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**Proceedings of the Fifth session of the First Assam Legislative
Assembly, assembled under the provisions of the Govern-
ment of India Act, 1935**

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m.,
on Monday, the 5th September 1938.

OATH OF ALLEGIANCE

The following new members were sworn in :—

1. Srijut Bishnu Ram Medhi,
2. Mr. F. W. Blennerhassett,
3. Mr. H. F. Clark.

PANEL OF CHAIRMEN

The Hon'ble the SPEAKER : The following members will form the
Panel of Chairmen for the September session :—

1. Khan Bahadur Maulavi Mufizur Rahman,
2. Mr. D. B. H. Moore,
3. Srijut Kameswar Das,
4. Mr. Jobang D. Marak.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which Oral answers were given)

Physical Instructors of the Assam Valley

Srijut DEBESWAR SARMAH asked :

*1. (a) Is it a fact that the two Physical Instructors of Assam Valley are to make extensive tours and to remain outside Headquarters for long periods at a stretch ?

(b) Is it a fact that they are required to visit the remotest village places to run Teachers' Physical Training Camps and to supervise Physical activities in schools—from Primary to High ?

(c) Is it a fact that they have to carry a set of Anatomy Charts, a set of balls and some other materials for games needed for instruction in the camps ?

(d) Is it a fact that in the course of running Teachers' Training Camps they have to come in constant touch with the High Officers of other departments, Chairmen of Local Bodies and all other men of influence and good standing, and thus have to maintain a certain standard of living ?

*2. If the replies to the above questions be in the affirmative—

(a) do Government propose to appoint a peon for each of the Instructors ?

(b) Will Government please state the criterion for supply of peons to the touring officers ?

*3. (a) Did Government invite opinion from the Inspectors of Schools or the Director of Public Instruction, regarding the pay, status and supply of peons to the Physical Instructors ?

(b) Will Government please state whether the Inspectors of Schools or the Director of Public Instruction ever moved Government for the supply of peons to the Physical Instructors ?

*4. (a) Are Government aware that the Instructors have to pay for the fooding, clothing and the travelling expenses of a personal menial each ?

(b) Do Government propose to make provisions immediately in the Budget to meet the imperative necessity of the Physical Instructors of at least the supply of a peon each, for the present ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

1. (a)—The two Physical Instructors have to make extensive tours.

(b)—Yes, sometimes.

(c)—Yes.

(d)—They come into contact with officers of other Departments, Chairmen of Local Bodies and some other gentlemen.

2. (a)—The question will be examined.

(b)—Imperative necessity and the state of Provincial finances.

3. (a)—No. The Director of Public Instruction came up with certain proposals.

(b)—Yes.

4. (a)—Government have no information.

(b)—The attention of the hon. member is invited to the reply to question 2(a).

The present Ministry of Assam ; whether it is a Muslim League Ministry

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

*5. Will Government be pleased to state—

(a) Whether the present Ministry of Assam is a Muslim League Ministry ?

(b) If so, whether all the individual Ministers of the Cabinet have signed the League pledge ?

(c) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

5. (a)—No. As the hon. member is perfectly well aware, it is a Coalition Ministry.

(b) & (c)—Do not arise.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : May we know what is the character of the present Coalition Ministry, and of what parties does it consist ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The Coalition Ministry is formed of various parties the Muslim League, the United Peoples' Party, the Progressive party and the Constitutionalist Party.

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Babu DAKSHINARANJAN GUPTA CHAUDHURI : Are Government prepared to contradict the following report published in the paper *Jogobhery* ?

“লীগ মন্ত্রী মণ্ডলীর স্বায়ত্ত্বের জন্য মোসলমান সমাজের যে আকুল আগ্রহ ও উদ্দীপনা পরিলক্ষিত হইয়াছে তাহাতে মোসলমানের রাজনৈতিক ভবিষ্যৎ সম্বন্ধে আমাদের মন আশায় আনন্দে পরিপূর্ণ হইয়া উঠিয়াছে”।

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Does that question arise Sir ?

The Hon'ble the SPEAKER : Of course it arises, but this is practically a new question. The hon. member is referring to an article published in a newspaper, and unless that newspaper be available here the Government will be in a difficulty to answer.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Will the Hon'ble Chief Minister please explain and amplify the term of Coalition Ministry—coalition of what and how many parties ?

Babu RABINDRA NATH ADITYA : May I know which of the Hon'ble Ministers belong to the different parties ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Myself, the Hon'ble Minister for Education and the Hon'ble Minister for Agriculture belong to the Muslim League, the Hon'ble Minister in charge of Revenue belongs to the United Peoples' Party, the Hon'ble Mr. Nichols-Roy, Minister in charge of Medical belongs to the Progressive Party and the Hon'ble Minister, Judicial, Babu Akshoy Kumar Das, belongs to the Constitutionalist Party.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Was the Hon'ble Chief Minister a member of the Muslim League at the time of election and did the Hon'ble Chief Minister belong to the Muslim League at the time of the constitution of the Ministry in April 1937 ?

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

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Did he fight the election under the nomination of the League ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Unfortunately for my friend there was no fight. I was elected uncontested (*Laughter*).

Babu DAKSHINARANJAN GUPTA CHAUDHURI : What party does the Hon'ble Babu Akshoy Kumar Das belong to ?

The Hon'ble Babu AKSHOY KUMAR DAS : I have already mentioned that I belong to the Constitutionalist Party.

Babu RABINDRA NATH ADITYA : Is it a fact that one Hon'ble Minister is touring round asking people to join a particular party, and drawing travelling allowance from the public coffers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : This is a point which is coming up later.

Srijut GOPINATH BARDOLOI : May we know what the respective strength of the different parties is ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will be only too glad to give the hon. Leader of the Opposition the information asked for if he put a substantive question.

Srijut DEBESWAR SARMAH : Sir, you were pleased to enquire whether a copy of the paper was available. The paper is here, and I think the editor of this paper belongs to the party of the Hon'ble Chief Minister. (Of course I speak subject to correction.) So may I present the paper to the Hon'ble Minister ?

The Hon'ble the SPEAKER : The paper may be available, but I cannot call on him to answer the question straightaway ; he may require time to go through the paper and I cannot allow the time of the House to be wasted.

Srijut DEBESWAR SARMAH : At some other time, Sir ?

The Hon'ble the SPEAKER : That can be done.

Mr. FAKHRUDDIN ALI AHMED : Can the Hon'ble Chief Minister deny the fact that some Hon'ble Ministers of his Cabinet and their supporters have been carrying on propaganda throughout the province and asking Muslims to support the Ministry on grounds that it was a Muslim League Ministry ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already answered that question. Furtheron there are three sets of questions on that same point tabled by hon. members opposit and I am giving detailed reply to them.

Mr. FAKHRUDDIN ALI AHMED : My question remains unreplied.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have said that that question will be replied in proper time, Sir.

Ferry charge at Chandnighat, Maulvi Bazar

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

*6. (a) Are Government aware that the ferry charge per head at Chandnighat, Maulvi Bazar has been increased from 3 pies to 6 pies from morning to 8 p.m., and thereafter to 9 pies all throughout the night ?

(b) If so, what are the reasons for the said increase ?

(c) Is it a fact that, that ferry is the main entrance to the town ?

(d) Are Government aware that there has been strong public resentment and great hardship caused to the poor people for such increase ?

(e) Is it a fact that other adjoining ferries in the same river and town retains the rate of 3 pies per head ?

(f) If so, do Government propose to declare the said ferry as Sadar Ferry and bring down the charge to the original level of 3 pies per head ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

6. (a)—Yes.

(b)—Tolls are at present charged according to Public Works Department Schedule ; these are higher than those in Local Bodies Schedule according to which tolls were levied prior to the transfer of the ferry to Public Works Department.

(c)—There are several ways to enter the town, one of these is across this ferry.

(d)—Government have received petitions from the residents of Maulvi Bazar and the neighbouring villages.

(e)—Yes, if the Bazarghat ferry is meant. Ferries other than the Chandnighat ferry retain tolls according to Local Bodies Schedule.

(f)—The question is not understood. If it means whether Government propose to reduce the rate of tolls to the former level of three pies per head while the ferry is on the books of Public Works Department, the reply is in the negative.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Is it impossible for the Government to transfer the ferry to the Municipality so that the rate may be as before ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Although this question does not arise, I will inform the hon. member that the inhabitants of Maulvi Bazar will suffer ; for, it will be impossible for the Municipality to have a bridge over this at any time whereas Government is proposing to have a bridge over that ferry.

Recruitment in the Assam Civil Service

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI asked :

*7. Will Government be pleased to state the reasons for which Government has not yet published the Rules and Regulations for holding competitive examination for recruitment in the Assam Civil Service ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

7.—The whole subject of the future of the Assam Civil Service, Senior and Junior, and method of recruitment thereto is under consideration in connection with the recommendation of the Retrenchment Committee and Government have not yet decided that recruitment by competitive examination is the best method.

Promotion of the Sub-Inspectors of Police to the rank of Inspectors

Maulavi BADARUDDIN AHMED asked :

*8. (a) Will Government be pleased to state the number of Sub-Inspectors of Police promoted to the rank of Inspectors from each district during the years 1935-36, 1936-37 and 1937-38 ?

(b) Is it a fact that not a single Sub-Inspector of Police of the district of Darrang has been promoted to the rank of Inspectors during the last three years ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

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

1935-36				
Nowgong	...	...	...	1
Darrang	...	...	...	1
Kamrup	...	...	...	1
C. I. D.	...	...	...	1
<hr/>				
1936-37				
Sylhet	...	...	...	3
C. I. D.	...	...	...	1
<hr/>				
1937-38				
Kamrup	...	...	...	5
Darrang	...	...	...	1
Sylhet	...	...	...	1
<hr/>				
7				

(b)—It is not a fact.

Mr. FAKHRUDDIN ALI AHMED: May I know from the Hon'ble Chief Minister on what basis the promotions are given to Sub-Inspectors?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the basis of seniority and merit generally. But in the Police Department there is accelerated promotion. A junior man with very many good marks and good reports may be promoted over the head of his seniors with poor records.

Mr. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware that in some instances senior Sub-Inspectors have been passed over although their work has been satisfactory?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As regards the first part of the question, I quite agree, for the term accelerated promotion itself means that some juniors supersede the seniors. As regards the second part, I challenge the statement.

Srijut BELIRAM DAS: Is this system of accelerated promotion extended to other departments also?

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

Restoration of the Habiganj Municipality to an Elected Board

Maulavi ABDUR RAHMAN asked:

*9. Will Government be pleased to state—

(a) If any deputation waited upon the Hon'ble Minister, Local Self-Government, during his last visit to Habiganj with a request to restore the Habiganj Municipality to an elected Board?

(b) Whether it is a fact that the said Board is now in sound financial positions?

(c) Whether it is a fact that the party politics in Habiganj Town so far the Board is concerned, are now not in existence?

(d) Do Government propose to restore the Board to the electorates by the end of this financial year?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

9. (a)—Yes, but another deputation pleaded for the continuance of the present regime.

(b)—The financial position has been improved but not yet stabilised.

(c)—Apparently not; because the local people seem to hold different opinions about the Board as evident from the divergent views expressed by the two deputations received.

(d)—No.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I know how many deputations the Hon'ble Minister has received?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: On that point two deputations have been received, one in favour and the other against.

Maulavi ABDUR RAHMAN: May I know the reason why the Board is not restored to the electorates?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: One of the reasons is because we are attempting to divide the municipality into single member constituencies in the municipality and we have called for reports. The

other is that we are considering the question of the waterworks. These questions have to be considered before we decide that the municipality should be handed over to the rate-payers.

Maulavi ABDUR RAHMAN: When we may expect that the Board will be restored to the electorate?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: As soon as we see that all the grounds have been cleared for the rate-payers to work without any difficulty.

Maulavi ABDUR RAHMAN: Will it be done within a year or more?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It may be within a year. I cannot say precisely. The supercession has been only for 1½ years.

Representation re realisation of certain fees by Goalpara land-lords

Maulavi MUHAMMAD AMJAD ALI asked:

*10. Will Government be pleased to state—

(a) Whether the Hon'ble the Revenue Minister received a representation dated the 10th May, 1938 from Maulavi Muhammad Amjad Ali, M.L.A. regarding the realisation of certain fees by Goalpara land-lords?

(b) Whether the land-lords of Goalpara do or any of them does realise for every application for initial settlement of Khas-land the following dues:—

			Rs.	a.	p.
Petition fee	...	...	1	0	0
Survey fee	...	...	1	0	0
Notice fee	...	...	0	4	0

(c) Whether the same amount of Rs.2-4-0 is realised from each applicant if there are more applications than one for the same land?

(d) If so, under what provisions of Law this is being done?

(e) Whether Government has directed any enquiry, particularly in the Wards' Estates of Mechpara and Bijni Raj, with regard to the realisation of such fees?

(f) If not, do Government propose to do the same at an early date?

(g) Whether Government are aware that such realisation of fees is regarded by the tenants as unjust and is therefore creating a good deal of agitation among the tenants of Goalpara?

(h) Whether numerous signed petitions and resolutions of Kisan Sobhas have been received by Government for the abolition of these fees?

(i) If so, do Government propose to abolish them?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

10. (a)—Yes.

(b)—So far as the two Court of Wards' Estates of Bijni and Mechpara are concerned the information is given below:—

		Rs.	a.	p.
(1) Mechpara—				
Petition fee	...	1	0	0
Survey fee	...	1	0	0
(upto 25 bighas and then at graduated higher rates).				
(2) Bijni—				
Notice fee	...	0	4	0
Survey fee	...	0	8	0
Fee for service of notice	...	0	4	0
Nazar Salami with petition.	...	2	0	0

As regards other land-lords Government have no information.

(c)—Government have no information.

(d)—By customary usage since pre-Court days which has not been challenged under section 95 of the Goalpara Tenancy Act.

(e) & (f)—No. No enquiry is called for in view of the reply given to question (g) below.

(g)—Government are not aware of this since people are paying these charges from a very long time without protest and without having recourse to the Court of Law.

(h)—No.

(i)—Does not arise.

Maulavi MUHAMMAD AMJAD ALI*: Will the Hon'ble Minister be prepared to admit that there is no sanction of law behind it?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: The hon. member can refer to the reply and draw his own inference.

Maulavi MUHAMMAD AMJAD ALI: With regard to (d), Sir, are Government prepared to admit that there is no sanction of law behind it?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not like to be drawn into a legal question, but it is a fact that since the pre-court days by customary use this has been going on and it has not been challenged in any court of law. But I think this custom has got the sanction of no law.

Maulavi MUHAMMAD AMJAD ALI: Does the Hon'ble Minister think that, because it has not been challenged by any court of law, therefore it should continue?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is a matter of opinion, Sir.

Mr. BAIDYANATH MOOKERJEE: What is the Government opinion, Sir.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That has been going on and will go on until it is challenged and a contrary decision is arrived at or until a legislation is brought.

Mr. BAIDYANATH MOOKERJEE: If any wrong is done and it is brought to the notice of Government, do Government think that, although they believe that is wrong, for the simple reason that it is going on, they are not going to amend it?

* Speech not corrected.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Is it not a hypothetical question, Sir?

Pay of Assistant Surgeons in the Assam Medical Service

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*11. (a) Is it a fact that the rules fixing the initial pay on confirmation of Assistant Surgeons in the Assam Medical Service (Senior) is on the basis of age?

(b) Is it a fact that according to the above rule many Assistant Surgeons, junior in service are getting more pay than those appointed prior to them?

(c) Do Government propose to modify the above rule?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

11. (a)—Yes. Pay on the basis of age at the time of confirmation in the Medical Department of temporary Public Health Department Assistant Surgeons has been the rule in recent years instead of the previous rule of allowing temporary service less three years to count for fixing the pay.

(b)—Yes. Some Assistant Surgeons gained less than the others under the above mentioned rule.

(c)—The matter is under consideration of Government.

Srijut BELI RAM DAS: How long will Government take to consider the matter?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We are dealing with the question now, Sir.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is there any age limit, Sir, for recruitment to the Assam Medical Service?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, there is an age limit of 29 years.

Mr. BAIDYANATH MOOKERJEE: Has Government any power to condone the age limit?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes. They have done so in several cases.

Names of the local contractors who submitted tenders for the Doom Dooma screw pile bridge

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*12. Will Government be pleased to state—

(a) The names of the local contractors who submitted tenders for the Doom Dooma screw pile bridge?

(b) Whether the contract has been disposed of by this time?

(c) If so, with whom and on what consideration?

(d) If not, why not?

(e) Do Government propose to give the contract to a local contractor?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

12. (a)—Srijuts S. C. Barua, G. C. Bora and Maulvi Matiur Rahman.

(b)—Yes.

(c)—The tender of Messrs P. Chakravarty and Company, Comilla, which was the lowest has been accepted. The difference between the accepted tender and the lowest tender of any of the local contractors was Rs.11,864.

(d) & (e)—Do not arise.

Srijut BELI RAM DAS: What was the total value of the contract?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Public Works Department estimate was Rs.48,000.

Khan Bahadur Maulavi SAYIDUR RAHMAN: What was the quotation of the tenderer, Messrs. Chakravarty and Company?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The quotation is Rs.30,586

Mr. NABA KUMAR DUTTA: Is it the policy of the Government to accept the lowest tender.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, when the difference is very high.

Mr. NABA KUMAR DUTTA: Did the Government make any enquiry about the financial position of the company?

(No answer)

Srijut SARVESWAR BARUA: Who disposed of the tenders?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Chief Engineer.

Admission of students in the Berry-White Medical School

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*13. Will Government be pleased to state—

(a) Who fixed the percentage of different communities in the Rules for admission of students into the Berry-White Medical School, and

(b) On what basis?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

13.(a)—Government fixed the percentages.

(b)—Mainly on the basis of population.

Mr. NABA KUMAR DUTTA: Does this percentage vary every year?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No, not now.

Srijut BELI RAM DAS: Is the backwardness of a community not a basis for preferential treatment?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The percentage of the different communities has been fixed. Each one of them will get its own percentage.

Srijut BELI RAM DAS: Are not the backward classes given more seats, because they are more backward?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Even now they have not got enough students to send and fill up the percentage they have got.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: May I know, Sir, what is the percentage for Muhammadans?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The Muhammadans have got their own percentage. It will be found in rule 13 of the Rules of the Berry-White Medical School.

Representation of members in the Sunamganj Local Board

Babu KARUNA SINDHU ROY asked:

*14. Will Government be pleased to state whether there are any rules to nominate members in the Local Boards from the under-represented communities?

*15. Will Government be pleased to state the names of the majority communities represented in the Sunamganj Local Board?

*16. (a) Is it a fact that, this year, nominations have been made to the said Board from the majority community and that the under-represented communities have been neglected?

(b) If so, why.

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

14.—The hon. member's attention is invited to rule 19 at page 157 of the Assam Local Self-Government Manual a copy of which is available in the Assembly Library.

Srijut SARVESWAR BARUA: Is that rule always observed by the Government?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, the Government do observe that rule.

Srijut SARVESWAR BARUA: Has it been followed in the nominations?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We generally follow the rule.

Mr. ARUN KUMAR CHANDA: What are the exceptions, Sir?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Does it arise, Sir?

The Hon'ble the SPEAKER: I think it does.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: If the Hon'ble member puts a substantive question, then I will answer.

Mr. FAKHRUDDIN ALI AHMED: The Hon'ble Member said 'generally' and so he should be able to give the exceptions.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already given a reply to that.

15.—The expression "majority communities" is not understood.

16.—Nominations have been made from both Hindu and Muhammadan communities—in the case of the latter to redress the deficiency by election.

Mr. ARUN KUMAR CHANDA: Does the Hon'ble Minister know that the nominations made are not in consonance with the proportion of representation of various communities on Local Boards?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is not a fact.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Will the Hon'ble Minister in charge of Local Self-Government be pleased to state whether the M. L. As. belonging to the Ministerial Party form a separate under-represented or unrepresented community by themselves?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The hon. member can reply that question very well.

Babu KARUNA SINDHU ROY: Is not the Muhammadan community in a majority in the Sunamganj Local Board?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes.

Babu KARUNA SINDHU ROY: Then, may I know why three Muhammadans have been nominated there?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: If the hon. member wants to go through this particular question, it will take a long time. Moreover; I think the question does not arise. If you will allow me, Sir, I shall give all the figures, but it will take a long time.

I understood that the hon. member wanted to know who are the majority communities. If he means that, then he can find their numbers at page 121 of the Assam Local Self-Government Manual. But if he means to say that the Muhammadans are in a majority in the Board there, I say no, because the number given to them was based on the statistics of the year 1911. According to their present number they are under-represented.

Mr. ARUN KUMAR CHANDA: Has the growth of population since 1911 considered in every case?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: If we consider the nominations, we have to take the last census. The number fixed by the Act or the rule under the Act was based on the population of 1911. Since then the number of Muhammadans has increased a great deal. The number of Hindus has not increased.

Re an European convict who has been transferred from the Tezpur Jail to the Alipur Central Jail

Babu KARUNA SINDHU ROY asked :

- *17. (a) Is it a fact that an European convict has been transferred recently from the Tezpur Jail to the Alipur Central Jail?
 (b) If so, why?
 (c) Will Government please state whether there is any utility in maintaining European wards in Sylhet and Tezpur Jails?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied :

17. (a)—Yes.
 (b)—For reasons financial and humanitarian.
 (c)—Yes. It is necessary that provision should be made for such prisoners.

Mr. ARUN KUMAR CHANDA: Is humanitarianism reserved for any community?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: It is reserved for all.

