remission).		

(e) — The question of her premature release was recently examined and it was decided that it was inexpedient to release her at present.

Babu KARUNA SINDHU ROY : Was her case considered by the Jail Advisory Board, Sir ?

The Hon'ble Srijut RUPNATH BRAHMA : That is altogether a new question, Sir, which I cannot reply off-hand.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI : May I know, Sir, why it was considered inexpedient to release her at present ?

The Hon'ble Srijut RUPNATH BRAHMA : It is quite obvious, Sir, that she cannot be released now for reasons of security.

annually for helping some classes of Government servants, I hope the House will see the reasonableness of passing the modest demand in these three Bills.

The Hon'ble the SPEAKER : The question is :

"That the Assam Speaker's Salary Bill, 1944, be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER : I may inform the hon. Members that with regard to these two Bills I have also in my possession the recommendation of His Excellency the Governor under section 82 (3).

Timely correction of speeches by Members

The Hon'ble the SPEAKER : Now, with regard to one matter I would like to draw the attention of hon. Members. It has been brought to my notice that hon. Members are not taking as much care as they should have in regard to correcting the transcribed speeches and returning them in time. I hope, the hon. Members will realise that a great deal of inconvenience is caused to the Assembly Department in having the proceedings of the Assembly published in time. Moreover, if the transcripts go uncorrected and printed with mistakes that might have crept in, it would be a very unhappy feature of the proceedings. So, I would request hon. Members to take proper care in correcting their speeches and returning them in time.

Adjournment

The Assembly was then adjourned till 11 A.M., on Monday, the 20th November, 1944.

SHILLONG :

The 6th January, 1945.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

A. G. P. (L.A.) No. 80-123-10-1-1945.

reasonableness of fixing Rs. 500 for public offices in India and you have been good enough to fill in this office with that salary so many years. I crave your indulgence to say that you have filled in this office not with a distant idea of gain but in a spirit of service for which we all bow down to you in gratitude. Sir, the provision of an increase of your salary will not in my opinion, materially affect you. In the circumstances, Sir, on the same principle I oppose this Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I do not know what to say on this occasion for I have got the statement of Mr. Blennerhassett that the salary proposed for you is inadequate, whereas my Friend Mr. Lakshesvar Borooah extolling your sacrifice financially with which I agree, that you have undergone in pursuing the Congress policy by not drawing even a salary of Rs. 1,000 which was provided for you from a long time. Frankly speaking, Sir, I am providing in this Bill for an increased salary for the Speaker. I do wish, Sir, that you will continue, but God forbid, if either on the demands on your party or at the dictates of your conscience or on account of some public exigency, you do not occupy the Chair, anyone coming to the Chair may not show the same self-sacrifice as you have shown. (Hear hear.) Therefore, Sir, although I am providing for a higher salary than what has been provided in the last Act, I doubt very much that you will be permitted to draw that according to the dictates of your own conscience or by the demands of party discipline for a low salary has been