Babu RABINDRA NATH ADITYA: What is the humanitarian consideration?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Because he was the only European prisoner and it virtually amounted to solitary confinement.

Mr. ARUN KUMAR CHANDA: Is the Hon'ble Minister aware that there are many cases of solitary confinement in various jails under his charge?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: If the hon. member draws my attention to any specific case of unjustified confinement I shall be prepared to consider that.

Mr. ARUN KUMAR CHANDA: Thank you, Sir.

Names of institutions declared illegal and books, etc., proscribed

Mr. ARUN KUMAR CHANDA asked :

*18.(i) Will Government be pleased to lay on the table a statement showing—

- (a) the names of institutions declared illegal during the last ten years.
 (b) Books, leaflets, pamphlets and other literature proscribed during the same period?
 (ii) Will Government please state—
 (a) Whether orders in respect of questions 18(i) (a) and (b) above, have been rescinded?
 (b) If so, the dates of such rescission in respect of all or any of 18(a) and 18(b) above?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

18.(i) (a)—Two statements showing the associations declared unlawful within the meaning of Part II of the Indian Criminal Law Amendment Act, 1908, by the Assam Government, and the places declared by them under section 3(1) of the Unlawful Association Ordinance, 1932, to be places used for the purposes of an Unlawful Association, are laid on the table.

Statements referred to in reply to starred question No.18(i)(a) by Mr. Arun Kumar Chanda

LIST OF ASSOCIATIONS DECLARED UNLAWFUL WITHIN THE MEANING OF PART II OF THE INDIAN CRIMINAL LAW AMENDMENT ACT, 1908, BY THE ASSAM GOVERNMENT

Serial No.	Names of Associations	Rescinded by No.	Notification
1	Any Association in Assam having all or any of the objects of the Working Committee of the All-India Congress Committee.	2555-G.J. of June 1934.	13th
2	The Assam Sevalal and its branches ...	2555-G.J. of June 1934.	13th

LIST OF PLACES DECLARED BY THE GOVERNMENT OF ASSAM UNDER SECTION 3(1) OF THE UNLAWFUL ASSOCIATION ORDINANCE, 1932, TO BE PLACES USED FOR THE PURPOSES OF AN UNLAWFUL ASSOCIATION

Serial No.	Names of places	Rescinded by No.	Notification
1	The two-storey building in Sylhet town used as offices of— (a) the Sylhet District Congress Committee or its representative or representatives, (b) the North Sylhet Congress Committee or its representative or representatives, (c) the Tarun Sangha (Youth League).	2556-G. J. of June 1934.	13th

Serial No.	Names of places	Rescinded by Notification No.
2	The Bidyasram, Sheikhghat, Sylhet Town	2556-G. J. of 13th June 1934.
3	The house of Babu Kshirode Chandra Deb, Mira Bazar, Sylhet Town, containing the office of the Mohila Sangha (Women's League).	Ditto ditto.
4	The outer house of Babu Sachidananda Das of Chauhata, Sylhet Town.	Ditto ditto.
5	Pailgaon Zemindar's Kutcherry in Sunamganj and <i>basha</i> attached to it.	Ditto ditto.
6	Khadi Sangha in Sunamganj ...	Ditto ditto.
7	The Congress office or Satyagraha Shibir in the old Munsif's quarters at Habiganj.	Ditto ditto.
8	The Karimganj Congress office in Kathol-toli village, Police Station Jaldhup, Karimganj.	1793-G. J. of 26th April 1934.
9	The Nilam Bazar Congress office in Karimganj.	2556-G. J. of 13th June 1934.
10	The Lakhirbazar Congress office in Karimganj.	1961-G. J. of 7th May 1934.
11	The Badarpur Congress office in Badarpur Police Station, Sylhet.	2556-G. J. of 13th June 1934.
12	The Gramtola Congress office at Gramtola, Police Station Jaldhup.	Ditto ditto.
13	The Beanibazar Congress office at Beanibazar, Police Station Jaldhup.	1276-G. J. of 14th March 1934.
14	The Dasher Bazar Congress office at Dasher Bazar, Police Station Jaldhup.	2556-G. J. of 13th June 1934.
15	The Renga Congress office at Raghobpur, Police Station Sylhet.	Ditto ditto.
16	The Dhakadakshin Congress Committee office, Police Station Golapganj, Sylhet.	Ditto ditto.
17	Volunteers' Camp in Goalpara Town ...	Ditto ditto.
18	Congress Office at Dhubri, Goalpara ...	Ditto ditto.
19	Congress Camp at Abhoyapuri, Goalpara...	Ditto ditto.
20	Old Congress Office at Gauhati ...	8627-G. J. of 6th September 1932.
21	New Congress Office at Gauhati ...	1999-G. J. of 7th March 1933.
22	The Rangirgul Bidyasram, Police Station Kulaura, South Sylhet.	2556-G. J. of 13th June 1934.
23	The Congress Committee's office at Kulaura, South Sylhet.	Ditto ditto.

(b)—A statement is laid on the table, showing the books, etc., proscribed by the Assam Government.

Statement referred to in reply to Starred question No. 18(b) by Mr. Arun Kumar Chanda

Serial No.	Names of books, pamphlets, leaflets and other publications proscribed during the last ten years	Date of order of rescission
1	Purna Swadhinata Chai Kena? (Why do we want full independence?) in Bengali.	
2	Swadhin Assamiya (Independent Assamese)—in Assamese.	
3	Ganer Bahi-Looter Gan (Song of the Loot)—in Bengali.	
4	Santi Kothay (Where is peace?) — anonymous pamphlet in Bengali.	
5	Copies of Pictures entitled "Srihata Swadhinata Sangram" (Fight for independence at Sylhet) Second, Third and Fourth Series.	
6	"Khete Pai na Keno" (Why we do not get enough to eat.)	
7	"History of the Congress Movement in the Surma Valley" in English.	
8	"Swadhinata Songrame Dakshin Srihatta" (South Sylhet in the fight for freedom) in Bengali.	
9	"Muktir Sandhan" (Search for freedom) in Bengali.	
10	Unauthorised news-sheets "Satyagraha Sambad No. 4 of Magh, Thursday" in Bengali.	
11	"Gandhi Charit" "History of the activities of Mr. Gandhi" in Assamese.	28th October 1937.
12	"Jugasankha" (Conch-Shell of the age) dated Sunday 22nd Falgun. Cyclostyled Pamphlet in Bengali.	
13	"Government's violence against people's non-violence in the district of Sylhet" leaflet in English.	
14	"Police Kartrik Masjid Apabitra" (Desecration of the Mosque by the Police) Cyclostyled bulletin in Bengali.	
15	"Barbar Ingrajer Saitani Sasoner Khatian, Sas-tha Parba" (An account of the Satanic Conduct of the barbarous British, Chapter VI) leaflet in Bengali.	
16	"Let the dogs bark, Caravan Passes on" anonymous leaflet in Bengali.	
17	"Jiban Juddha Bighosila Aj Maraner Mahasankha". (The struggle for existence has proclaimed to-day the blowing of the Conch-Shell of death) leaflet in Bengali.	
18	"Bhrantipurna Niti teg Karia Dharmanasangata Nyayaparanayata Abalamban Karibar Nimitha Assam Pradeshastha, Praja Sakti Samipe Nibedan (2) booklet in Bengali.	
19	"Juga Sankha" (Conch-Shell of the age) leaflet in Bengali.	

Serial No.	Names of books, pamphlets, leaflets and other publications proscribed during the last ten years	Date of order of rescission
20	"Swadhin Bharat" (Independent India) anonymous leaflet in Bengali.	
21	"Swadesh" (Own country) Bulletin No. 35" in Assamese.	
22	"Naga Pahare Mukti Sengram" (fight for freedom in the Naga Hills) leaflet in Bengali.	
23	(1) "Matri Adesh" (13) in Bengali. (2) "Matri Adesh" (20) in Bengali.	
24	"Independence Resolution of 1930", viz., the resolution issued on behalf of the Congress Working Committee for adoption by public meetings on the 26th January 1930.	8th January 1938.

(ii) (a) and (b)—The statements aforesaid show whether the notifications concerned have been rescinded and when.

Mr. ARUN KUMAR CHANDA: Will the Hon'ble Chief Minister please repeat the last part of the reply?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. friend has not got a list before him now, he will get one on the table wherein he will find the dates of notifications by which orders prohibiting all the places have been rescinded. As regards books, etc., dates of orders could be given only in two cases, viz., "Gandhi Charit" and "Independence Resolution of 1930" by which ban against these two have been withdrawn.

Military training in Colleges

Mr. ARUN KUMAR CHANDA asked:

*19. (a) Has the attention of Government been drawn to the suggestions offered by the Director of Public Instruction, Assam, in the Quinquennial report of 1932-37 in respect of Military Training in Colleges?

(b) If so, will Government please state what steps, if any are being taken to implement the same?

The Hon'ble Maulavi MUNAWWAR ALI replied:

19. (a)—Yes.

(b)—Steps are being taken to open branches of the Calcutta University Training Corps at both the Colleges.

Mr. ARUN KUMAR CHANDA: Are Government prepared to make an experiment to utilise the armed police in those places where they are stationed now as suggested by Mr. Small?

The Hon'ble Maulavi MUNAWWAR ALI: That question will be taken into consideration.

Names of officers belonging to the Provincial Service who are holding charge of Subdivisions

Mr. ARUN KUMAR CHANDA asked:

*20. Will Government be pleased to state—

(a) the names of the officers belonging to the provincial service who are holding charge of subdivisions?

(b) the length of service of each such officer?

(c) the period for which each such officer has been in charge?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

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

Statement referred to in reply to starred question No. 20(a), (b) and (c) by Mr. Arun Kumar Chanda

Statement showing the details of Officers belonging to the Provincial Service holding charge of subdivisions (excluding the excluded areas), as it stood on the 1st June 1938

Name	Length of service	Period for which charge held	Remarks
	<i>T. M. D.</i>	<i>T. M. D.</i>	
Mr. Girija Sankar Guha ...	22 9 2	3* 1 9	South Sylhet.
Maulavi Abdul Hye Chau-dhuri.	22 7 7	1 0 22	Karimganj.
Maulavi Zahirul Huq ...	22 7 7	2 7 17	North Lakhimpur.
Mr. Radha Ranjan Dhar ...	22 7 0	1 2 13	Sibsagar.
Mr. Girish Chandra Bar-daloi.	21 0 4	1 2 6	Barpeta.
Maulavi Ayub Bakht Mazumdar.	18 11 12	1 1 0	Sunamganj.
Mr. Leonard Lamb Peters	18 6 11	1 1 11	Hailakandi.
Srijut Nagendra Nath Phukan.	16 5 3	0 10 18	Golaghat.
Maulavi Saiyid Nabib Ali...	16 4 29	0 3 4	Habiganj.
Mr. Maurice Erskine St. John Perry.	4 11 18	0 7 25	Jowai.

Mr. FAKHRUDDIN ALI AHMED: Is the statement showing the details of officers holding the charge of subdivisions exhaustive?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, so far as the included and partially excluded areas are concerned.

Mr. FAKHRUDDIN ALI AHMED: Are not officers from the provincial cadre drawn for appointment in the excluded and partially excluded areas?

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

Mr. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware that the question sought information in respect of all subdivisions in which officers from the provincial service have been appointed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are to limit our discussion to questions which come within the included and partially excluded areas.

Mr. FAKHRUDDIN ALI AHMED: Are we to understand that we are debarred from asking any question relating to partially excluded areas and excluded areas?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is for the Hon'ble Speaker to give a ruling on that point.

The Hon'ble the SPEAKER: I shall refer the hon. member to the rules in part I of the Assembly Rules. Of course with regard to partially excluded areas, the hon. member will be quite within his rights to ask any question.

Mr. FAKHRUDDIN ALI AHMED: Then may I have an answer to the partially excluded areas?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already answered.

Mr. FAKHRUDDIN ALI AHMED: Is Haflong an excluded or partially excluded area?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Excluded area.

Mr. ARUN KUMAR CHANDA: What is the basis for the appointment of these Subdivisional Officers? Is it according to seniority or according to merits?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Ordinarily according to seniority and merits. There is only one case in which a very junior officer has been appointed to hold charge of a subdivision and that refers to Jowai. Many of the officers did not like to go to that place because the communication is very bad.

Mr. FAKHRUDDIN ALI AHMED: May I know the name of the officers who refused to go to Jowai?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not got the papers with me. If the hon. member tables a question, I will reply.

Mr. FAKHRUDDIN ALI AHMED: May I have the reply within the course of this session?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. friend tables a question and if it is allowed by the Hon'ble Speaker, then I will give a reply.

Mr. ARUN KUMAR CHANDA: Is the question of seniority always considered?

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

Officers of the Assam Civil Service holding listed posts

Mr. ARUN KUMAR CHANDA asked:

- *21. Will Government be pleased to state—
- how many officers of the Assam Civil Service are now holding listed posts?
 - where and how their services are being utilised?
 - the period for which each such officer has been so employed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

21. (a), (b) and (c)—The information is given in the statement below:—

Number and names of officers	Where and how appointed	Dates of appointment
1. Khan Bahadur Muhammad Chaudhuri, B.A.	Commissioner of Excise, etc., Assam, Shillong.	29th March 1935.
2. Mr. William Shaw ...	Deputy Commissioner, Darrang, Tezpur.	13th March 1938.
3. Khan Bahadur Muhammad Azizur Rahman, B.A.	Deputy Commissioner, Cachar, Silchar.	29th July 1934.
4. Rai Bahadur Durgeswar Sarma, B.L.	Director of Land Records, etc., Assam, Shillong.	2nd April 1936.

Mr. ARUN KUMAR CHANDA: We have not got a list before us.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No list has been printed. Therefore I have quoted.

Members of the Assam Legislative Council and Assembly nominated to the different Local and Municipal Boards

Mr. ARUN KUMAR CHANDA asked:

*22. (i) Will Government be pleased to state the number of members of the now-defunct Assam Legislative Council who were nominated to the different Local and Municipal Boards during the last term of each Board?

(ii) Will Government be pleased to state—

(a) How many members of the Assam Legislative Assembly has been nominated during the period 1937-38 and 1938-39 to the different Local and Municipal Boards? (b) How many among the nominated members are Hindus and how many Muhammadans?

(iii) Will Government be pleased to state how many applications were received for such nominations?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

22. (i)—8 and 3 respectively.				
(ii) (a)—Local Boards	...	...	...	22
Municipal Boards	...	...	...	18
(b)—Local Boards—				
Hindus	...	...	...	20
Muhammadans	...	...	...	27
Municipal Boards—				
Hindus	...	...	...	18
Muhammadans	...	...	...	26
(iii)—Quite a large number.				

Starred questions 23—25 were not called and answered as the questioner Maulavi Muzarraf Ali Laskar was absent.

The deaf and dumb population in Assam

Mr. BAIDYANATH MOOKERJEE asked :

*26. Will Government please state—

- (a) The number of deaf and dumb population in Assam ?
- (b) The steps if any taken by Government for the training of deaf and dumb children ?
- (c) Whether there are any institutions in the Province which impart education to the deaf and dumb ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

26. (a)—The number of deaf-mutes at the 1931 census was 6,978. No statistics were collected at the time separately for these classes.

(b)—There are 24 Scholarships of the value of Rs.18 and Rs.15 per mensem respectively for the training of deaf and dumb and of blind children in the Deaf and Dumb School and the Blind School, Calcutta. Not more than three of each are awarded annually.

(c)—Government are not aware of any such institutions in this Province.

Mr. BAIDYANATH MOOKERJEE : Is it a fact that Government has received a representation and a copy of the resolution from the Deputy Commissioner of Sylhet ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes, we have received a copy of the resolution.

Mr. NABA KUMAR DUTTA : Regarding what ?

The Hon'ble Maulavi MUNAWWAR ALI : Regarding a Deaf and Dumb school to be established in Sylhet.

Mr. BAIDYANATH MOOKERJEE : How long before ? Is it more than three weeks at least ?

The Hon'ble Maulavi MUNAWWAR ALI : That may be.

Mr. BAIDYANATH MOOKERJEE : Then how can Government say that they are not aware of any such institution in this province ?

The Hon'ble Maulavi MUNAWWAR ALI : Government is not aware in the sense that they have not inspected such an institution and have no personal knowledge of it.

Mr. BAIDYANATH MOOKERJEE : Are Government prepared to help such institutions, if any ?

The Hon'ble Maulavi MUNAWWAR ALI : Such institutions will always be welcomed.

Appointment of the Chief Engineer as Secretary, Public Works Department and of Inspector-General of Police, the Joint Secretary to Government

Mr. BAIDYANATH MOOKERJEE asked :

*27. Will Government be pleased to state on what grounds, or special consideration, the Head of the Public Works Department has been made a Secretary and the Inspector-General of Police, the Joint Secretary to Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

27.—The practice whereby the Chief Engineer also acts as Secretary to Government in the Public Works Department is of many years' standing, and is due to the fact that administrative considerations are inextricably involved with technical and professional matters in this Department. In Assam, particularly, Government cannot afford to appoint a non-technical Secretary in addition to the Chief Engineer.

The objects aimed at in appointing the Inspector-General of Police as Joint Secretary in the Home Department were the easy and rapid disposal of certain classes of business, chiefly personal and disciplinary, and the establishment of direct relations between the Head of the Department and the Minister in Charge.

Mr. BAIDYANATH MOOKERJEE : Are Government prepared to extend the same facilities to the Director of Public Instruction ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The Director of Public Instruction is largely availed of by the Hon'ble Minister of Education. Almost there is daily contact between them.

Mr. BAIDYANATH MOOKERJEE : Is it not a fact that before the Director of Public Instruction knows anything about a matter, communications pass through the Hon'ble Minister and the Secretary, and the Director remains in darkness ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Not so, Sir.

Appointment of Dr. Cunville, B. Sc., M.B.

Mr. BAIDYANATH MOOKERJEE asked :

*28. (a) Is it a fact that Dr. Cunville, B. Sc., M.B., has been appointed an Assistant Surgeon in the Public Health Department ?

(b) Will Government be pleased to give the names of all the candidates together with their educational qualifications and native districts for the same post ?

(c) Is it a fact that Dr. Cunville's over-age has been condoned ?

(d) If so, when ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

28. (a)—Yes.

(b)—The names with their educational qualifications and home districts of the candidates recommended by the Assam Public Service Commission in order of preference are given below :—

Name	Educational qualifications	Home District
(1) Dr. R. Leonis Cunville	B. Sc., M.B. Had partly undergone training for Diploma of Public Health.	Khasi and Jaintia Hills.
(2) Dr. Md. Sunawar Ali Laskar.	M.B.	Cachar.
(3) Dr. Lala Sudhanshu Bhusan Das.	M.B., D.P.H., D.T.M. Took practical training course in Bacteriology and Pathology in Medical College, Calcutta.	Sylhet.

Government have not considered it necessary to trouble the Public Service Commission for the detailed information required regarding the remaining candidates.

(c)—Yes.

(d)—In January 1938

Mr. NABA KUMAR DUTTA: With regard to 28(c) may I know on what consideration the age was condoned?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Ages of students coming out of the Medical College, Calcutta, have often been condoned owing to the fact that many of them have to study a longer course. Some of them cannot get through in one year in a class. This particular student was only a few months overage—at most for one year.

Mr. NABA KUMAR DUTTA: Do Government give the same consideration to others also?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, Sir.

Mr. BAIDYANATH MOOKERJEE: So far as medical candidates are concerned is this privilege granted to one and all?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: So far we have refused no one.

Mr. BAIDYANATH MOOKERJEE: When there was a qualified candidate in the Public Health Department with the qualifications of D. P. H. and D. T. M., may I know whether there was any suggestion from the Government to the Public Service Commission that from such and such communities candidates should be taken.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Government have been committed to communal representation. We have to take a minimum qualification, and the minimum qualification that has been fixed is the possession of the M. B. Degree. Government gives instruction to the Public Service Commission to consider the community that has no representation or that is under-represented in this service.

Mr. NABA KUMAR DUTTA: From what community does the gentleman come?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: From the tribal—Khasi.

Mr. BAIDYANATH MOOKERJEE: Did he put any advertisement to the effect that preference will be given to tribal people first.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes. According to the communal representation for each community.

Srijut PURNA CHANDRA SARMA: To what particular community does this gentleman belong?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Tribal. I have already replied to this question.

Tenders for and Settlement of Barnihat Bridge

Mr. BAIDYANATH MOOKERJEE asked:

*29. Will Government be pleased to state—

- Whether any tender was called for, for the settlement of the Barnihat Bridge on the Gauhati-Shillong Road?
- If so, what is the date of the notification calling for tender?
- The number of the tenders received and the amount tendered for by each tenderer?
- The rent and the period for which the said bridge has been settled with the present lessee?
- The name of the present lessee?
- Whether the lease of the said Bridge has been taken by a company?
- If so, who are the share holders of the Company?

(h) The rent for which the said bridge was settled during the last three terms, the period of term in each case as also the name of the lessee?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

29. (a)—No. The right to collect tolls of the Burnihat Bridge is sold by public auction.

(b)—The date of issue of the first notification for holding the public auction was 17th November 1937, but the date of sale had to be changed and another notification was issued on 20th December 1937.

(c)—The question does not arise.

(d)—The bridge has been settled with the present lessee for a sum of Rs.6,000, for the year 1938 with effect from the 1st January 1938.

(e)—Mr. L. K. Budlnah, on behalf of the United Fruit Company.

(f)—Yes.

(g)—Government have no information.

(h)—1935—Rupees 7,800—The Commercial Carrying Company, Limited, from 1st January 1935.

1936—Rupees 6,725—Srijut A. K. Bhattacharjee from 1st January 1936.

1937—The tolls were collected departmentally as the highest bid fell short of the fixed upset price of Rs.6,500.

Srijut PURNA CHANDRA SARMA: What is the company mentioned by the Hon'ble Minister?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The United Fruit Company.

Srijut PURNA CHANDRA SARMA: Is it a fact that one of the Ministers of the Cabinet is connected with that particular Company?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He was a Director, but since he became a member of the Cabinet he has resigned.

Babu RABINDRA NATH ADITYA: Has he got shares still in the Company?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes the Hon'ble Minister has got.

Babu KAMINI KUMAR SEN: May we know what is the amount of the shares?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government do not pry into the private affairs of an hon. member.

Babu RABINDRA NATH ADITYA: Is not the list of shareholders submitted annually to Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know if it is a public Company.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that when one of the Hon'ble Ministers is a shareholder, it would have been quite easy for the Government to reply to my question (g). Did Government try to know?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Hon'ble Minister is of course a shareholder; but Government did not go into the number.

The Hon'ble the SPEAKER: Other shareholders might like to know.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is known to Government that a large number of Khasi people are shareholders of the Company. If I say, there are 500 shareholders, my hon. friends will say who are they? It is so difficult.

Babu RABINDRA NATH ADITYA: Is it a limited Company or a private Firm?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is, I am told, a public limited Company.

Mr. BAIDYANATH MOOKERJEE: Sir, may I know the present policy of the Government—whether in any Company they desire that members of the Cabinet should have any present or prospective interest?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I could not follow the hon. member.

Mr. BAIDYANATH MOOKERJEE: Sir, am I right to understand that it is the present policy of the Government that so far as any Company is concerned, member of the present Government do not like to have any interest present or prospective?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Does this question arise, Sir?

The Hon'ble the SPEAKER: With regard to a question of this kind I want to point out to the hon. members that sometimes it would be very unfair to ask Government to state their policy in regard to a matter in course of an answer to a supplementary question, because the policy to be stated would require the Government to study it thoroughly and without studying the question it may not be possible for Government to answer such question as to what their policy really is. Of course, the hon. member may ask what is the principle which is a much simpler thing than policy.

Mr. BAIDYANATH MOOKERJEE: I beg your pardon, Sir. I will then replace the word 'principle' in place of 'policy'. *(Loud laughter.)*

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Will my hon. friend please repeat his amended question? *(Laughter.)*

Mr. BAIDYANATH MOOKERJEE: Sir, is it not a fact that the principle of the present Government in matters of contracts between Government and the companies is that the members of the Cabinet should not have any present or prospective interest in them?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The question is much too wide and much too vague but if the hon. questioner wants to know that Government or members of Cabinet should not have any direct interest in the management of any company operating in the province of Assam, then my reply will be 'yes'. But it is open to any member of the public as well as Cabinet members to purchase shares of a Company which is a public Company.

Journey undertaken by Members of the Assembly on public duty

Mr. BAIDYANATH MOOKERJEE asked:

*30. (a) Has the attention of Government been drawn to the statement made by the Hon'ble Chief Minister as reported at page 2300 of the official report of the Assembly proceedings, December Session, Volume III, No. 19, in reply to question No. 194, to the effect that "If he (Member) goes to the constituency to appraise the constituency of the political situation or what was done in the Assembly, it will be considered a journey undertaken on public duty"?

(b) If so, has any order been passed in consonance with the above statement of the Hon'ble Chief Minister in respect of journeys undertaken by hon. members of this House, to their respective constituencies on public duty?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

30. (a) and (b)—So far as the Public Works Department ferries and toll bridges are concerned, the attention of the hon. member is drawn to Notification Nos. 80C/F and 82 C/F, dated the 25th May 1938, copies of which are placed on the Library table. Similar concession has also been granted by the Local Self-Government Department so far as the Local bodies ferries are concerned. Government do not propose to extend the concession further.

Sriji Purna Chandra Sarma: Sir, is it the answer to question No. 30 put by Mr. Mookerjee? He has particularly referred to the speech made by the Hon'ble Chief Minister during the last December Session.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will try to answer that. As regards his latter portion of the question, Government do not propose to extend the concession further. The latter question was discussed and it was felt that this further concession which I had in mind will involve Government as well as the lessees concerned into great difficulties.

Mr. BAIDYANATH MOOKERJEE: May we know what are the difficulties referred to in the reply?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, Government settle these ferries with particular lessee either annually or for a period of term. In most cases when the lessees take lease, they know that a concession of this sort is given to certain classes of officers. It was thought, Sir, that extending the concession to members of Legislature will be an additional burden upon the lessees. As attendance to the Sessions and to Committee will be few and far between, the exemption was granted. But to extend it further to cover cases of hon. members going to their constituencies—and they may undertake journeys to their constituencies hundred times a year—will mean a great loss to the lessee. This question can only be taken into consideration when a ferry is leased again.

Mr. BAIDYANATH MOOKERJEE: Sir, my point is whether there is any clause in the contract that officers on public duty should be exempted.

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

Mr. BAIDYANATH MOOKERJEE: The Hon'ble Chief Minister Sir Muhammad Saadulla said during the last December Session "if he (Member) goes to the constituency to appraise the constituency of the political situation or what was done in the Assembly it will be considered a journey undertaken on public duty."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. I stand by what I said, but I contend about the contractual relationship between the lease-holder and the Government. It was not known to the lessee when he took lease that the members undertaking journeys for quite a large number of time will be exempted. Therefore, I propose to consider this question when fresh leases will be given.

Mr. BAIDYANATH MOOKERJEE: Sir, I want to know whether in the contract the number of the Government officers who are allowed free use of the ferries and bridge is stated.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes Sir. That was known to the lessees when they took lease but as regards further concession to be granted to the hon. members at the time of their attendance to the Committee and Assembly Session, I should say that it is few and far between.

Mr. BAIDYANATH MOOKERJEE: Sir, may I know the maximum number of free passengers mentioned in the contract which the public servants are allowed to make use of?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As many times as any public servant will go on duty, he will go free. At the time when the contractors put in their tenders, they knew that the public servants whatever their number of visits be, have to be exempted. At that time they did not know of any such concession to be extended to the hon. members of the Legislature.

Mr. BAIDYANATH MOOKERJEE: Sir, shall I be wrong if I say that there is no clause in the contract with the lessees limiting the use of ferries and bridges by persons proceeding on public duty?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not prepared to answer any hypothetical question.

Mr. BAIDYANATH MOOKERJEE: It is not a hypothetical question. There is a clear clause that Government officers or persons on public duty will be excluded from paying tolls, etc. My point is that, according to the Hon'ble Chief Minister when a member will go to his own constituency to let them know what he has done in the Assembly or to know what they have to say in connection with the Assembly it will be considered that the hon. member is on public duty. So it is quite clear and I do not see any difficulty for the Hon'ble Chief Minister to refuse to give a reply to my question.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is it a question?

Maulavi ABDUR RAHMAN: In this connection, Sir.....

The Hon'ble the SPEAKER: Order, order. We shall take up this question to-morrow.

ADJOURNMENT MOTIONS

Adjournment motion for giving monopoly contract for motor traffic to the Commercial Carrying Company over the Gauhati-Shillong Road

The Hon'ble the SPEAKER: I received an adjournment motion* from Babu Dakshinaranjan Gupta Chaudhuri. What is he going to do with it?

Babu DAKSHINARANJAN GUPTA CHAUDHARI: I do not want to move it.

Adjournment motion for high-handedness on the part of the Forest Department

The Hon'ble the SPEAKER: Then I have got notice of another adjournment motion from Srijut Debeswar Sarmah. Does the hon. member ask for leave to move it?

* That this Assembly do adjourn its business for the purpose of discussing the situation arising out of the Government decision in giving the monopoly contract for motor traffic to the Commercial Carrying Company over the Gauhati-Shillong Road.

Srijut DEBESWAR SARMAH: Sir, I beg leave of the House to move the following adjournment motion:

"This Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the high-handed and unreasonable interference of the Forest Department with the selling of firewood from one's own patta land, and thereby causing great inconvenience to the Jorhat public".

Sir, it is a recent occurrence, because this interference on the part of the Forest Department was not experienced by the public of Jorhat before. It is only about 5 or 6 days before that the matter was brought to my notice, but the interference had been going on from about a month or so.

As regards definiteness I need not go into details. As regards public importance, this matter is of grave public importance, because at Jorhat the villagers—the Assamese people and other people also from the neighbouring villages—cut firewood from their patta lands and bring, to sell this, on their own bullock carts and out of the sale proceeds they buy salt and kerosene oil, and possibly pay land revenue also.

The Hon'ble the SPEAKER: I do not like to enter into the merits of the case. The hon. member has to show that it is a matter of urgent public importance.

Srijut DEBESWAR SARMAH: The public of Jorhat are most seriously inconvenienced because they have been using firewood all along and there has been no interference with that supply before. For this interference by the Forest Department the public have been put to great hardship, and therefore, I submit, it is a matter of public importance because it is no small number of public that are involved.

The Hon'ble the SPEAKER: Since when this is being continued?

Srijut DEBESWAR SARMAH: It is being continued for about a month or so. We never experienced such interference formerly. It is of public importance in two ways. On the one hand there are consumers who are seriously inconvenienced; on the other hand, these poor villagers suffer because this was a regular source of income for them. They work for the whole day, at night they pack the firewood in the bullock cart, and during the small hours of the morning, they drive to the town to sell the bundles. From the income they derive from this, they purchase salt, kerosene oil and possibly also pay land revenue. But now they have been deprived of that income.

The Hon'ble the SPEAKER: Does the hon. member have any locality in his mind?

Srijut DEBESWAR SARMAH: It affects the public of Jorhat subdivision mostly, but it might be extended to other parts of the province also. So this is of primary importance to Jorhat and of secondary importance to the whole province of Assam.

The Hon'ble the SPEAKER: That shows the hon. member is not prepared to speak about it.

Srijut DEBESWAR SARMAH: Sir, if I am allowed to speak I will state the whole facts. I confess a disappointment in not being allowed to go into facts and at the same time to be told that I am not prepared to speak.

The Hon'ble the SPEAKER: It appears that there is a bit of confusion about the motion.

Srijut DEBESWAR SARMAH: Not a bit, Sir. Because, Sir, I have a patta land and I pay Government revenue; so I am entitled to small trees and creepers that are there. Some of us are holding these lands for over 50 years and these trees have grown during this time, i.e., after we have taken lease of the land from Government. Now, Sir, if from the village land of

mine I want to bring firewood to my town residence I cannot do it. My bullock cart will be attached, the cattle will be impounded and I shall be deprived of the firewood and also fined.

The Hon'ble the SPEAKER: It is not a fact that in a past session numerous questions were put on this subject?

Srijut DEBESWAR SARMAH: Not on this particular point, Sir. At any rate for the public of Jorhat it is a recent inconvenience. I hope Khan Bahadur will bear me out on the subject. It has become a great nuisance, I submit, as the poor people are deprived of their income and public have to suffer great inconvenience.

The Hon'ble the SPEAKER: I want to hear the Hon'ble Chief Minister whether he has any objection.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am in the same difficulty as you are for the motion is vaguely worded. The motion is to discuss "a definite matter of urgent public importance, to wit, the high-handed and unreasonable interference of the Forest Department with the selling of firewood from one's own patta land and thereby causing great inconvenience to the public of Jorhat".

The inconvenience is to the public of Jorhat. But as regards unreasonable interference of the Forest Department, it is as vague as anything, and as wide as the province itself. Now, Sir, I distinctly remember that this question was discussed—I mean about the high-handedness and interference of the Forest Department—on the floor of the House both at the time of the general discussion of the Budget and also in numerous questions in the House. If I remember aright, my hon. friend Maulavi Abdus Salam raised the question, of interference by Forest people with the selling of firewoods from their own patta lands, many times before the House. So it is not a question of recent occurrence. Therefore, I do not think, Sir, this is a matter of very recent occurrence.

Khan Bahadur Maulavi KERAMAT ALI: It has occurred very recently. This may not be a matter not for the whole province, but for Jorhat only. It will have to be admitted that the public of Jorhat is not a small body of people. So it is certainly a matter of urgent public importance (Hear, hear). The Hon'ble Revenue Minister must have heard about it, but no action seems to have been taken in the matter. But if the Hon'ble Revenue Minister give us an assurance that he will go into this matter and try to relieve the public of Jorhat from this inconvenience, I hope my hon. friend will withdraw his motion.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I have not received any complaint recently from Jorhat. I am really surprised that such things are happening and still Government is ignorant about it. I am much obliged to the hon. mover of this motion for bringing this matter to my notice and I shall have an enquiry made and take all steps necessary to prevent such acts of harassment as stated by the hon. mover. In this connection I may mention, Sir, that far from conniving at such harassment, we have allowed the people in flood affected areas to cut fuels from unclassified State forests for the purpose of selling without any royalty. All I can say is that I shall look into the matter and if any officer of the Forest Department is guilty of anything illegal we shall take due steps.

Khan Bahadur Maulavi KERAMAT ALI: May I inform the Hon'ble Minister in charge that when this rule was first issued in Jorhat it

was said that for each cart the cartman should pay one pice. But to my surprise I learnt that in some cases five annas or six annas per cart is realised. The cartmen are put to a great loss and consequently the price of fuel has gone up. A cart of fuel which was used to be sold at rupee one is now sold at rupees four.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am not required to go into details at this stage.

Khan Bahadur Maulavi KERAMAT ALI: But the fact remains that the people of Jorhat are being greatly inconvenienced.

Srijut DEBESWAR SARMAH: In view of the assurance given by the Hon'ble Revenue Minister, I beg leave of the House not to move this adjournment motion.

The Hon'ble the SPEAKER: The hon. member is not to ask for leave of the House; the hon. member is not insisting on moving the motion. I have heard what has been said by the hon. mover and also the Hon'ble Chief Minister. The hon. member says that he is not insisting to ask for leave of the House to move the motion, so I need not decide the point whether the motion is in order or not.

(The motion was withdrawn.)

Adjournment motion to discuss the manner in which last nominations to Local Boards have been given

The Hon'ble the SPEAKER: Srijut Omeo Kumar Das has given notice of another adjournment motion.

Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I have given notice of an adjournment motion which runs thus:—"That this Assembly do now adjourn to discuss a definite matter of urgent public importance, to wit the manner in which the last nominations to the Local Boards have been given by the Government".

This is a definite matter of urgent public importance because the manner in which the last nominations have been given to the Local Boards do not reflect credit on those who gave them. We did not meet here after the nominations were given, and this is the first day after the nominations that we have met here. These nominations were not based on the principles for which this right of nomination was reserved by the Government, and if this is allowed to continue it will tend to demoralise public life throughout the whole province.

The Hon'ble the SPEAKER: Are not the nominations over?

Srijut OMEO KUMAR DAS: Yes, Sir. We have met here for the first time after the nominations and there was no time to discuss this matter before. We want to discuss these so that they may not be repeated again.

The Hon'ble the SPEAKER: I see that many questions have been put to elicit from Government the principle on which nominations were made.

Mr. ARUN KUMAR CHANDA: With due deference to the Chair, Sir, we want to hear from the Government their explanation of the manner in which the nominations were made.

The Hon'ble the SPEAKER: But I am to decide whether the motion is in order or not. I want to know how this motion satisfies the requirements of the rules.

Srijut OMEO KUMAR DAS: The principle of nomination has been violated because in some Local Boards the unrepresented communities who cannot come in by election were nominated. This power we were told previously was required to protect the unrepresented communities, but they have not received nominations and the majority communities who have already come in by election have been again taken in by nomination. And

moreover in December last many Nepali voters who asked for permission from Government to get themselves enrolled as voters for Local Boards, were refused franchise, but persons who were not voters at all were nominated.

The Hon'ble the SPEAKER: What I want to know is how this point can arise when the hon. members have themselves tabled a number of questions about the principle followed by the Government in making these nominations.

Srijut GOPINATH BARDOLOI: With due deference, Sir, I would point out that questions do not give any chance for eliciting information on the principle on which the nominations have been made.

Rai Bahadur PROMODE CHANDRA DUTT: On a point of order, Sir. Under rule 79(i) not more than one adjournment motion can be made in the same sitting. There was one motion by Srijut Debeswar Sarmah, and now we have another.

The Hon'ble the SPEAKER: That means that not more than one motion can be discussed on the same day.

Srijut SARVESWAR BARUA: With due deference I may point out that we have been able to elicit from the Hon'ble Minister for Local Self-Government that there is a particular rule on which they can proceed in making these nominations, and he has cited that rule. We hold that the principle laid down in that rule has been violated in making such nominations, and this is the matter which we wish to bring before the House by this motion.

The Hon'ble the SPEAKER: Is there any objection from the Government side?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government is perfectly willing to lay all their cards before the House. As a matter of fact there are several questions on the subject only one of which about Sunamganj has yet been replied to. In answer to these questions we are giving all the facts and figures, about the principle adopted. As you have yourself pointed out, Sir, when the hon. members are trying to elicit information, by questions, and when they have already tabled two Bills to do away with the principle of nomination, it is clear that this matter will be thoroughly discussed during the discussion of the Bills. With this view of the matter I think that the matter is neither definite nor urgent.

Mr. FAKHRUDDIN ALI AHMED: I beg to submit, Sir, that the matter is certainly definite for the simple reason that the public as a whole have suffered and have a grievance, and if we do not discuss this motion on the floor of the House we shall be shut out, we shall not be able to ventilate the grievances of the public, and from that point of view we cannot but hold that the matter is one of definite urgent public importance to ensure that this practice is no longer continued.

The Hon'ble the SPEAKER: I would refer the hon. member to sub-rule (iv) of rule 79. Bearing in mind that some Bills on the subject of nomination are pending, if the matter is now discussed will not this motion anticipate that matter?

Srijut SARVESWAR BARUA: The matter will come up for discussion in the form of Bills. Bills will provide for future action of the Government, but here we want to discuss the past action of the Government. They have done a wrong and we want to ventilate our grievances.

The Hon'ble the SPEAKER: But if the Bills come up before the House and the House agree that the principle of nominations should no longer be retained, that will be a definite decision against the principle of nomination.

Srijut SARVESWAR BARUA: Will that amount to a censure on the Government for their past action?

The Hon'ble the SPEAKER: The rule says that we must not anticipate a discussion.

Rai Bahadur PROMODE CHANDRA DUTT: May I invite your attention to sub-rule (iv) of rule 79, which says that it must not refer to a matter which has been previously appointed for consideration. This matter is not so appointed.

The Hon'ble the SPEAKER: The Bill is there.

Rai Bahadur PROMODE CHANDRA DUTT: The Bill may be there, but it has not been introduced.

The Hon'ble the SPEAKER: It has been introduced and it is pending for reference to a Select Committee.

Srijut GOPINATH BARDOLOI: I beg to submit that in that case the main point will be missed for which the adjournment motion has been tabled. This motion has been tabled in order to review the conduct of the Ministers or their actions in reference to those persons who have been given nominations on the application of the existing rules and not with reference to what they will do in the future. This motion involves the fact of the operation of the present rules and, therefore, my respectful submission is that the motion is quite in order.

The Hon'ble the SPEAKER: Does the Hon'ble Chief Minister desire to say anything?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not want to add anything more.

The Hon'ble the SPEAKER: I have heard the hon. member who has given notice of this adjournment motion and also the Hon'ble the Chief Minister. I have heard also the other hon. members who spoke on the question whether the motion is in order or not.

As I read the motion, the definite matter of urgent public importance is stated to be the manner in which the last nomination to the local boards were given.

It has been explained by the hon. members who have spoken on the question of the propriety or otherwise of this motion that there was a deviation from the principle which has to be followed in making nomination. There have been numerous questions on this matter and some of these questions have been answered to-day. But there are still many more questions to be answered on this point. Of course from the questions it would appear that the hon. members wanted to bring out the fact that the real principle to be followed in making nominations has not been adopted in making nominations for the local boards this year. And further they also wanted to bring out the names of persons who have been nominated. But with regard to the question whether there has been a deviation from the principle of nomination, I think that the nominations that have been made, may show the fact that the principle of nomination has not been really followed.

I have considered sub-rule (iv) of rule 79. Of course that rule says that it will not anticipate a matter which has been previously appointed for consideration. And I thought that when some Bills are pending for doing away with the principle of nomination and that the Bills have reached a stage when they have to be referred to a Select Committee, I thought that the same matter was really a matter which would be discussed in this connection. But from what has been pointed out by the hon. Leader of the Opposition, it appears that it is perfectly true that in connection with the discussion of the motion for reference of the Bills to a Select Committee

it is only whether the nomination should be done away with or not would be considered and that would not involve any criticism on the conduct of the Government on their past action. But so far as this motion is concerned it is intended to criticise the action of the Government (*Hear, hear*). In that view, I think the matter is quite definite and when the Assembly has met for the first time to-day after the nominations made, I think it is also urgent. And in that view of the matter, I hold that the motion is in order. (*Applause.*)

Now I wish to know whether the hon. member has the leave of the House. More than 20 members will have to rise in their seats.

(More than 20 members rose in support of the motion).

The Hon'ble the SPEAKER: The hon. member has leave of the House to move this motion.

Of course, I have got notice of another motion but that is on another subject. I wish to dispose of that motion also and then fix the time for this motion. If that motion is found in order then I shall fix the time for that motion also.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA* : May I rise to a point of order, Sir. I may refer you to sub-rule (i) of Rule 79 where it is distinctly laid down that not more than one such motion shall be made at the same sitting.

The Hon'ble the SPEAKER: It is only for leave to make a motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is the same thing.

The Hon'ble the SPEAKER: No, I do not think it is the same thing. The Hon'ble Chief Minister will please read the rule.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have read it, Sir.

The Hon'ble the SPEAKER: Rule 78 says that "A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker." Rule 78 speaks of a motion. Then "the right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely—

(i) not more than one such motion shall be made at the same sitting."

This speaks of the right to move, not to ask for leave. Members may ask for leave to move several adjournments, but only one shall be made.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I bow to your ruling, Sir, but at the same time.....

The Hon'ble the SPEAKER: Then, rule 81 says:—"A member asking for the consent of the Speaker under Rule 78 shall—

(1) before the commencement of the sitting of the day, leave with the Secretary a written statement of the matter proposed to be discussed, and

(2) after questions and before the business on the list for the day is entered upon, ask for the leave of the Assembly to make the motion." This is to ask for leave.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If the leave is granted, can a subsequent motion be made on the same day and whether rule 79 (i) will operate, that is the question.

The Hon'ble the SPEAKER: There is no restriction on the right of asking for leave.

*Speech not corrected.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: After the leave, what will be the fate of this motion? He must move for an adjournment of the House. Can he take leave to-day and move the next day?

The Hon'ble the SPEAKER: There is no bar to that. The adjournment motion for which leave is granted to-day can be moved two days or even seven days after.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My contention depends on the right to move an adjournment motion under rule 82. The member giving notice has to take leave of the House to make the motion. Therefore, my submission is that under rule 79 (i) two motions on the same day cannot be made.

The Hon'ble the SPEAKER: I have heard the point of order raised by Rai Bahadur Promode Chandra Dutt. As I read the rule 79 (i), along with rules 78 and 81, I do not think there will be any bar to a member asking for leave to move an adjournment motion. Whether that adjournment motion is to be made on the same date or not, that is a question which can be decided after the leave to several motions has been granted.

I have seen also elsewhere the practice of giving several notices for adjournment on the same day and of asking for leave one after another. Of course I have not come across any instance where several motions were held to be in order on the same date and leave was granted for each one of them. Generally if there are more motions, some are rejected on the ground that they are not matters of urgent public importance and only one is held to be in order and is discussed.

So I would ask the hon. member to say whether his motion satisfies the requirements of the rule.

Rai Bahadur PROMODE CHANDRA DUTT*: May I invite your attention, Sir, to rule 82. The second sentence runs—

"If no objection is taken, or if, on objection being taken, 20 or more members rise in support of the motion, the Speaker shall intimate that leave is granted and that he consents to the motion and shall further intimate the hour at which the motion, will be taken." Does not that mean the same date?

The Hon'ble the SPEAKER: Not necessarily. It may be on the same date or on a subsequent date.

I may refer the hon. members to the proceedings of other Assemblies. He will find there that adjournment motions were taken up on a day subsequent to the date on which the leave was granted. Here also in this Assembly an adjournment motion was discussed on a day subsequent to the day on which the leave was granted. Am I right?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI*: I invite your attention, Sir, to rule 78. First of all the mover of the motion has to take the consent of the Speaker. The Speaker must be satisfied that the motion satisfies all the tests that have been prescribed under rule 79. After he gets the consent, he has to proceed to take the leave of the House. So there are these two steps, one that he should have the consent of the Speaker and then he should move for the leave of the House. In this view, Sir, I think it would be a correct interpretation to say that first the Speaker is to ascertain whether the adjournment motion is in order and then give his consent.....

*Speech not corrected.

The Hon'ble the SPEAKER: That is perfectly obvious. The point that has been raised is whether he can ask for leave to move two adjournment motions on the same date. That is the point that is raised.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I think, Sir, there is no bar in asking for leave for two or three motions.

The Hon'ble the SPEAKER: I shall take up at 2 p.m. this point that has been raised. Meanwhile we shall proceed with other business. Of course with regard to the first motion I fix 3 p.m. to-day as the time for taking up that motion because to-morrow is also a Government business day.

Babu KAMINI KUMAR SEN: Are we going to sit up to 4 p.m. as in the previous session?

The Hon'ble the SPEAKER: We used to sit up to 5 p.m. But in certain sessions it was the desire of members to sit up to 4 p.m. I think if the business is not finished before 4 p.m. we shall sit up to 5 p.m.

Rai Bahadur PROMODE CHANDRA DUTT: If the adjournment motion has to be taken, we shall sit up to 5-30 p.m.

The Hon'ble the SPEAKER: Yes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I bring to your notice, Sir, the wording of rule 82 in connection with your ruling? It covers the right to move and leave to move.

Governor's messages regarding allotment of days for transacting various business during the Session

1. Message for presentation of supplementary statement of expenditure for the year 1938-39.

The Hon'ble the SPEAKER: I shall now read the message of His Excellency.

"For the purposes of section 81 read with sections 78, 79 and 80 of the Government of India Act, 1935, and in pursuance of rules 17(1), 17(2)(a) and 19 of the Assam Legislative Assembly Rules, Part I, I, Gilbert Pitcairn Hogg, hereby appoint the following days for the presentation to the Legislative Assembly of the Supplementary Statement of Expenditure for the year 1938-39 and for the subsequent stages thereof in the Legislative Assembly during its September Session, 1938, namely—

Friday, the 16th September ... Presentation of the Supplementary Statement of Expenditure.

Tuesday, the 20th September ... Voting on the Demands for Supplementary Grants.

Thursday, the 22nd September ... Placing of the authenticated schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1938-39.

This order shall be subject to my revision, if necessary, from time to time.

G. P. HOGG,
Governor".

2. Message regarding allotment of days for private members' business.

"In pursuance of Rule 17 of the Assam Legislative Assembly Rules, Part II, I, Gilbert Pitcairn Hogg, hereby allot the following days for private members' business during the September Session of the Assam Legislative Assembly, 1938 :—

Wednesday, the 7th September	} 1. Private Members' Bills. 2. Private Members' Resolutions (if time permits).
Thursday, the 8th September	
Friday, the 9th September	
Monday, the 19th September	
Wednesday, the 21st September	
Tuesday, the 13th September	} Private Members' Resolutions.
Thursday, the 15th September	
Monday, the 5th September	
Tuesday, the 6th September	
Saturday, the 10th September	
Monday, the 12th September	} Private Members' Resolutions (if time permits after disposal of Government business).
Friday, the 16th September	
Saturday, the 17th September	
Tuesday, the 20th September	

This order shall be subject to my revision, if necessary, from time to time.

G. P. HOGG,
Governor".

Statement by the Leader of the House regarding the course of Government business

The Hon'ble the SPEAKER: The Hon'ble Leader of the House will now make a statement about Government business.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: With your permission, Sir, I desire to make a statement about the course of Government business during this session.

2. The Government business which is to be taken up to-day and to-morrow is already shown in the day's agenda, a copy of which has been placed on each member's table. I need not detail it again.

3. On the 10th and 12th September we propose to take up the consideration of the draft Assembly Rules, rule by rule, and then to move that the same be passed. The following motions also will be taken up on these days :—

(i) Resolutions proposing that certain matters enumerated in the Provincial Legislative List be regulated in the Province by Acts of the Federal Legislature.

(ii) Motions for election of Assembly members to the various Boards and Committees.

4. On the 16th and 17th September we propose to present a Supplementary Statement of Expenditure for 1938-39 and a note on the financial situation of the Province. We also propose to take up on these days the following Bills, clause by clause, and then to move that they be passed :—

(i) The Civil Procedure (Assam Amendment) Bill, 1938.

(ii) The Assam Municipal (Amendment) Bill, 1938.

5. We also propose to introduce the Assam Provincial Revenues Allocation Bill, 1938, and to move for its consideration and passing during this Session, if possible, provided the sanction of the Government of India on

certain points is received in good time within the Session. No date or dates can therefore be fixed now for taking up this Bill.

6. The 20th September has been fixed for voting on Demands for Supplementary Grants for 1938-39.

7. We propose to place the authenticated schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1938-39 as the last item on the 22nd September.

8. Any unforeseen Government business would be taken up on the 10th, 12th, 16th, 17th and 20th after the disposal of Government business allotted for those days by His Excellency the Governor and before the presentation of the authenticated schedule on the 22nd.

9. If any message is received in time from the Council in relation to any Government Bill introduced in the Assembly, such Bill will also be taken up, if time permits, on a convenient date fixed for Government business.

Presentation of certain notifications

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I beg to present the following notifications under section 296 of the Assam Municipal Act, 1923 :—

- (a) Notification No. 1774-L. S.-G.,* dated the 19th March 1938.
- (b) Notification No. 2220-L. S.-G.,† dated the 19th April 1938.
- (c) Notification No. 2369-L. S.-G.,‡ dated the 25th April 1938.

LINE COMMITTEE'S REPORT

Statement regarding the Report of the 'Line System Committee'.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I wish to make a statement with regard to the Report of the 'Line System Enquiry Committee'. The Committee finished their labour some time in January last and the Report was circulated to the hon. members of this House in the month of February. At that time a request was made from certain quarters that the replies to the questionnaire as well as the evidence which was recorded by the 'Line Enquiry Committee' should be printed and circulated to the hon. members. Since then we have done that and, I think, the hon. members have already got a copy of the Report as well as the printed proceedings of the 'Line Enquiry Committee' including the evidence which was recorded.

Now I may inform the House that the Government has not yet come to any decision on the majority report of the 'Line Enquiry Committee' and they desire to know the views of this House on the various questions raised in the majority report as well as in the note of dissent. I would therefore request you, Sir, if the House so desire, to fix a certain date for the discussion of this Report, and in the meantime hon. members of the House may send notice of any motions which they wish to move in that connection.

The Hon'ble the SPEAKER: I have already received notice of a motion on the Report of the 'Line System Committee' from Srijut Sarveswar Barua. I do not know if the Hon'ble Minister has got a copy of that motion.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, I have just got a copy.

*Appendix A.
†Appendix B.
‡Appendix C.

The Hon'ble the SPEAKER: The motion reads as follows :—

"This House disapproves of the majority report of the Line System Committee in the particulars in which the minority consisting of Srijuts Rabi Chandra Kachari, Kamcswar Das and the mover dissent from it and recommends its modification in the list of the note of dissent submitted by the said minority".

This is the motion I have got notice of. As the Hon'ble Minister has intimated his desire that there should be a discussion on the subject, a date may be fixed. I think it will be for Government to suggest a date for that purpose which will suit all concerned.

Srijut GOPI NATH BARDOLOI: Sir, may I make a reference to the statement just now made by the Hon'ble Revenue Minister?

It is the usual procedure for all Governments to proceed with certain action on the report of the Committees received. A report has been drawn up after considerable expenditure of money and a lot of time. Evidence at large length was collected and has been recorded and, I understand, printed also. It is not known why Government should delay in not coming to some conclusion in regard to this subject. I think, it is always the duty of the Government to take a lead in the line of action that they would like to take and then give the opposition the chance of scrutinizing it. The Hon'ble Minister is following an absurd procedure.

The Hon'ble the SPEAKER: As the Hon'ble Minister in charge has intimated his wish to hold a discussion in this House, I think, a discussion should be started on the motion of Srijut Sarveswar Barua. So we are trying to find out a date on which this can be taken up.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I think, 20th September will suit us.

The Hon'ble the SPEAKER: I think, there will be ample time that day to discuss that motion, because I find from the agenda that the items of business are not very many for that day. Then it will be taken up on the 20th. Will that suit the hon. members of the opposition?

Srijut GOPI NATH BARDOLOI: I do not think we will have much objection, but I propose that meanwhile if any motions come, those will also may have a chance of discussion. Generally we are allowed three days' notice. In this case the date has been fixed on the 20th when we have such long time before us. Therefore, if other members give any motion they should also be allowed to take their place.

The Hon'ble the SPEAKER: The main motion will be the motion of Srijut Sarveswar Barua and other motions will be amendments to that motion.

Srijut SARVESWAR BARUA: I understood the Hon'ble Revenue Minister to say that Government want to know the views of the House before they come forward with a definite resolution. I say, if the discussion of my motion be fixed on the 20th, will the Government be prepared to place before the House their resolution on the Line System Committee on that day?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Government will come to a decision later on on the various points raised in this House. And if any specific motion is carried, Government will consider whether they can accept that motion and act accordingly.

Mr. FAKHRUDDIN ALI AHMED: As this matter has already been discussed threadbare on the floor of the House, a motion should be made by Government suggesting the line of action they propose to take on the report submitted by the Committee. I cannot understand the dilatory tactics of

the Hon'ble the Revenue Minister in shirking his responsibility and in not taking any initiative in this matter.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If my hon. friend thinks that he does not understand the Government attitude, I confess, it will be extremely difficult for me to understand his. If the Government position is dilatory, the members of the group from whom the resolution came that the 'Line System' should be forthwith abolished should have been first to complain. the subject is a momentous one, and any time spent over it ought to be considered to have been well spent, because the decision has to be arrived at after due and careful consideration. Furthermore, the whole position is somewhat confusing. My hon. friend Srijut Sarveswar Barua might have agreed with the majority in one matter, but in another matter he has disagreed. So the whole thing is very confusing and I find that some sort of discussion is necessary before Government comes to a decision.

The Hon'ble the SPEAKER: Government position is that they are not making any motion on the Line System Committee's Report. They would give an opportunity to the hon. members to table their motions. We have already got notice of one motion, and hon. members are entitled to send notices of other motions.

Srijut KAMESWAR DAS: May I draw the attention of the Hon'ble Revenue Minister that some of the non-official written replies to the questionnaire have not been printed?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: We have printed all the replies.

Srijut KAMESWAR DAS: No, a bundle of non-official written replies remained unprinted when we went through the enquiry and they are not printed even now.

Srijut SARVESWAR BARUA: We are all concerned with the discussion on the 'Line System'. The usual procedure as has been stated by our leader is that it is for the Government to recommend a certain line of action on the report that is submitted. Now, as Government want to shirk that responsibility, I do not like to move the motion I have tabled. I beg to withdraw the notice I gave.

The Hon'ble the SPEAKER: I think the hon. member is speaking for himself. Other motions might be coming. The Hon'ble Minister has made his position very clear. He would give ample opportunity to the hon. members for discussion of any motion that may come in. Am I to take it that the hon. member does not like to press his motion.

Srijut SARVESWAR BARUA: Our position is that I have already given my opinion in the Report, so my view would not help Government any further.

The Hon'ble the SPEAKER: Then the decision is clear that the hon. member is not going to press his motion.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: What would be the position, Sir, if there be no motion on this subject?

The Hon'ble the SPEAKER: Then the *status quo* will continue.

Mr. FAKHRUDDIN ALI AHMED: Sir, may we take it that the 20th of September has been fixed for the discussion of this report?

The Hon'ble the SPEAKER: If any motion be coming in, then that will be considered on the 20th.

Srijut KAMESWAR DAS: May I get a reply to my query that some replies to the questionnaire have not been printed?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If my hon. friend will point out what has not been printed, I shall try to find that out.

Srijut KAMESWAR DAS: There are many replies which have not been printed.

Adjournment

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

After Adjournment

The Assembly re-assembled after lunch at 2 p.m.

Procedure when notices of more than one adjournment motions are received in one day

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir. Before you give your ruling on a particular point at issue, I want to know two points from you. Sir, it has been seen that before you gave your consent to a particular adjournment motion, you consulted the members of the Government bench in order to ascertain their opinion thereto.

The Hon'ble the SPEAKER: No, I asked the Hon'ble Chief Minister to say whether he has got any objection and if so on what ground.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: After hearing whether they have got any objection or not you made up your mind whether you are to give your consent or withhold that. My point is this, whether after you have given your consent to a particular adjournment motion saying that it is in order, it is incumbent on you to read the statement on that motion and ascertain forthwith whether the mover of that particular motion has got the leave of the House. This is one point and the second point is that, I want to know that even if leave be granted by the House whether the mover of that particular motion is bound to move that motion forthwith. These are the two points I want to know from you, Sir.

The Hon'ble the SPEAKER: The rule is very clear.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The rule is very clear that you are to fix the time for that purpose. But in a particular case, I think, you can hear the objection, if any, from the Government bench and then allow sometime for the mover or you can fix another time to ascertain whether the mover has got leave of the House to move that motion.

Babu KAMINI KUMAR SEN: May I make a submission, Sir? To me it seems that the rule is quite clear. The leave for moving several adjournment motions can be taken on the same day, but two adjournment motions cannot be discussed on the same day. In case there are several adjournment motions tabled for the same day, there is no procedure for balloting the adjournment motions. So unless leave for several motions can be taken on the same day I don't know what procedure will have to be followed in giving precedence to the adjournment motion tabled for the same day. So I think leave for moving several adjournment motions can be taken on the same day but more than one cannot be discussed in one day.

Hon'ble Speaker's ruling regarding procedure when notices of more than one adjournment motion is received in one day

The Hon'ble the SPEAKER: When hon. Mr. Rabindra Nath Aditya was going to ask for leave to move his adjournment motion in order to discuss a definite matter of urgent public importance namely acceptance of tender of Commercial Carrying Company, Ltd. by the Government of Assam for the operation of motor transport service on the Pandu-Gauhati-Shillong road without giving this House an opportunity to discuss the subject, an objection was raised on behalf of the Government that he could not ask for leave to move such an adjournment motion in view of the fact that another adjournment motion had been previously fixed for to-day. The objection is raised under sub-rule (i) of rule 79 which is to the effect that not more than one such motion shall be made at the same sitting. Now if this rule be considered in connection with rule 78 then I am disposed to hold that here it refers to motions itself, and not to leave for moving the motion. If the contention of the Hon'ble Chief Minister be sound then it comes to this that to ask for leave is to make the motion. If that be so then I think, a somewhat absurd result will follow. When a motion is moved and leave is not granted then also that contention can very well be made that when a motion was made another motion cannot be made. Therefore, on an interpretation of the rule I think that on the same day leave for several adjournment motions can be asked for. Now an adjournment motion has been fixed for to-day and if the hon. member be given leave to move that motion then under sub-rule (i) of rule 79 that motion cannot be moved to-day. That rule really limits the number of motions to be discussed but it does not limit the right of the House to move for leave for adjournment motion. But the question is whether after a motion is fixed for discussion on a particular day, whether there is any objection to asking for leave to move another motion, without deciding definitely anything on this point, I should point out to the House that in this particular case as I read the motion I find apparently the matter to be discussed is very important and of great public importance if regard be had to the various questions that were put in previous sessions and the answers that were given by the Hon'ble Chief Minister to those questions.

So if the minority, the Opposition, wants to discuss that matter it is the duty of the Speaker to uphold the rights of the minority, and grant an opportunity to discuss that motion (*Cheers from the Congress Benches*). In view of that fact the Chair will waive the urgency. So without asking for leave of the House for this motion to-day, I would ask the hon. member to table his motion again to-morrow so that the matter may be discussed, whether he should be granted leave or not, and if he can make out a case that really the matter is of great public importance then, if the other requirements are complied with; the fact of the motion being not dealt with to-day will not stand in the way of the Chair giving consent to the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA*: May I make a very short statement with your permission, Sir? If there is any impression that I wanted to stifle the discussion of this motion hon. members may dispel that impression from their minds. As a matter of fact I welcome this motion. I only wanted to point out the difficulty under sub-rule (i) of rule 79.

*Speech not corrected.

The Hon'ble the SPEAKER: I have only said that in order to enable him to table the motion to-morrow. I am going to waive urgency in this matter.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I won't put any objection whatever when the motion comes up for discussion to-morrow.

Presentation of the Report of the Assembly Rule-Making Committee

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, I beg to present the Report of the Assembly Rule-Making Committee with the Rules as drafted by the said Committee under section 84(1) of the Government of India Act, 1935.

(After a pause)

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, I beg to move that the Rules of the Assam Legislative Assembly as drafted by the Committee be taken into consideration.

The Hon'ble the SPEAKER: The motion moved is that the Rules of the Assam Legislative Assembly as drafted by the Committee be taken into consideration.

(After a pause)

The question is that the rules of the Assam Legislative Assembly as drafted by the Committee be taken into consideration.

The motion was agreed to.

THE CIVIL PROCEDURE (ASSAM AMENDMENT) BILL, 1938

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Mr. Speaker, Sir, I beg to introduce the Civil Procedure (Assam Amendment) Bill, 1938.

(After a pause)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Sir I beg to move that the Bill be taken into consideration.

This Bill, Sir, is a very simple and non-controversial Bill. It only permits the Judges to dictate evidence, as has been stated in the Statement of Objects and Reasons, instead of writing with their own hands. I may tell the House that the Civil Justice Committee recommended that Judges should be allowed the opportunity of availing themselves of the services of their stenographers. The Bengal Government is also introducing a Bill to this effect.

The Hon'ble the SPEAKER: The motion moved is that the Civil Procedure (Assam Amendment) Bill, 1938, be taken into consideration.

(After a pause)

The question is that the Civil Procedure (Assam Amendment) Bill, 1938, be taken into consideration.

The motion was agreed to.

THE SYLHET TENANCY (AMENDMENT) BILL, 1938

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, I beg to introduce the Sylhet Tenancy (Amendment) Bill, 1938.
(After a pause)

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, I beg to move that the Sylhet Tenancy (Amendment) Bill, 1938, be referred to a Select Committee consisting of the following members:—

- (1) Maulavi Dewan Muhammad Ahbab Chaudhury,
- (2) Khan Bahadur Haji Abdul Majid Chaudhury,
- (3) Maulavi Muhammad Maqbul Hussain Chaudhury,
- (4) Khan Sahib Maulavi Mudabbir Hussain Chaudhury,
- (5) Maulavi Md. Ali Haidar Khan,
- (6) Babu Balaram Sircar,
- (7) Mr. F. W. Hockenul,
- (8) Babu Kamini Kumar Sen,
- (9) Babu Karuna Sindhu Roy,
- (10) Babu Rabindra Nath Aditya,
- (11) Babu Dakshinaranjan Gupta Chaudhuri, and
- (12) The mover (the Revenue Minister).

(Five members to form a quorum.)

The Hon'ble the SPEAKER: The motion moved is that the Sylhet Tenancy (Amendment) Bill, 1938, be referred to a Select Committee consisting of:—

- (1) Maulavi Dewan Muhammad Ahbab Chaudhury,
- (2) Khan Bahadur Haji Abdul Majid Chaudhury,
- (3) Maulavi Muhammad. Maqbul Hussain Chaudhury,
- (4) Khan Sahib Maulavi Mudabbir Hussain Chaudhury,
- (5) Maulavi Md. Ali Haidar Khan,
- (6) Babu Balaram Sircar,
- (7) Mr. F. W. Hockenul,
- (8) Babu Kamini Kumar Sen,
- (9) Babu Karuna Sindhu Roy,
- (10) Babu Rabindra Nath Aditya,
- (11) Babu Dakshinaranjan Gupta Chaudhuri, and
- (12) The mover (the Revenue Minister).

(Five members to form a quorum.)

Mr. ARUN KUMAR CHANDA: Sir, it will be noticed that there are other Bills on the same subject, one standing in the name of Maulavi Abdur Rahman, one in the name of Maulavi Abdul Bari Chaudhury and another standing in the name of Babu Karuna Sindhu Roy. In view of the fact that these Bills deal more or less with the same subject I would like to suggest that a single Select Committee might go into all these Bills and decide upon a line of action. Otherwise it might lead to duplication of work.

The Hon'ble the SPEAKER: But how can you do it to-day?

Mr. ARUN KUMAR CHANDA: We propose to request the leaders of the various parties and also the Hon'ble Revenue Minister to accede to this request.

Several voices: Those Bills are not before the House.

Mr. ARUN KUMAR CHANDA: By mutual agreement this can be done. The whole point is that the Hon'ble Revenue Minister claims that he is trying to render some assistance to the tenantry, but the Bill which

has been drafted by the Hon'ble Revenue Minister does not touch even the fringe of the problem under which the tenantry are groaning. If permitted, I would like to show that there are various points which have been left out of consideration from the Hon'ble Minister's Bill and we propose to add them. But, as I submitted before, if all the three Bills are gone into separately the House would be confronted with the position of electing three or four Select Committees to go into the same matter. In view of the same subject matter we might arrive at some sort of agreement by which the same Select Committee would go into all questions raised thereon.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: Sir, this Bill which has been introduced by me this afternoon aims at the amelioration of the condition of tenants and this has been stated clearly in the Statement of Objects and Reasons. The Bills of which notices have been given by some private members also aim at the same object. So, Sir, I personally think, subject to your ruling, that all the provisions contained in the Bills tabled by private members can be discussed in the Select Committee, and if the majority of the Select Committee so decide, those provisions can be included in the Bill as it emerges from Select Committee. So there will be no difficulty, and as I have included the names of almost all the hon. members who have tabled similar Bills in the list, I think, they will be able to place their views in the Select Committee.

Srijut GOPINATH BARDOLOI*: With regard to the point I wish to say that all the provisions contained in private members' Bills that have been tabled by members of the opposition may not agree with the principles involved in the Bill that has been submitted by the Government, and so we want a definite assurance by the Government that the provisions which are contained in the Bill that has been sponsored by Government will be taken into consideration by the Select Committee. If we get that assurance we shall settle between ourselves to proceed without our Bills.

Mr. FAKHRUDDIN ALI AHMED*: Sir, may I point out one thing in this connection? When the Assam Local Self-Government (Amendment) Bill was introduced by my hon. friend Srijut Siddhi Nath Sarma objection was taken by the Hon'ble Rev. J. J. M. Nichols-Roy that any matter which did not form part of the Bill could not be taken into consideration by the Select Committee. So far as I have been able to see, the Bill introduced by the Hon'ble Srijut Rohini Kumar Chaudhuri and the Bills of which notices have been given by private members all differ in principles, and if the same objection is taken by Government as was taken on the last occasion these different provisions cannot be included in the Government Bill.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: They are not different.

Several voices: They are different, they are not the same.

Mr. FAKHRUDDIN ALI AHMED*: So unless we get a definite undertaking from the Government that all the provisions of the private members' Bills will be discussed in the Select Committee we shall be forced to oppose this Bill.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: So far as I am concerned I do not see any objection to discussing in Select Committee the provisions of the other Bills.

Srijut GOPINATH BARDOLOI: What does the Hon'ble Minister mean by "I am concerned"?

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The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I am speaking on behalf of the Government. What I wish to add is that if something outside the scope of this Bill finds place in the proceedings of the Select Committee it will be for the Hon'ble Speaker to decide whether it may be included in the Bill.

Babu HARENDRA NARAYAN CHAUDHURI*: May I ask whether the Government will be able to take into consideration the fixation of rent as also the provisions of the private members' Bills? I do not think so. I think they will have no right to discuss these matters under the rules.

Babu KAMINI KUMAR SEN*: It seems to me that under the rules we cannot do that. It has also been admitted that the principles are not the same. I think the provisions of the other Bills cannot be considered by the Select Committee appointed for this Bill.

The Hon'ble the SPEAKER: There is one practical solution, and that is to have the same Select Committee for the other Bills when the Bills come up before the House.

Srijut GOPINATH BARDOLOI*: Will it not be the best thing for the Government to postpone this stage of consideration of the Bill till the non-official Bills come up for consideration?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I have brought my substantive motion and I do not want to resile from it. This motion may be carried and the Bill referred to a Select Committee, and if the personnel of the Select Committee is the same as the personnel of the Select Committee for the other Bills I shall have no objection.

The Hon'ble the SPEAKER: But there is nothing to show when those Bills will come up before the House, and it may be that they may not come up before the House during this session.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: And therefore I insist that as the Government are anxious to give some relief to the tenants this motion may be taken up at once so that I may begin my work as early as possible.

Khan Bahadur Maulavi KERAMAT ALI*: If the suggestion made by the Hon'ble Revenue Minister is accepted I think the name of Maulavi Abdur Rahman may be included in the list.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have no objection because he is one of the sponsors of a private Bill.

The Hon'ble the SPEAKER: Am I to put the question to the House?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI*: As this Bill concerns the district of Sylhet I think a member may be taken from the Independent Party, and I suggest the name of Babu Lalit Mohan Kar.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already taken a gentleman from the group to which the hon. member refers. I should see that the committee does not become too large or unwieldy, otherwise I have no objection.

The Hon'ble the SPEAKER: Am I to take it that his name has been accepted?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, but I would request hon. members not to try to make the Select Committee unwieldy.

Babu KARUNA SINDHU ROY*: I beg to suggest two names: Maulavi Abdur Rahman and Khan Bahadur Mufizur Rahman.

*Speech not corrected.

The Hon'ble the SPEAKER: The name of Maulavi Abdur Rahman has already been accepted.

Babu BALARAM SIRCAR: I suggest the name of Maulavi Abdul Bari Choudhury.

The Hon'ble the SPEAKER: So many names have been suggested. Will the Hon'ble Minister say whether he accepts them?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I would ask the House not to insist on the addition of more names.

The Hon'ble the SPEAKER: Then only two names are added, Babu Lalit Mohan Kar and Maulavi Abdur Rahman? So, many names have been suggested. Does the Hon'ble Minister in charge desire to say anything with regard to the inclusion of the names of Khan Bahadur Mufizur Rahman and Maulavi Abdul Bari Choudhury?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The Committee is getting too big and I would like to ask the House not to insist for any more additions.

The Hon'ble the SPEAKER: Then only the two names of Babu Lalit Mohan Kar and Maulavi Abdur Rahman he agrees to.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is so, Sir.

The Hon'ble the SPEAKER: Then I shall put the question to the House. There is not going to be any discussion on this motion.

The question is that the Sylhet Tenancy (Amendment) Bill, 1938 be referred to a Select Committee consisting of the following members:—

- (1) Maulavi Dewan Muhammad Ahab Chaudhury,
- (2) Khan Bahadur Hazi Abdul Majid Chaudhury,
- (3) Maulavi Muhammad Maqbul Hussain Chaudhury,
- (4) Khan Sahib Maulavi Mudabbir Hussain Chaudhury,
- (5) Maulavi Md. Ali Haidar Khan,
- (6) Babu Balaram Sircar,
- (7) Mr. F. W. Hockenull,
- (8) Babu Kamini Kumar Sen,
- (9) Babu Karuna Sindhu Roy,
- (10) Babu Rabindra Nath Aditya,
- (11) Babu Dakshinaranjan Gupta Chaudhury,
- (12) Babu Lalit Mohan Kar,
- (13) Maulavi Abdur Rahman, and
- (14) The mover (the Revenue Minister).

(Five members to form a quorum).
The Motion was agreed to.

The Goalpara Tenancy (Amendment) Bill, 1938

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I beg to move that the Goalpara Tenancy (Amendment) Bill, 1938 be introduced.

(After a pause)

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I beg to move that the Goalpara Tenancy (Amendment) Bill, 1938 be referred to a Select Committee consisting of:—

- (1) Maulavi Muhammad Amjad Ali,
- (2) Maulavi Ghyasuddin Ahmed,
- (3) Maulana Abdul Hamid Khan,
- (4) Maulavi Jahanuddin Ahmed,

- (5) Sriji Jogendra Chandra Nath,
 - (6) Sriji Paramananda Das,
 - (7) Sriji Rupnath Brahma,
 - (8) Sriji Santosh Kumar Barua,
 - (9) Mr. Kedarmal Bahmin,
 - (10) Mr. F. W. Hockenhull, and
 - (11) The mover (the Revenue Minister).
- (Five members to form a quorum.)

Maulavi MUHAMMAD AMJAD ALI: Sir, myself, my hon. friend Sriji Jogendra Chandra Nath and Maulana Abdul Hamid Khan have sponsored three Bills for the amendment of Goalpara Tenancy Act. As the provisions of the Bill sponsored by the Government fall far short of the expectations of the *raiyats*, may I know whether this Bill sponsored by Government will share the same fate as the Sylhet Tenancy (Amendment) Bill that has been referred to the Select Committee? That is to say whether the provisions of these three private Bills will be considered along with the Government Bill and incorporated when passed by the majority of the Select Committee?

The Hon'ble Sriji ROHINI KUMAR CHAUDHURI: I agree to follow the same principle as we have adopted with reference to the Sylhet Tenancy (Amendment) Bill, that is to say the provisions of the private members' Bills will be discussed in the Select Committee and if the majority wants to incorporate any of the provisions of the private members' Bills in the Government Bill, I shall not have any objection.

The Hon'ble the SPEAKER: The question before the House is, that the Goalpara Tenancy (Amendment) Bill, 1938 be referred to a Select Committee consisting of the following members:—

- (1) Maulavi Muhammad Amjad Ali,
 - (2) Maulavi Ghyasuddin Ahmed,
 - (3) Maulana Abdul Hamid Khan,
 - (4) Maulavi Jahanuddin Ahmed,
 - (5) Sriji Jogendra Chandra Nath,
 - (6) Sriji Paramananda Das,
 - (7) Sriji Rupnath Brahma,
 - (8) Sriji Santosh Kumar Barua,
 - (9) Mr. Kedarmal Brahmin,
 - (10) Mr. F. W. Hockenhull, and
 - (11) The mover (the Revenue Minister).
- (Five members to form a quorum).
The motion was agreed to

The Temporary Postponement of Execution of Decrees Bill, 1938

The Hon'ble Sriji ROHINI KUMAR CHAUDHURI: I beg to introduce the Temporary Postponement of Execution of Decrees Bill, 1938.

(After a pause)

The Hon'ble Sriji ROHINI KUMAR CHAUDHURI: I beg to move that the Temporary Postponement of Execution of Decrees Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 30th November 1938.

Sir, the reasons for which I have sponsored this Bill in this House is clearly stated in the Statements of Objects and Reasons. I have nothing to add to what I have stated there. But I would like to draw attention of the Hon'ble House particularly to Clause 3 of the Bill which provides for stay of execution of certain decrees, and also to the schedule which includes "agricultural labourers, general labourers, cowherds, goatherds, dairymen, blacksmiths, carpenters, fishers, boatmen, etc." So, Sir, it will be seen that the relief to be granted under this Bill will go to the poorer class of people, the labourers and the cultivators. But, there is one other thing which has made me slightly cautious. It is urged by some, and I think with some force also, that legislation of this kind might not help that particular class of people for whose benefit it is enacted.

Babu KAMINI KUMAR SEN: May I rise to a point of order, Sir? The copy of this Bill has been placed on the table of hon. members only to-day and I think the motion cannot be taken up to-day.

Sir, according to proviso to rule 49, 'no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made.....' We have got a copy of the Bill only to-day. So I think we cannot discuss this motion to-day.

The Hon'ble Sriji ROHINI KUMAR CHAUDHURI: Sir, we have published the Bill in the Gazette, and hon. members must have seen it.

Babu KAMINI KUMAR SEN: I have not seen it.

The Hon'ble the SPEAKER: With regard to the objection raised by Mr. Sen, I have nothing to say as regards its validity. He is perfectly right in this contention that the rules stand in the way. But having regard to the fact that the Bill was published in the Gazette and also having regard to the fact that, if this motion be not taken up to-day, the Government will have ample time to bring it again, I do not think the hon. member need object. Hon. members may remember my ruling in connection with the Members' Emoluments Bill, in regard to the point raised by Mr. Sen. There is the discretion given to the Chair and in exercise of that I allow the Hon'ble Minister to move.

The Hon'ble Sriji ROHINI KUMAR CHAUDHURI: Sir, we have not got now as many co-operative banks as we should have in the rural areas. The money market has become tight, the *mahajans* have already become shy and unwilling to advance money to agriculturists. So such legislation ought to be proceeded with somewhat cautiously. My intention in asking for circulation of the Bill is to see the opinions expressed by different public bodies and public spirited individuals.

I would also draw the attention of the House to clause 4 of the Bill which says—

(1) "On the date on which this Act comes into force, all persons in detention in civil prison in execution of any decree for money, passed by a civil court in which the judgment-debtor or any one of the judgment-debtors is an agriculturist, shall be released.

(2) No person shall in any case be liable to arrest or detention in the civil prison in execution of any such decree as is referred to in subsection (1) during the period the Act shall remain in force".

I consider, Sir, that civil imprisonment is a necessary punishment and it means loss to the whole nation if agriculturists are arrested and detained

in civil prison in execution of money decree against them. Because, if they are so detained, it means that they are unable to go to their fields and they are unable to produce crops which feed the people.

I hope the House will agree that the principles of this Bill are in accordance with the general demand of the country at the present time.

The Hon'ble the SPEAKER: The question before the House is that the Temporary Postponement of Execution of Decrees Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 30th November 1938.

The motion was agreed to.

The Assam Municipal (Amendment) Bill, 1938

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I beg, Sir, to introduce the Assam Municipal (Amendment) Bill, 1938. This Bill has been published in the *Assam Gazette*.

The Hon'ble the SPEAKER: The Hon'ble Minister should move his next motion.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I beg, Sir, to move that the Bill be taken into consideration.

The reasons for this Bill have been stated in the Statement of Objects and Reasons. It is only to correct a technical error that has been found in the Rules as well as the Act. In section 12 of the Assam Municipal Act we find, in connection with the qualifications of voters that every person has to be of the full age of 21 years, being a British subject or a subject of a State in India, who at the time of such election has been for a period of not less than 12 months immediately preceding the date of such election resident within the municipal limits or an inhabitant thereof. This provision of the Act lays down that the date to ascertain the 12 months' period of residence of an elector should be the *date of the election*. But in our rule we find that to ascertain the 12 months' residence of a voter is the *date of the publication of the roll*. We find a contradiction between the rule and the Act. In order to correct that technical difficulty, we have introduced this Bill prescribing a certain date before the election so that all persons who have been residing for 12 months in the municipality will have their residential qualification decided before the electoral roll is finally published.

That is the technical error we have to correct and I hope that nobody will have any objection.

The Hon'ble the SPEAKER: The motion moved is that the Assam Municipal (Amendment) Bill, 1938, be taken into consideration.

(After a pause)

I will take it that no discussion is to follow.

The question is that the Assam Municipal (Amendment) Bill, 1938, be taken into consideration.

The motion was agreed to.

PRIVATE MEMBERS' RESOLUTIONS

Resolution regarding increase of Pay of Primary School Teachers

Babu LALIT MOHAN KAR: Mr. Speaker, Sir, I beg to move that—"This Assembly recommends to the Government of Assam that the minimum rate of pay of the teachers of Lower Primary Schools in the province of Assam be fixed at Rs. 15 a month, and that the pay of the teachers now serving at a lower rate be raised to the said minimum with effect from the next financial year."

Sir, in moving this resolution for an increased initial pay of the teachers of the Lower Primary Schools, I do not think I need say much, as I hope I can count on the support of the whole House in the matter, including the Treasury Bench.

How can we remain contented after entrusting the education of our children with teachers, whom we ourselves do not think deserving of better treatment than the menials of Government offices?

In fact the Lower Primary School Teachers are practically the makers of our young generations, who are to be the citizens of to-morrow, but the pity of the thing is that we want such useful service from persons whom we pay a lesser salary than that of an office peon.

The present education can never loom bright in the present atmosphere of apathy and indifference.

It is I think undisputed that efficient teachers should be placed in charge of child education. We want many things from them, but how much do we pay them for it? Not more than Rs. 12 a month. Is it not justice, is it not our duty, is it not necessary, Sir, for the poor teachers to fix their minimum pay at least at Rs. 15 per month?

Sir, it will be very regrettable if the resolution is opposed by the Treasury Bench on the plea that 'funds are not permitting'. The revenues are lavishly spent in maintaining law and order, and the top-heavy services, as a result of which the nation-building departments are made to starve.

Sir, money must be found, and it is not very hard to find money if there is a will behind. Where there is a will there is surely a way too. The only thing is, Sir, that willingness on the part of the Government that is wanting.

If Government should talk big of their interest in education and at the same time tighten the string of their purse, it will be like breathing hot and cold at the same time.

For education there can be no sacrifice too great or no labour too hard. The Government of Assam has done very little so far for the cause of primary education. I appeal to the House on behalf of these poor Lower Primary School teachers to take pity on them. Any civilised Government ought to hang down its head in shame for allowing such a state of things to continue. A popular Government should have no argument against this popular demand but they must yield to it.

I believe, Sir, that this resolution, which seeks to do a little justice to our Lower Primary School teachers, will be passed by this Assembly without any division.

With these few words, Sir, I beg to move this resolution.

The Hon'ble the SPEAKER: The resolution moved is, "This Assembly recommends to the Government of Assam that the minimum rate of pay of the teachers of Lower Primary Schools in the province of Assam be fixed at Rs. 15 a month, and that the pay of the teachers now serving at a lower rate be raised to the said minimum with effect from the next financial year."

The Hon'ble Maulavi MUNAWWAR ALI*: Sir, I thank the hon. member for having brought forward a resolution on the pay and prospects of primary schools teachers.

Sir, the lot of Primary School teachers has had sympathy of the Government of Assam throughout. Even before the Montague-Chelmsford

*Speech not corrected.

Reforms the Lower Primary School teachers in this province were not without the purview of sympathy of this Government. When a very low scale of pay was obtaining in the neighbouring province of Bengal, the Government of Assam gave a minimum pay of Rs. 12 per mensem. If my memory does not fail me, I may say that at the time when the minimum pay of Rs. 12 was given here in Assam to the Lower Primary School teachers, at that very time identically in Bengal the pay of these teachers was nothing more than Rs. 5 or Rs. 6 and even up to this day the pay and prospect of the teachers in the neighbouring province are not in any way better, nay much worse than those of our province.

Sir, in spite of the financial difficulties, the teachers have received from time to time very sympathetic consideration and Government regret very much that it has not been possible for them to give the teachers better emoluments. It has been suggested by this resolution that the teachers' pay should be Rs. 15 per mensem. Need I tell the hon. mover that about 25 per cent. of the teachers get much more than that figure? I myself know of several Lower Primary School teachers whose pay has risen to Rs. 25 per mensem. I think, every hon. member of this House is aware that the minimum pay of the teachers is Rs. 12 per mensem in Assam.

Sir, since I took over charge this question has been engaging my most serious attention. I have often wondered if one rupee or two rupees increment in the pay of the teachers would solve their problem. Recently I myself have thought and even discussed this question with numerous Lower Primary teachers who have agreed with me that the increment of one rupee or two rupees per mensem would not solve their penury. Sir, the question which has been recently engaging my attention I have not had yet time to bring before the Cabinet. I may be permitted to tell the hon. members of the House that I have just begun to test what the Primary School teachers themselves want. While the teachers approached me in a deputation during my tour in the district of Sylhet, I asked them point blank whether they would take one or two rupees increment in their present pay or agree to a scheme like this: "Say, you are given declared holidays during your plough and harvesting season". Sir, if we want that our teacher should be economically better, and most of them, as you know, are to do mostly with plough, we must make a scheme like this. If they are let alone during those few months, say two and half months during the year, with their boys to go to the field and do harvesting and ploughing and set things right at home then it would help them to improve their lot. The teachers who came to see me in Sylhet agreed that they would like it better because they would be able to adjust things at home and would not be pained being confined to the four walls of the school looking at their field and harvest. Sometimes by their absence from their home they lost a good deal. Sir, this is a question which, as I have told the House just now, has been engaging my most serious consideration and as I have told you that I had seen a number of teachers during my tour in the Surma Valley who have expressed satisfaction at a probable solution of the problem like this. As you know, Sir, my proposal is to bring harmony between the pen and the plough, i.e., to work half with the pen and half with plough. Then perhaps our problem would really be solved. The poor teachers by their absence from their home cannot adjust their economic situation. They would during the stormy times be able to repair their houses and do other works at their home. Perhaps most of them would hold the plough themselves. This perhaps, to my mind, is an effective way of solving the real problem.

Well, Sir, now let me take up the economic side of this question. There are as many as 8,000 Lower Primary teachers in this province under

the employ of local bodies, and there are three thousand others which are venture schools. If anything is to be done so far as this resolution is concerned then.....

(At this stage the clock struck 3 p.m.)

The Hon'ble the SPEAKER: Order, order. Now we are to take up the adjournment motion standing in the name of Srijut Omeo Kumar Das.

Adjournment motion to discuss the manner in which last nominations to the Local Boards have been given—Discussion

Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to move the following motion:—

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance, to wit, the manner in which last nominations to the Local Boards have been given by the Government".

In moving this motion I have to bring to the notice of this House how this power of nomination has been abused by my friend the Hon'ble Minister for Local Self-Government.

Sir, while my hon. friends Messrs. Siddhinath Sarma and Srijut Lakshesvar Borooah introduced their Bills to amend the constitution of the local boards in Assam, my Hon'ble friend Rev. J. J. M. Nichols-Roy, appeared in the role of a jealous defender of the minorities. But when the chance came for him to defend the claims of minorities, where was he? He went on canvassing support for himself ignoring the claims of the minorities. I beg to bring to the notice of the House specific instances of how he abused this power. Let me take the case of the Tezpur Local Board. How did he attend to the claims of the minorities? What became of the tribal people? What became of the Scheduled castes when he nominated members for the Tezpur Local Board? The Deputy Commissioner of Tezpur sent in a list of persons to be nominated to the Local Board of Tezpur, but what did he do with that list? Representatives from the upper castes who had representation to the Board, were again nominated, because one of the gentlemen who was defeated at the election, assisted him in bringing back a rebel member of his party to him and even now this rebel member is confined in a Minister's bungalow at Shillong (*shame*). Nominations were given according to his dictation because of this service to the Ministers. In the notification published on the 18th May the name of Srijut Surendranath Das Kachari was published as being nominated to the Local Board; but no persons was found of that name and this name had to be corrected in the next notification. He was an upper caste Hindu and not a Kachari (*shame*).

The Hon'ble the SPEAKER: Order, order.

Srijut OMEO KUMAR DAS: And then, some contractors who were working under the Local Board were nominated to the Tezpur Local Board. Some Excise Mahaldars were also nominated to the Tezpur Local Board. And why? Because a person who was defeated in the elections assisted the Minister in gaining back a rebel member of his party to his fold. This gentleman coming to Shillong met the Ministers and presented a new list of persons for nomination and the Minister in charge of Local Self-Government nominated his nominees throwing aside Kachari and Scheduled caste people whose names were included by the Deputy Commissioner.

Maulavi JAHANUDDIN AHMED: May I know from the hon. member whether he supports communal representation?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir I have not heard his sentence.

Srijut OMEO KUMAR DAS: Two persons who do not belong to any of the minority communities have been nominated to the Tezpur Local Board. Again in the case of Mangaldai Local Board it is the Government which appointed the Chairman of the Local Board, because this gentleman happens to support the Ministry.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: May I know the name of the person.

The Hon'ble the SPEAKER: The Hon'ble Minister wants the name.

Srijut OMEO KUMAR DAS: You know it yourself probably. Don't you know the person whom you appointed?

Sir, in the Gauhati Local Board a defeated candidate who happens to be a relative of a member of the Cabinet has been nominated to the Gauhati Local Board. Again in Barpeta a clerk of the Chairman has been nominated, though a better Muhammadan candidate could have been found in his place (*shame*). In this way the power of nomination has been abused. It has not been used to protect the claims of minority communities for whom my Hon'ble friend Reverend J. J. M. Nichols-Roy stood as a valiant supporter sometime ago. My Hon'ble friend Rev. J. J. M. Nichols-Roy very often makes a liberal use of the term righteousness even apart from his sermons from the pulpit. But the manner in which he has been using this power of nomination does not show that he can have a claim to righteousness himself. Sir an English friend in the columns of the *Times of Assam* on the 18th June last in pious rage remarked that it is a matter of shame that the ministry should resort to such tactics which in plain language amounts to bribery.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: Sir, he is charging the ministry. He has quoted certain words. Does he hold himself responsible for this?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: My hon. friend is enquiring whether the word "bribery" is Parliamentary.

The Hon'ble the SPEAKER: Certainly the word is not Parliamentary, unless definite facts and figures are given. If he comes with facts and figures and says I charge so and so then of course the question of bribery comes. If he goes on making accusations of this sort then that should not be allowed.

Srijut OMEO KUMAR DAS: Sir, there is the paper and if it is objected to then you can take the paper into task.

Maulavi JAHANUDDIN AHMED: Sir, may we know whether the hon. member will withdraw the word 'bribery'?

Srijut OMEO KUMAR DAS: Sir, I think, I am quite within my rights to quote the paper.

Maulavi JAHANUDDIN AHMED: Sir, he has quoted the unparliamentary word 'bribery'.

Srijut OMEO KUMAR DAS: Sir, I have given only a few instances and friends by my side will give also specific instances in support of the motion. With these few words I press the motion for the acceptance of the House.

The Hon'ble the SPEAKER: The motion moved is, "that the Assembly do now adjourn".

Maulavi JAHANUDDIN AHMED: Sir, may we know whether the hon. member will withdraw the word 'bribery'?

The Hon'ble the SPEAKER: The hon. member is not charging anybody with bribery. He is only quoting certain extracts from certain paper.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: He cannot quote whatever he likes from the paper.

Rai Bahadur PROMODE CHANDRA DUTT: If I understood the hon. member he did not say that any money passed. What he said was that the nomination was such as to amount to illegal inducement.

The Hon'ble the SPEAKER: The hon. member has used the word 'bribery' in the sense of inducement.

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir. I congratulate my hon. friend Srijut Omeo Kumar Das on his obtaining the opportunity of discussing a matter of urgent public importance. Sir, the Assam Municipal Act and the Assam Local Self-Government Act provide that the communities that are not adequately represented or under-represented should be nominated by Government. As I said many a time on the floor of this House, that this rule has been honoured in its breach than in compliance. Speaking of the Dibrugarh Municipal election.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, may I point out that the adjournment motion refers to Local Board nomination?

Srijut LAKSHESVAR BOROOAH: I beg your pardon, Sir. All the same the same observation also applies in case of Local Board nomination. Speaking of the last nomination of Dibrugarh Local Board we find that claims of the under-represented communities have been definitely overlooked, and we find that the Hon'ble Minister has nominated certain persons according to his choice. In Dibrugarh Local Board as well as to Municipal Board a person belonging to a Scheduled caste was nominated for the last six years ignoring the claims of persons nominated by the association of the Scheduled castes. I should say that this has been done in direct violation of the constitutional practice. Sir, similarly persons from the over-represented communities in Dibrugarh Local Board have got nomination in supersession of the claims of the under-represented communities. The principle that has been followed by the present Ministry in the matter of nomination is not supported by the Assam Local Self-Government Manual. The principle appears to be followed by the Ministry is that the person who supports the Ministry should get the nomination, and I submit, if this is the policy of the present Government then the right and proper course for the Ministry should be to bring in a Bill just to amend the present provision of the Local Self-Government Act and to put in the clause there that nomination should be given to those person who support the Ministry and to no other persons. With these few words, I beg to support the motion of my hon. friend Srijut Omeo Kumar Das.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: Mr. Speaker, Sir, is not the word 'bribery' an unparliamentary one? If the answer be in the affirmative will he kindly withdraw it. This is a most unparliamentary word.

The Hon'ble the SPEAKER: The use of the word 'bribery' does not convey any idea that money was paid as an inducement to do any act. The word 'bribery' has been used here in the sense that there was an inducement of an objectionable nature given to somebody. If the hon. member would have said something to the effect that money was paid then of course there would have been objection.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: This is an unparliamentary word and yet he has not withdrawn it.

The Hon'ble the SPEAKER: This word is not unparliamentary in an absolute sense; but under certain circumstances the word 'bribery' may become unparliamentary.

Srijut BELIRAM DAS: May we know whether the hon. member is also a nominated member of the Local Board? (*laughter*).

Mr. KEDARMAL BRAHMIN: Mr. Speaker, Sir. I rise to support this motion. I think, Sir, the previous Government was a better Government in this respect. (*Hear, hear*). It is well known to all the hon. members that the Marwaries form the Commercial community and it is a community by itself. The previous Government nominated members from the Marwari community in the Local Boards of Dibrugarh, Tezpur, Sibsagar, Jorhat and Nowgong, but this year not a single member from the Marwari community has been nominated except one in Dibrugarh. So I do not know whether the principle followed by the present Government is better than that of the previous Government. Sir, in North Lakhimpur Rs.6,000 has been realised by the Local Board and out of that about Rs.4,000 has been paid by the Marwaries but not a single man was nominated from the North Lakhimpur town. So I think the principle of nomination has been misused by the present Government and therefore I support the motion.

Maulavi JAHANUDDIN AHMED: Sir, the hon. member who has just now spoken has said that the income of the North Lakhimpur Local Board is Rs. 6,000 out of which Rs. 4,000 has been paid by the Marwaries. May I know whether the total income of the said Board is really Rs.6,000 of which Rs.4,000 is paid by Marwari community?

Mr. KEDARMAL BRAHMIN: I am subject to correction Sir, I mean not in the Local Board, but in the North Lakhimpur Town Committee.

Srijut SARVESWAR BARUA: Sir, as the question of North Lakhimpur has cropped up I think it is my duty to take part in this discussion. In the North Lakhimpur Local Board there are twenty members and out of them two are nominated. The nominated seats were so far enjoyed by one member from the tribal and one from the mercantile community. The seat for the mercantile community went so long to the Marwari community they being the most prominent merchants in the subdivision, and the other nominated seat went to the backward tribes, and it has been so far uniformly gone to the Miri tribe. This time also one seat has gone to Miris and nobody quarrels with the Government on that score. The other seat which so long went to the Marwaries on behalf of the Mercantile Community has this time gone to a Rai Sahib who is a Mauzadar, and who belongs to the Ahom community. The Ahoms have already got two seats in the North Lakhimpur Local Board by election. That gentleman who has been nominated from the Ahom community there is, as I said, a Rai Sahib and Mauzadar. He was a sitting member before and he was defeated this time in election and it is perhaps in order to keep up his prestige and also perhaps to gain some support for the Ministry that that gentleman has been nominated.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. May I ask whom that gentleman contested?

Srijut SARVESWAR BARUA: He contested me and I have been successful in defeating him in a constituency comprising his mauza alone. Government has rewarded that Rai Sahib Mauzadar for contesting me by nominating him, and it is perhaps to compensate him for his defeat (*Hear, hear*). I would not have spoken about it, but the Hon'ble Revenue Minister has compelled me to do so.

Now in that Local Board that seat has gone to an over-represented caste of the caste Hindus, the Ahoms, who had already got two seats and I do not think they could claim another seat by reason of their number there. Then there were other communities—I mean the depressed classes—who have got no representation in the Local Board. But they have been neglected and the seat has been given to the Rai Sahib. Similarly I think in other local boards also the same thing occurs and Government distribute patronage not only in nominating members but also in the appointment of Chairmen. One instance has already been mentioned here, the instance of Mangaldai Local Board; in North Lakhimpur too the same thing has happened. One gentleman who has perhaps been recruited to the Ministerial Party very recently, during the visit of the Hon'ble Minister for Local Self-Government to that town has been rewarded by appointment as Chairman in disregard of the wishes of the members of the Board as well as of the public. The policy followed in making these nominations has thus always been to gather support for the Ministry even by flouting public opinion.

I therefore support the motion.

Babu RABINDRANATH ADITYA: Mr. Speaker, Sir, if the meaning of any law has been perverted in a most flagrant manner, it is perhaps the meaning of the law of nomination. Sir, it has been used by Government as an instrument in their hands to utilise for the security of the Cabinet and for their own interests. It has been already repeated on the floor of this House that this system of nomination has been misused and it must be abolished. But curiously enough when our Hon'ble Minister for Local Self-Government posed as a valiant defender of under-represented and unrepresented communities, perhaps the people of those communities dreamt that a happy days for them were coming soon, at least during the last Local Board election and in connection with the nomination affairs. But all their dreams have been belied. What do we find, Sir? There have been corruptions everywhere in the matter of distribution of seats by nomination; a demoralisation has overtaken the whole administration and such demoralisation was never in existence even before the advent of the so-called Provincial Autonomy in the Province of Assam.

Sir, if that was a sacred trust imposed upon Government, it has been hopelessly betrayed. Sir, if this is not corruption I do not know what other meaning the word "corruption" can convey. I will cite only a few instances from my own district to show how this power in the hands of Government has been abused. Sir, in the Local Board of Karimganj there have been three nominations and three of the nominated members are all members of the Legislature. One is an M.L.C. who has not got even the franchise qualification for Karimganj Local Board; he is not a native of that subdivision; he has come to Karimganj to practice as a lawyer and earn his livelihood by practising in the Local Bar.

Maulavi JAHANUDDIN AHMED: How is it that he has no franchise in the Local Board, although he is an M.L.C.? How did he become a member of the Legislative Council?

Babu RABINDRA NATH ADITYA: I am sorry the hon. member does not know what the franchise qualification for a Local Board is (*Hear, hear*). An M.L.C. does not necessarily obtain the qualifications for franchise in a Local Board. Other things are necessary, as for instance, qualification of payment of local rates, etc. It is not the case that if he becomes a member of the Legislature he will automatically be qualified for being a voter of the Local Board.

So, Sir, one gentleman of the Upper House, who is not a native of the Karimganj subdivision, and who does not pay any local rate, has been nominated to represent the interest of the subdivision of Karimganj.

Then there is another member who is an M.L.A. and belongs to the Ministerial group. His cousin has also got into the Local Board by election, but still only to placate him and to strengthen his party this M.L.A. gentleman has also been taken in.

Sir, I have no personal grudge against anybody, but my point is that if a Muhammadan gentleman was necessary to be taken in could no other suitable person be found than the cousin of a gentleman who had already been elected? There were a good many suitable candidates, but their cases were thrown over.

Mr. BAIDYANATH MOOKERJEE: M. L. As. are better qualified.

Babu RABINDRA NATH ADITYA: More qualification is necessary besides being an M. L. A. We find that all the three nominations to the Karimganj Local Board have gone to the members of the Legislature.

Then, Sir, I come to Habiganj.

The Hon'ble the SPEAKER: The hon. member should show how the principle has been violated.

Babu RABINDRA NATH ADITYA: I shall discuss all this together. After I have finished with the details then I shall show how the principle has been violated.

Mr. BAIDYANATH MOOKERJEE: Membership of the legislature should not be a disqualification.

Babu RABINDRA NATH ADITYA: In the Habiganj Local Board there are 11 Muhammadans, and still 2 Muhammadan M. L. As. of the Ministerial group have been taken in.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Is the hon. member speaking of the Habiganj Local Board, Sir.

Babu RABINDRA NATH ADITYA: Yes. No member from the scheduled castes has been taken. Not a single member from this large community has been taken in there, because it may be that the scheduled castes could not side with the Ministry otherwise they would have had a chance as well.

Then, in the Sunamganj Local Board.....

Maulavi ABDUR RAHMAN: On a point of order, Sir. There are two members from this class, one elected and another nominated. (Hear, hear).

Babu RABINDRA NATH ADITYA: Still the number is not sufficient. They are still under-represented.

Then, in the Sunamganj Local Board there are 10 elected members; 8 elected Hindus, and there were 4 nominated members and out of them, 3 are Muhammadans, and of them 2 are M. L. As. and the third is an uncle of an M. L. A. (laughter). In this vast area where there is a large population of scheduled castes no one of that community has been taken in.

Then in North Sylhet also we find three members of the Legislature—three Khan Bahadurs have been taken in—and not a single member from the scheduled castes.

Now, Sir, from this you will find that the case of under-represented and unrepresented communities has been entirely neglected. No consideration has been shown to these communities. The rule was framed with the object of giving representation to unrepresented and under-represented communities but these communities have had no consideration whatever.

So, Sir, with these words I support the motion of my hon. friend Srijut Omeo Kumar Das.

Srijut RAMNATH DAS: Mr. Speaker, Sir, I beg to support this motion. The subject of nomination has been discussed on the floor of this House many a time. During the last discussions we were given to understand that nominations are given to those communities which are unrepresented or under-represented. But these principles have been quite ignored and the manner in which the nominations have been made should be discouraged. In some Local Boards the scheduled community goes unrepresented. As for instance in Jorhat and in Sibsagar the caste Hindus have got not only full representation but are over-represented, and I do not see why nominations are given to them by neglecting the scheduled community who has got no representation at all. It may be for the reason that during the last session one scheduled member opposed the Government.

With these few words I give my full support to this motion.

Srijut BELIRAM DAS: Mr. Speaker, Sir, I wish to say something about the Gauhati Local Board. In the Gauhati Local Board one Excise vendor has been nominated from the scheduled castes. I should like to ask the Hon'ble Minister whether there was a dearth of suitable candidates or is it because he gave an undertaking to support the Government and to help them in the election of the Chairman of the Board. In the Gauhati Local Board the Kaibartas and Namasudras form the bulk of the population of the scheduled castes community, and so far as I remember these communities have never been represented in the Local Board either by election or by nomination. So I hold the Hon'ble Minister guilty of failing in his duty as regards the representation of unrepresented and under-represented communities. As regards the nomination of one gentleman namely Srijut Narendranath Barua, Mauzadar, who was defeated in the last election, and defeated badly, Government have again nominated him. Is it because he helped some of the members of the Cabinet in being elected during the last Assembly election? As regards the Kachari community, there was already an elected member of this community and what was the necessity of the Hon'ble Minister in nominating another gentleman from that community.....

Srijut RABI CHANDRA KACHARI: Does the hon. member know the Kachari population of Kamrup?

Srijut BELIRAM DAS: This is not a question of population, but a question of representation. Therefore I support the motion of my hon. friend Srijut Omeo Kumar Das.

Srijut KAMESWAR DAS: Mr. Speaker, Sir. A reference has been made to the nomination to the Barpeta Local Board, but as it has been done only incidentally, I should like to say something in detail about the nominations there. There are 16 elected members of the Board and of them 10 are from caste Hindus, one from Tribal and five from the Muhammadan community—all immigrants.

There are four nominated members and of them one is tribal, one is caste Hindu and the remaining two are Muhammadans, one being Assamese. Of the elected Members there are practically speaking three from the town. They are practising pleaders and for all intents and purposes they are residents of the town. Yet three other members were again nominated from there and of them one is a caste Hindu. I am myself a caste Hindu and think that the caste Hindus were fairly represented in the election. The nominated caste Hindu was again a defeated candidate in the election. The tribal people were already represented in the election. On the contrary scheduled castes people remained unrepresented. Yet a defeated tribal was nominated. Of the two Muhammadan members one is a Member of the Legislative Assembly and has also been nominated to the Municipal Board, Barpeta. As to the other nominated Member, I mean the Assamese nominated gentleman, it has already been said that

he is a clerk of the Pleader Chairman. That the pleader gentleman was going to contest for the Chairmanship was, I think, known to some of the Members of the Cabinet. His clerk member qualified himself by being a clerk of a friend of a Cabinet Minister and by sending replies to the Line System Committee that the line system should be removed forthwith. The scheduled caste people were not represented in the general election and they have been left out of consideration in the nomination also.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The hon. member is speaking on the History of many things which I do not understand.

Srijut DEBESWAR SARMAH: Sir, we do not understand what the Hon'ble Minister is saying.

Srijut KAMESWAR DAS: The scheduled caste people were unrepresented in the general election and they were left out in the nomination also.

These are the facts and I leave it to the House to judge whether under the circumstances the Government was justified in making the nominations as they did and whether they were following the principles inunciated in the Local Self-Government Manual that nominations should be so made as to represent the unrepresented and under-represented communities, interests or localities. I for myself do not see that any of these principles have been followed and I, therefore, support the motion of my hon. friend Srijut Omeo Kumar Das.

Srijut MAHADEV SARMA: সভাপতি ডাক্তারীয়া, আলোচ্য প্রস্তাব দ্বাৰা আমাৰ বৰ্ত্তমান গভৰ্ণমেণ্টৰ লোকল বোৰ্ড লৈ সভ্য মনোনয়ন বিষয়ে যি কাৰ্য্যপদ্ধতি আৰু মনোভাব দেখা পাইছোঁ, তাৰ নিন্দা কৰিবৰ কাৰণে এই প্রস্তাব হনা হৈছে আৰু মই এই প্রস্তাব অনুমোদন কৰোঁ। এটা জাতিৰ পক্ষে অতীব দুঃখৰ কথা এই যে প্রজা বৰ্গৰ দ্বাৰা নিৰ্ব্বাচিত প্রতিনিধিৰ দ্বাৰা গঠিত মন্ত্ৰী মণ্ডল বা গবৰ্ণমেণ্টে তেওঁ বিলাকৰ ক্ষমতাৰ অপব্যৱহাৰৰ দ্বাৰা প্রজাসাধাৰণৰ ইচ্ছামতে বা তেওঁলোকে যি ভাল পায় তাৰ বিপক্ষে কাৰ্য্য কৰি প্রজাসাধাৰণৰ স্বার্থৰ প্ৰতিকুলে যি মনোভাব দেখুৱাইছে সেইটোৰ নিন্দা নকৰি আমাৰ উপায় নাই। এইটো সকলোৱে জানে যে যোৱা লোকল বোৰ্ড নিৰ্ব্বাচনত এইবাৰ কংগ্ৰেছৰ পক্ষৰ পৰা প্ৰতিদ্বন্দিতা কৰা হৈছিল আৰু এইটোও জনাজাত কথা যে সেই প্ৰতিদ্বন্দিতাত বহুত ঠাইত যথেষ্ট সংখ্যক কংগ্ৰেছৰ সভ্য নিৰ্ব্বাচিত হৈছে। ইয়াৰ দ্বাৰা আমি ইয়াকেই বুজিব পাৰোঁ যে প্রজাসাধাৰণে আগ্ৰহ কৰি তেওঁলোকৰ ফালৰ পৰা ৰাজনীতি ক্ষেত্ৰত যি ভাবে আগুৱাবলৈ চেষ্টা কৰিছিল গভৰ্ণমেণ্টৰ পৰা সেই আগ্ৰহক নিগ্ৰহত পৰিণত কৰিবলৈ চেষ্টা কৰিলে। সেইটো প্রকাশ হৈ পৰিল যেতিয়া বিভিন্ন লোকল বোৰ্ড বিলাকত গবৰ্ণমেণ্টে নমিনেশ্যনৰ লিষ্টি উলিয়াবলৈ ধৰিলে। তাত দেখা গল যে যিবিলাক নীতিৰ ওপৰত ভিত্তি কৰি গভৰ্ণমেণ্টে সভ্য মনোনয়ন ক্ষমতা হাতত ৰাখিছিল তাৰ ওচৰ দিমায়ো সিবিলাক ধোৱা নাই। বৰং যেনেভাবে মনোনয়ন কৰিলে প্রজাৰ ইচ্ছা যাতে প্ৰতিহত হব পাৰে তাৰ দিহা কৰাৰে দেখা গল। এনে অবস্থাত গভৰ্ণমেণ্টক নিন্দা নকৰি পাৰিবনে? ৰাজনীতি হিচাবে বৰ্ত্তমান গভৰ্ণমেণ্টৰ মূলনীতি progressive realisation of self-government নহয় নে?

তেন্তে স্বায়ত্ত শাসন বিভাগত প্রজাসাধাৰণক প্রজাতন্ত্ৰ শাসনৰ ফালে আগুৱাই যাবলৈ সহায়তা কৰা গভৰ্ণমেণ্টৰ কৰ্ত্তব্য নহয়নে? অথচ এই কাৰ্য্যত এনেকুৱা এটা ভাব হৈ দেখা গল যে প্রজাসাধাৰণৰ আচল উদ্দেশ্য তল পেলাই সিবিলাকৰ সুকীয়া স্বার্থ পূৰাবৰ হৈ যেন গভৰ্ণমেণ্টৰ উদ্দেশ্য। কোনো কোনো বোৰ্ডত এনে ধৰণৰ সদস্য মনোনীত হৈছে যে যিবিলাকে নিৰ্ব্বাচনত পৰাজিত হৈছে। পৰাজিত সদস্যক মনোনয়ন কৰাত গভৰ্ণমেণ্টৰ কি ভাব লুকাই থাকে তাক ফুটাই কব লাগিবনে? মই তেজপুৰ লোকল বোৰ্ডৰ কথা কব পাৰোঁ। তাত এনে এজন সদস্যক মনোনয়ন কৰা হৈছে যাৰ তেজপুৰৰ বিষয়ে কোনো ধাৰণা নাই। তেখেত তেজপুৰত প্ৰবাসী। পোনতে তেখেত Ford Motor Company ত mechanic আছিল। সেই motor company fail হল। তেখেতে যোৱা বছৰৰ পৰা Local Board আৰু P. W. D.ৰ Contract আদি কৰি আছিল। আৰু আনকি তেখেত Local Boardৰ ভোটাবো নহয়। তেনে মানুহক মনোনয়ন দিয়াত গভৰ্ণমেণ্টৰ কি মনোবৃত্তিৰ প্রকাশ পাইছে তাক অপোশ্যলোকে বিচাৰ কৰিব। যাৰ প্রজাসাধাৰণৰ বিষয়ে কোনো ধাৰণাই নাই তেনে মানুহ সদস্য হই কাৰ স্বার্থ ৰক্ষাত সহায়তা কৰিব? Vice-Chairmanৰ হাতৰ মুঠিৰ মানুহ হিচাবেই বোধ কৰোঁ তেখেতৰ যোগ্যতা হল। তদুপৰি Local Boardৰ contract কৰি থকা অবস্থাত গভৰ্ণমেণ্টে কোন যুক্তিত তেখেতক মনোনয়ন কৰিছে? তেজপুৰ Local Boardত শ্ৰীযুত সুৰেন্দ্ৰ নাথ দাস বুলি আন এজনকো মনোনয়ন কৰা হৈছে। তেখেতে পুলিচৰ A. S. I. কাম কৰিছিল, এতিয়া retired হৈ ঘৰত বহি আছে। ঘৰ চৰত। পুলিচৰ কাম কৰা সময়ৰ বাহিৰে তেজপুৰৰ ৰাজহুৱা কৰ্ত্তব্য সম্বন্ধে তেখেতৰ কোনো ধাৰণা নাই। তথাপি তেখেতক মনোনয়ন কৰা হৈছে। যদি হে Backward Tribal বুলিয়েই মনোনয়ন কৰা হৈছে তেখেততকৈ উপযুক্ত আৰু বাড্ত স্বার্থ থকা মানুহ নাছিল নে? আৰু Indian Christian বুলি যি জন বন্ধু গভৰ্ণমেণ্টে মনোনয়ন কৰিছে মই জানো আমাৰ গাওঁ ভূঁয়ে তেওঁতকৈ বহুত গুণে যোগ্য আৰু ভাল Indian Christian আছে অথচ চকু পৰিল Contractor জনতহে। কাজেই বিভিন্ন ঠাইত গভৰ্ণমেণ্টে যি মনোবৃত্তি লৈ এই মনোনয়ন কৰিলে তাৰ নিন্দা কৰাৰ বাহিৰে আমাৰ উপায় নাই। ইয়াকেই Local Self-Government ৰ স্বায়ত্ত শাসন বোলা হয় যি কাৰ্য্যৰ দ্বাৰা গভৰ্ণমেণ্টে বিপৰিত কামকে কৰিলে? এই ভাবে স্বায়ত্ত শাসনৰ কাৰ্য্য চলিলে তাক নিন্দা নকৰি আমাৰ উপায় নাই। বিভিন্ন ঠাইৰ মেম্বাৰ সকলে যেনে ভাবে এটাৰ পাছত এটাকৈ অভিযোগ আনিছে তাৰ পৰা বুজা যায় যে গভৰ্ণমেণ্ট এই কাৰ্য্যৰ নিমিত্তে একান্তই আমাৰ নিন্দাৰ পাত্ৰ। সিবিলাকৰ এনে প্ৰতিক্ৰিয়াশীল মনোভাব আমি কেতিয়াও সমর্থন নকৰোঁ।

Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, the opposition have said many things, but they have not said what are the principles that are followed by this Ministry. First of all nomination is meant for the interest of the Government.

A voice: How?

Maulavi JAHANUDDIN AHMED: It was so said in the last Assembly Session. The second is that Government should look to the interests of un-represented and under-represented communities.

Srijut BELIRAM DAS: Is the hon. member replying on behalf of the Government?

Maulavi JAHANUDDIN AHMED: I am opposing this motion, Sir. My speech is not a reply on behalf of the Government.

So, you may see, Sir, that the principle that Government has followed is all right.

Mr. BAIDYANATH MOOKERJEE: May I know, Sir, where these principles have been enunciated?

Maulavi JAHANUDDIN AHMED: For one thing Government aids local bodies, and the money so given to the local bodies should be well spent by the Local Boards and also the Government is to look into the good administration of local bodies.

Then, Sir, the second principle the hon. members know and have talked about, so I need not go into details about that. Many of the speakers from the opposition side out of their jealousy have said that many defeated candidates have been nominated by the Government. Sir, we have to study the comparative popularity of the candidates whom the Government have to nominate. If Government has nominated a defeated candidate, it is because that the defeated candidate is the second best popular man (*loud laughter*). So you should not grudge that second popular man being nominated by Government.

Mr. BAIDYANATH MOOKERJEE: The hon. member is misleading the House, Sir.

The Hon'ble the SPEAKER: Order, order.

Maulavi JAHANUDDIN AHMED: With these few words, Sir, I beg to oppose the motion.

Babu KAMINI KUMAR SEN: Sir, I had no mind to take part in this discussion, but I am rather tempted to say a few words after the speech of my hon. friend, Maulavi Jahanuddin Ahmed. He enunciated, Sir, two principles of nomination. The first is that nomination is made in the interest of the Government, and the second is that it is made to give representation to the under-represented and un-represented communities and interests. The first is the unwritten principle and that is what is being objected to by the adjournment motion under discussion. Although I have not got a copy of the Local Self-Government Act with me at present, I think the words used there are to the effect that nominations shall be given to communities and interests that are not represented by election. This is the only section in the Local Self-Government Act which deals with the question of nomination.

Mr. ARUN KUMAR CHANDA: Why should the hon. member object to Mr. Ahmed being honest about it?

Babu KAMINI KUMAR SEN: I quite appreciate Mr. Jahanuddin Ahmed's principle, but it is this principle which we object to. It is not being made according to the written principle that we find in the Local Self-Government Act. It is made according to the unwritten principle of making nominations in the interest of the Government, that is what we object to. For this reason I whole-heartedly support the motion.

Srijut RUPNATH BRAHMA: Sir, I shall be failing in my duty if I do not express my view on the motion. I am very glad to hear from the hon. mover and his supporters that they are so much anxious for the nomination of under-represented and un-represented communities, specially the Tribal and the scheduled classes people. But unfortunately the fact

remains, Sir, that sometimes when in addition to the elected member some other member is nominated from the communities I have referred to, the others complain and grudge the advantage these communities are given. One of the supporters of the motion has just protested against the nomination of a candidate from such a community in the Gauhati Local Board. I cannot but admit, Sir, that Government has really done something to the tribal and scheduled class people in nominating members in the last nomination to the Local Boards. The last nomination was the first nomination in the regime of the present Government, and I hope that the Government will be more careful (*laughter*) in making nominations in the future. And if Government gives an assurance to this effect, then I hope the motion will be withdrawn.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, from what we have heard so long it is quite clear that our Government, instead of selecting people from the un-represented and under-represented communities for nomination, has nominated men who do not come under these categories. We find it has preferred 3 classes of men for nomination, firstly Members of the Legislative Assembly and Members of the Legislative Council secondly mauzadars and title-holders and thirdly candidates who got defeated in the election.

Khan Bahadur Maulavi KERAMAT ALI: May I know, Sir, the number of defeated candidates who have been nominated?

Srijut GAURI KANTA TALUKDAR: The number is large enough. As regards Gauhati I can name two gentlemen. One of them is Maulavi Baker Ali. Other instances have been quoted by my predecessors and I need not repeat.

Khan Bahadur Maulavi KERAMAT ALI: May I contradict the hon. member, Sir. Baker Ali did not contest.

Srijut GAURI KANTA TALUKDAR: No, Sir, he was a candidate and he got defeated.

Now, Sir, had these gentlemen really belonged to the unrepresented or under-represented communities or had there been no suitable candidates among these classes, perhaps there would have been no room for reasonable objection to these nominations. But in these days, Sir, we find that besides Members of the Legislative Assembly, and Members of the Legislative Council, mauzadars and title-holders, there is a large number of educated and capable men who can properly represent the rate-payers of each community. That being the case, why should so many Members of the Legislative Assembly and Members of the Legislative Council be nominated? People say that the Ministry has done this to strengthen its position and to satisfy its supporters. And I believe, they have good grounds for making these accusations. The Hon'ble Ministers are taking serious objections to the use of the words bribery and corruption in this connection. I am glad that they have done so. The Government should be very scrupulous in keeping its prestige, dignity, public faith and honesty in every sphere of its activities. If people lose faith in the honesty of the Government, it will be a day of great calamity. If the people lose faith in the integrity of the Government and come to believe that appointments and nominations, etc., can be procured by means which are not fair, that will be a great misfortune to the Government as well as to the people. So, Sir, we want that our Government should be very scrupulous in protecting their dignity and public faith and should show that they are above suspicion and that none can accuse them of dishonesty or corruption. Sir, we have been hearing that corruptions are prevailing in various

Government offices and Departments and we are trying to check them. The Government is being pressed for taking steps to prevent these corruptions. But if the Government itself is liable to be accused of such things and complained against in press and public meetings as well as on the floor of this House, then it is a great pity. And how can we expect to purify the offices and Departments accused of corruption? We have found here that in this sort of nominations of Members of Legislative Assembly and Members of Legislative Council and defeated candidates and Mauzadars, the principle of nomination, viz., to give representation to unrepresented and under-represented communities has not been respected by the Government and it therefore deserves severe condemnation from all sections of the people. So, Sir, I support this motion of my hon. friend Mr. Das that this action of Government is highly to be disapproved and condemned.

The Hon'ble the SPEAKER: I think, it is the time for the Hon'ble Minister to reply.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: May I ask the hon. Leader of the Opposition whether the principle of nomination has been repealed in other Congress provinces?

Srijut RABI CHANDRA KACHARI: Sir, I would like to oppose the motion on another ground. Members of the Assembly and Council come from bigger constituencies and they have more responsibilities than anyone else. Then why they cannot represent smaller constituencies? Are they not more competent than any other men to be on the local bodies? Then why should they be excluded from these bodies? With these words I oppose the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: With regard to the Hon'ble Minister's speech there is a little difficulty. Nominations in certain Local Boards have been criticised now. If my Hon'ble friend replies to those criticisms only and if some other members speak for other Local Boards later on, then he will be denied the right of replying to them, unless you allow him to speak twice.

The Hon'ble the SPEAKER: Yes, he can speak twice.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then I have no objection to my colleague speaking at this stage.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I feel a great deal of sympathy for those friends who have been disappointed (*laughter from the Government Bench*). Government would be glad to satisfy all the communities if they were able, but we have only a few seats for nomination. When we give to certain unrepresented or under-represented communities other communities have to go without any nomination due to a small number of seats for nomination in each Board.

Sir, it appears that Government have been criticised simply because they have nominated some M. L. As and M. L. Cs. The charge is that they have been nominated to induce them to support Government or to get their votes in the Legislature. It is a great surprise to me that some hon. members of this House should think that the M. L. As and M. L. Cs are so poor in mentality that they would be so induced by giving them nomination to the Local Boards. That is an insinuation which the hon. members ought not to have made before this Hon'ble House. Is that the mental attitude of the members themselves who have made this allegation? Are they so cheap that they can be induced by such a method to do anything which they would not have done otherwise? Why not take the other view? Here is an hon. gentleman who has been returned by a bigger constituency to the legislature and he has been nominated by the Government to some local body. He is

not going to the local body for any personal gain. It is a free service for the country. If he is willing and anxious to serve on a smaller body, what is the evil of that? Why should Government reject the offer of free service of such a gentleman? All these gentlemen are on the Government side and do not need any inducement. They want to serve the country without any pay. Government have given them a chance by nominating them. It is very surprising that some hon. members did not see their way to give any credit to our way of thinking. The reason seems to be that Government did not nominate A instead of C. This is not a question of principle but a question of taking *Ram* or *Shyam*—it is a personal question. (*laughter*). I say that the criticisms that have been made in the Press as well as by some of the hon. members in this House are baseless. They are not based on any principle but on personal feeling of disappointment. Then, Sir, there is another point about which I spoke in one of the previous sessions. I know some hon. members may laugh at it, but I am sure if the other group comes to power they will follow the same principle. Any Government in the world will follow the same principle. (*A voice: What is that principle?*) I am coming to that. The Government is responsible for the good administration of the local bodies. Anything wrong there gives trouble to the Government and the administration and causes loss of money to the public. Government has a great deal of interest in the local bodies for the smooth running of the administration and for a large amount of money that has been given to these bodies. That is the interest of the Government. Shall we lose sight of that? Government must see that such persons are nominated as will help the Board to be run smoothly. Sometimes men of experience have to be especially nominated. We have generally nominated persons from unrepresented or under-represented communities. Only in very few instances—I think in only two, we have given nominations to over-represented Hindu Community for special reasons for the interest of the public. So, Sir, we want to see that administration in local bodies is carried on smoothly and at the same time we want to see that communities which are not represented and are inadequately represented get representation.

Then, Sir, rule 19 (i) of the rules under the Assam Local Self-Government Act says—

"The members of each Local Board, who are under the provisions of section 4 (1) and (2) of the Act to be appointed, shall be appointed by the Local Government after taking into consideration the claims of those castes, communities, localities and interests which are not adequately represented by the elected members".

The interest of Government which is not represented in the local bodies has also to be considered. Sometime they have to sacrifice the principle of giving representation to a minority community for the larger principle of the interest of smooth administration of a Local Board. My hon. friend the mover of the motion has overlooked the point that Government has a responsibility to see that administration is carried on smoothly and that money given to local bodies is properly spent.

Now, Sir, it is very clear that M. L. As. and M. L. Cs. were nominated. They are elected representatives of the people from larger constituencies.

Now, I give certain facts. There was a complaint that we nominated defeated candidates. We have done this under certain circumstances for the interest of the public. I was very much surprised that my friend Mr. Aditya who has accused the Ministry as having abused this principle of nomination and has considered fit to use abusive language and who is not kind enough to find anything good in what we have done, said that we did not nominate any scheduled caste in Habiganj. Babu Kailash Chandra Das who has been nominated is a man of the scheduled caste. Maulavi Abdur Rahman who

knows about the Habiganj Local Board has contradicted him. My friend was very jubilant to speak against the Ministry, but he did not state facts and has the courage to speak falsehood.

Babu RABINDRA NATH ADITYA: What about Sunamganj?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Now let me say what happened to the Habiganj Local Board. In Habiganj, Sir, we had only three nominations. We nominated two Muhammadans and one scheduled caste man. That shows we considered about the scheduled caste too. Some gentlemen have said that the scheduled caste did not get any consideration from Government. That is an untruth. The real grievance is because A does not get nomination, while B gets. What is the grievance? I must say it is a personal jealousy. In Habiganj, Sir, we have nominated these two Muhammadan gentlemen because Muhammadans there are entitled to 16.2 members according to population, but they have got only 11. The Hindus are over represented. They are entitled to 6.2; they have got 10 elected members. They are over-represented by 3.8. The Scheduled caste is also under-represented. They have got one elected member and we have given them one seat by nomination. Therefore Mr. Aditya has no cause for any complaint. Think of the daring of an M. L. A. to accuse the Ministry of "prostitution" of powers. Irresponsible M. L. A.!!

Babu BIPIN BEHARI DAS: What is the percentage of the scheduled caste in Habiganj subdivision?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The percentage is 4.1. They have got one elected member and we have nominated another one. Now that is all about Habiganj. I shall deal with the complaints of the hon. members one by one.

My hon. friend Srijut Kameswar Das has some complaint. But his main complaint is because M. L. AS. and M. L. CS. were nominated. I need not speak any more on that.

Srijut KAMESWAR DAS: I stressed only that there are three elected members from the town and one got nomination from the town.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Well, my friend was relating about the quarrel that took place in Barpeta. I had no knowledge of what happened there. We are responsible to see that the administration runs smoothly and to see that things are not done badly. We have nominated two Muhammadans and one tribal. But my friend was very much disappointed because we nominated one tribal and did not take another tribal people.

Srijut KAMESWAR DAS: On a point of personal explanation, Sir, I said that no scheduled caste member was represented and though the tribal people was adequately represented, one of them was nominated again.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I will tell you about the scheduled caste. The scheduled castes were entitled to 2.9. We have to satisfy all the communities and we cannot give representation to everybody. We have to choose one against the other and have to leave out some community.

Srijut GHANASHYAM DAS: Did not the Government consider the claims of the minority communities?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I hope the hon. members will please allow me to go on. The Muhammadans in Barpeta are entitled to 8.5 and they have got only 5 by election and they are now under-represented by 3.5. So we have given them two nominations. That is, we consider, not unreasonable.

Srijut KAMESWAR DAS: On a point of personal explanation, Sir, I did not complain that the Muhammadans were over-represented.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am not criticising the hon. members but I say that the complaints of the hon. members are not based on facts.

Srijut KAMESWAR DAS: My complaint was that the respectable Muhammadans from the Mufassil area were not nominated.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Then Sir, one hon. member from the scheduled caste constituency said that claims of Kaibarthas and Namasudra communities have not been taken into consideration. Sir, it is a very great problem. There are several communities among the scheduled caste. When we consider about the scheduled castes we do not take one scheduled caste group against another. We take them all as a collective body. Whether a man belongs to Kaibarthas or Namasudra community, he is after all a scheduled caste. If there is any quarrel among the members of the scheduled caste themselves it is to be regretted.

The Hon'ble the SPEAKER: The Hon'ble Minister will have only five minutes more.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I have to reply to so many points and I shall be thankful if I get little more time.

The Hon'ble the SPEAKER: Practically the Hon'ble Minister will get half an hour's time.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Mr. Lakshesvar Borooah has spoken about nomination in Dibrugarh. Sir, in Dibrugarh we have tried our best to do justice to all the communities. In Dibrugarh the Hindus are entitled to 9.8 and they have got only 8 members by election and we have given nomination to one member. We have not given any nomination to the Muhammadan community because they have got 3 Muhammadan members elected. The scheduled castes are entitled to 2.1 and we have given nomination to one Debendra Nath Das from the scheduled caste.

Srijut LAKSHESVAR BOROOAH: May we know from the Hon'ble Minister whether this particular gentleman has been nominated for the Municipal Board also?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That Sir, I do not know. We have also nominated one Indian Christian and one tribal member. One Marwari gentleman has also got nomination. So, Sir, I do not see what complaint there may be. Five nominations have been divided into five different communities. We have accused that these nominations have been used as bribery. What bribery and mal-administration is there in all that we have done and I have explained and told the facts? Is it bribery because we did not give nomination to any Ahom?

Now I come to Jorhat. In Jorhat we have not given any nomination to any Muhammadan. We have given nomination to one tribal and to one Indian Christian because they also belong to minority communities and these communities are not represented. One caste Hindu has also got nomination. Now do the hon. members want to object to our giving nomination to a caste Hindu who belongs to a very big family and who gave large amounts of money for the Jorhat Hospital and many other things? Will it not be a blessing to the public if this big family give some money to the Local Board? Have we not done it for the sake of the good of the public?

Mr. BAIDYANATH MOOKERJEE: No, Sir. There is a policy behind (laughter).

The Hon'ble the SPEAKER: The Hon'ble Minister should be allowed to go on uninterrupted.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It will be a great benefit to the public if this big family give some money for the sake of certain dispensaries and hospitals. So, Sir, these things ought to be considered.

I have also been criticised regarding the Mangaldai Local Board. In the Mangaldai Local Board the Hindus are entitled to get 12 seats. Ten Hindu members have been elected and they are under-represented by 2 and we have nominated one caste Hindu. Some hon. members have objected to that because a caste Hindu has been nominated. Now, Sir, everybody can judge where is the cause for complaint. Then Sir, the Muhammadans are entitled to 4 seats but they have got only 2 by election and we have nominated one Muhammadan member. They are still under-represented by 1. The scheduled castes are entitled to 1.6. We have nominated one member from this community. Now Sir, where is the bribery? We have done all that possibly can be done in regard to these nominations. We have done everything with a good motive to see that the administration can run well, and we have also considered the interests of minorities.

Now, Sir, as regards North Lakhimpur my hon. friend whom I may call the lion of North Lakhimpur has objected to our nominating one Gangadhar Das who is an Ahom. He says that Ahom should get no more representation, and I was very much surprised to hear that. Everybody knows that Ahoms are also in the group of high caste Hindus.

Srijut SARVESWAR BARUA: The Hon'ble Minister is going to make.....

The Hon'ble the SPEAKER: Order, order. The Hon'ble Minister is not going to give way.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Now, Sir, what is the truth? In North Lakhimpur the Hindus are entitled to get 13.3 by population and they have got only 10. So we have nominated one Hindu who happens to be an Ahom, but my friend does not want an Ahom, he wants pucca caste Hindu, perhaps a Brahmin of his own special caste.

Srijut SARVESWAR BARUA: Are not Marwari Hindus there? Are not the scheduled castes Hindus there? Have you given any nomination to scheduled castes there?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is not a question of principle. The question is whether a caste Hindu, an Ahom or a Marwari is nominated is a question of A against B. That is a question of jealousy.

Then, Sir, we have only two nominations, we have to choose between tribals and scheduled castes. In one place we give nomination to a tribal and in another place we give nomination to a scheduled caste. It is not possible to give to both of them. We have to choose between a tribal and a scheduled caste when there is only one nomination when one is given to a Hindu. What is the wrong in this? Any human being in this world placed in the same responsibility as we are, will find the same difficulty of choosing between this community and that community. We cannot divide one seat into half and half.

Babu BIPIN BEHARI DAS: On a point of information, Sir. I should like to know why no scheduled caste members were nominated in the North Sylhet Local Board and Maulavi Bazar Local Board?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have seen in the Press and have heard complaints about the North Sylhet nominations. I am glad my hon. friend has reminded me of North Sylhet. In North Sylhet the Hindus are entitled to 4.1 and they have got 8 elected members; the

Muhammadans are entitled to 18.7 and they have got by election 12 members, so Muhammadans are under-represented by 6.7 and caste Hindus are over-represented. Now the scheduled caste is entitled to 2.3, but we have not nominated any scheduled caste there because the Muhammadans are more under-represented than the scheduled castes.

Babu BIPIN BEHARI DAS: Are the scheduled castes responsible for this?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No. The point is that there are Hindu scheduled castes and Hindu high caste. The Hindus in North Sylhet have got 8 seats against 4.1 to which they are entitled. I think the Hindus who have got joint electorate with scheduled castes ought to look into the interests of the scheduled castes and we expect this. We never expected that these high caste Hindus would not look to the interest of the scheduled castes there.

Srijut PURNA CHANDRA SARMA: What is the percentage of scheduled caste people in North Sylhet?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already said 2.3.

Srijut PURNA CHANDRA SARMA: And Moslems? What is the percentage of their population?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The number of Muhammadans in the North Sylhet Local Board area is 420,517.

Srijut PURNA CHANDRA SARMA: What is the percentage?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have not worked out the percentage. They are entitled to 18.7 seats and have got only 12 seats.

Now, Sir, the difficulty about scheduled castes is this. It is very difficult for us to find out the real population of the scheduled caste people, as defined in one of the Schedules of the Government of India Act. In the last Census we have got only the depressed classes column and under the depressed classes column all the labour population of tea gardens, and also those who are considered to be scheduled castes now, have been included. So it is very difficult to find out the real population of the scheduled castes from the Census. Moreover some castes which were in 1931 considered to be depressed have now been included among the High caste Hindus. We are in a great difficulty in working out the percentage of the scheduled castes, we have to work it somehow as far as we can possibly do, and we have done our best.

Babu LALIT MOHON KAR: What about Maulvibazar?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No member has spoken about South Sylhet. Somebody has spoken about Sunamganj.

In Sunamganj, Sir, we have tried to do more than justice to the Hindu community for reasons I will tell. The Hindus are entitled to 5.6, and 6 have been returned; the Muhammadans are entitled to 13.8 and only 10 have been returned; so they are under-represented by 3.8. Now what have we done, Sir? We have given nomination to two Muhammadans, who still have less than the number to which they are entitled, but we have given one seat to Hindus. We got a large representation from the Hindus of Sunamganj, to the effect that Government will do a great injustice to the Hindu population if nobody is nominated from them. They also said that on previous occasions two Hindus and two Muhammadans were nominated. Considering all these things we thought it best to take one high caste Hindu and we have no other seat. There is no question of bribery here.

Babu KAMINI KUMAR SEN: What about Karimganj?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The Hindus in Karimganj are entitled to 5.2 and they have got 11 members; the Muhammadans are entitled to 13.7 and they have got only 9, so they are under-represented by 4.7. Hindus being over-represented, we have nominated two Muhammadans and one scheduled caste gentleman.

Babu KAMINI KUMAR SEN: Is it not a fact that these 11 members include 3 members from the Indian Planters, and they are not all from the General Constituency?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That may be true, but still Hindus have got 8 while they are entitled to 5.2. So we cannot take any more Hindu. Therefore, Sir, we have kept the spirit of the Rules in *toto*.

Srijut OMEO KUMAR DAS: On a point of information, Sir. Has labour got any representation on any of the Local Boards?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Labour is practically restricted to tea gardens, so we did not think it necessary to give them representation separately. Labour population is included in the depressed class in the Census Report.

Babu LALIT MOHAN KAR: Scheduled castes are not representatives of labour.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: In the last census, labour and scheduled castes are put in one class, so it was difficult for us to make any distinction.

Babu RABINDRA NATH ADITYA: What about South Sylhet, Sir?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I think I spoke about South Sylhet. The Hindus there are entitled to 5.4 seats, and they have got 7 members elected, and the Muhammadans are entitled to 10.1 and they have got 7—they are under-represented by 3.1, and we have given nominations to 2 Muhammadans, and as in the Surma Valley there were no Indian Christians nominated and Indian Christians are also entitled to have some share, so we have put in one Indian Christian in Maulvibazar.

Now, Sir, I come to the first speaker, my hon. friend who moved the adjournment motion. He comes from Tezpur. Regarding the nomination of a scheduled caste there, it is like this. There we nominated a scheduled caste, and there were only a few days between the sending of the names to the press and the meeting of the Local Board, and as the Local Board had to be formed quickly, by the 31st of May, and we found that gentleman (Ludai Ram Kaibarta) had already obtained a post as a teacher under Government, so we had to choose another man in his place.

Babu KAMINI KUMAR SEN: May I know from where the Hon'ble Minister has got his figures?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We have worked out the population from the last Census Report.

Regarding the nomination of other people, we have already stated that we have done it for the interest of the Local Board. That principle covers every man who has been nominated whether he is a man who has been defeated or is a man from a community which is under-represented.

I think that is enough for the present. I have taken a great deal of time.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, all through his speech the Hon'ble Minister instead of justifying his action has assumed different roles. He has tried to impress the House by gestures, by his significant eyelashes, by significant smiles, and by appealing movements of his hands.....

Maulavi JAHANUDDIN AHMED: On a point of information, Sir. Is the hon. member describing the manner in which the Hon'ble Minister delivered his speech or is he speaking on the adjournment motion?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I could not hear a word of what the hon. member said; I simply noticed his smile.

Maulavi JAHANUDDIN AHMED: I asked whether the hon. member was speaking about the manner in which the Hon'ble Minister delivered his speech or whether he was speaking on the adjournment motion.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Any hon. member of the House taking part in the debate and having commonsense, of which I think my friend is not devoid, could have easily realised that I was speaking on the motion.

Then he assumed the role of injured innocence; he tried to mete out justice and equity. He was all milk and honey and was ready to make a feast of nominations—he was ready to nominate all if he could. He said he was looking to the interests of the Local Boards, but if we go into the depth of the whole matter, if we go behind the curtain, many things will come out and see the light of day. My hon. friend Maulavi Jahanuddin Ahmed made a significant confession about the interests of Government; he said that they should have a proper representation there for their own interests. I thank him for the confession, but in Christian theology there is a process of confession of sins at the time of death. When he could not find any other argument he said that a defeated candidate must be the second best man for the position. From his confession and from the manner in which he argued, it is apparent that he did not know his case and was merely putting forth some vapour and foam. I would request the hon. member to take a chance of being popular by being defeated in election.

Maulavi JAHANUDDIN AHMED: Yes, Sir, in my constituency I recommend for nomination of such candidates.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Now the question before the House is not the question of nomination; the question is how the principle of nomination has been observed. The principle is meant for giving representation to those communities which are unrepresented or under-represented, or to unrepresented interests or localities, but when we heard the Hon'ble Minister we found a catalogue of principles enunciated by him. He has enunciated the principles most convenient to him; when he came to the case of Sunamganj he said that it was necessary to take a man from the Hindu community although the Hindus there were over-represented because there were two Hindus in the last Local Board and the Hindu Sabha strongly urged for a Hindu nomination. Similar was the circumstance with regard to South Sylhet. There were two nominated Hindu members in the last Local Board and the Hindu Sabha there also sent a representation. But not to speak of a caste Hindu a depressed Hindu even was not nominated.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This falls within the word "interests".

Babu DAKSHINARANJAN GUPTA CHAUDHURI: When the question of scheduled castes in certain areas was raised he said that because the Muhammadans were under-represented he had to nominate a Muhammadan. He has used so many different words—"non-representation, under-representation, over-representation and inadequate representation, less representation and more representation. He has tried to cloud the atmosphere with all these words, and in trying to make the position of the Government clear he has made the case of Government rather worse. So

far as Jorhat is concerned he brought in the policy that such and such family, such and such a person, did such and such public service, and therefore he has been nominated. What is his principle behind? I maintain that he has not any principle except purchasing support for the Government by distribution of nominations. I challenge the Hon'ble Minister to deny.

During the last occasion when the Local Self-Government Bill was discussed he came forward as a champion of the minority communities and he was making the same sort of gestures and movements and appealed to the House in the old Christian-like manner that nomination was necessary in the interests of the minorities. Now, Sir, even in the case of the majority communities, where one community is about 5 per cent. and the other 12 per cent. he says that the community is less represented. The case which he made on the last occasion has been given up this time and this time he has also appealed in all Christian righteousness in the same manner but introducing altogether different principles. It is said in an English addage that inscrutable are the ways of God and Satan. I should say, Sir, inscrutable are the ways of this Cabinet also and I do not know to which category they belong.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is very well known, Sir. We all know that.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Coming now to the South Sylhet, Sir, I would substantiate my contention by facts. It has been said that so far as Sunamganj is concerned there are two Hindu nominations in the last Local Board.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is wrong, Sir.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: You said that.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I did not say that.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: It was in the previous Board. And there was representation from the Hindu Sabha. The same parallel holds good so far as South Sylhet is concerned. There were two Hindus and the Hindu Mahasabha representation. But the argument in this case was that the analogy of Sunamganj is not applicable to South Sylhet. That is a fine principle inunciated which we have to learn yet.

So far as the nomination of the Christian community is concerned, I would say that the gentleman nominated has not even got a house in the subdivision. He came from Bengal. If you take the Christian community itself they are not more than 300 or 400. It is still said by the Hon'ble the Chief Minister that representation has been given to the minority communities but that representation has been given to a gentleman belonging to a different province altogether. There was a candidate from the scheduled caste for nomination. And I can say that one candidate even came up under the protection of a member of the Legislative Assembly who promised to secure for him the nomination. He was assured by a certain Member of the Cabinet. But alas, alas! (*Cries of Alas, alas.*) His fate was sealed and he got no nomination but the nomination was given to the Christian gentleman who was prepared to act as an underlink of the Ministerial nominee for chairmanship.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is all false, utterly false.

The Hon'ble Babu AKSHAY KUMAR DAS: May we know the name of the Cabinet Member under whose protection the scheduled caste gentleman came?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I did not say that. I said one member of Legislative Assembly.

The Hon'ble Babu AKSHAY KUMAR DAS: Let us know the name of the gentleman, Sir?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: The gentleman concerned told me that it was you that give the assurance to him that he would be nominated.

The Hon'ble Babu AKSHAY KUMAR DAS: That is an entire lie.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: If it will satisfy the Hon'ble Minister I am prepared to repeat this outside the House.

The Hon'ble Babu AKSHAY KUMAR DAS: I am also prepared to have it repeated outside the House.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I make my statements and it is up to the Cabinet Member to challenge it or not.

Again, Sir, in this way the principle for nomination have all been thrown to the winds and therefore in South Sylhet the scheduled caste people have not been represented at all and the representation has been given to a gentleman of the Christian community whose number is not more than 300 or 400.

So far as the figures are concerned I do not know wherefrom the Hon'ble Minister has got his figures. So far as the Census Report of 1935 is concerned it appears that so far as the population basis is concerned.....

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am not aware of any census in 1935. There is no Census Report of 1935.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I meant the report of 1931. The percentage of population in South Sylhet is 54 Hindu and 46 Muhammadans. In that view of the matter the Hindus are under-represented. I do not know wherefrom the Hon'ble Minister got his figures.

I, therefore, say that all the principles that have been enunciated in the rule, the representation of communities, the representation of interests and the representation of locality, none of them were observed, in the case of the South Sylhet nominations. The scheduled caste community form a big percentage of whole community.

Again there was the question of nomination from the backward Muhammadan community. A fisherman was a candidate for nomination. Specially this question of representation was raised even before the Hammond Committee when Sir Laurie Hammond came to the province as Chairman of the Franchise Committee. And nomination was given to two Muhammadans who are Members of Legislative Assembly. I, therefore, say that the question of representation of unrepresented interests or localities, or communities was not followed in the case of South Sylhet. The principles enunciated in this regard have all been abused and thrown to the winds and nomination has been given at will and at random only to serve the interests of the Cabinet Members.

With these words I support the motion moved by my hon. friend Srijut Omeo Kumar Das.

The Hon'ble the SPEAKER: Will the hon. member exercise his right of reply?

Srijut OMEO KUMAR DAS: At the end of the debate, I shall exercise, Sir.

Srijut KRISHNA NATH SARMA: Sir, under the new.....

The Hon'ble the SPEAKER: The hon. member will please remember that the Hon'ble Minister will also have a right of reply.

Srijut KRISHNA NATH SARMA: Under the new constitution these words, Schedule, Tribal and Backward have been introduced. And our

Minister for Local Self-Government has coined different set of words. They are "under-represented," "unrepresented," "more under-represented" and many a phraseology of this nature and for filling up of these nominations the Ministerial party seems to be the proper constituency to find out candidates.

So far from the figures we find, the nominations made are mostly from the Ministerial group and members as are recommended by them.

It is a known fact that on the last occasion the Ministry almost got a defeat. They survived only by a single vote. Sir, during these six months the Ministry have been strengthening their position by giving nominations and the like. Under the garb of these phraseologies the principle of nomination has been abused, and grossly abused, and the Government have forfeited the confidence of the people. I think that no amount of the use of any phraseology would help the Ministry to satisfactorily reply to the adjournment motion. So with these few words I support this motion.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, at first I had no intention of taking any part in the discussion of this motion, but after hearing the Hon'ble Minister I am tempted to say something about the conduct and the policy adopted by the Hon'ble Minister, so far as nominations to the local boards are concerned. When I heard some of my hon. friends here are supporting the motion on the ground that some of the M. L. As. been nominated, I could not join with them. Because in my opinion the membership of a legislature should not be a disqualification in the matter of getting nominations, so long as the system of nominations remains. Further, I am also not opposed to the idea that some of the members who belong to the Ministerial group or on some particular occasions supported the Ministry, should not be debarred from getting nominations. But what I find from the speech of the Hon'ble Minister for Local Self-Government in reply to arguments put forward by the supporters of the motion is that he has cited the cases which were most convenient to defend his action and that the nominations given to members of legislatures were confined to a particular section of the House.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Would the members of the opposition accept nomination from this Government?

Mr. BAIDYANATH MOOKERJEE: What does the Hon'ble Minister mean, Sir, by members of the opposition? Does he mean Congress group only? In that case I am not in a position to answer. (Some members of the opposition: no.) Is the Hon'ble Minister satisfied?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am quite satisfied that it is useless to pursue the question, for the hon. member does not understand what is meant by opposition.

Mr. BAIDYANATH MOOKERJEE: I think the Hon'ble Minister is an old member of this House. As this is not question time he ought to have been a bit prudent.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, I was here when his father-in-law was here.

Mr. BAIDYANATH MOOKERJEE: So he should speak in such a way as to command respect from me.

However, Sir, my point is this that the examples cited by the Hon'ble Minister were according to his own convenience. The examples he cited were for the under-represented communities in most cases. Although he is very much sympathetic towards the under-represented communities he is not sympathetic with the un-represented communities as I found.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: On a point of order, Sir. I have cited many instances.

Khan Bahadur Maulavi KERAMAT ALI: What about the Zemindars?

Mr. BAIDYANATH MOOKERJEE: The case of Zemindars has already been cited by the Hon'ble Minister and I may also say that the cases of many Khan Bahadurs also have been cited. (Laughter). I expected something sensible from the hon. member. They are experienced persons and they must behave as is proper.

To come to my point, Sir, what I say is that the Hon'ble Minister has mostly confined himself to the under-represented communities, and so far as the un-represented communities are concerned, when he was challenged by most of the supporters of this motion, he could not meet all those cases properly.

Khan Bahadur Maulavi KERAMAT ALI: What I wanted to know was what the hon. member meant by the term 'un-represented' communities?

Mr. BAIDYANATH MOOKERJEE: Sir, I am quoting from the statement of the Hon'ble Minister. In many cases, Sir, he stated that the percentage of the Muhammadan members is such and such in a particular local board and also the percentage is such and such as regards the Hindus. All these cases were instances of under-representation and not instances of un-representation. I think my hon friend has understood now.

Khan Bahadur Maulavi KERAMAT ALI: May I know which communities are un-represented?

Mr. BAIDYANATH MOOKERJEE: Most probably he was out to see some fun when it was stated by many of my hon. friends which communities were un-represented in which local boards.

Another point, Sir, is this. My hon. friend Srijut Omeo Kumar Das, the mover of this motion, quoted certain extracts from the *Times of Assam* while moving the motion, but it was not contradicted. That is very regrettable. I do not know whether it was put before the Hon'ble Minister by any one before.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Will the hon. member say what was written in that paper?

Mr. BAIDYANATH MOOKERJEE: My point is this. When a paper has published that the Government used nominations in the way stated by my hon. friend the mover of this motion long before, and it was not contradicted, it really pains us, though we may differ in certain matters, still we are proud that we belong to the same House when anybody says anything against any one of us and as a sensible being I am sorry for it. I do not care whether I belong to the opposition or to any other party. If I hear anything, rightly or wrongly, against my hon. friend, I feel for it. If he is really wrong, then I will feel for his mis-deed. If I hear anything against him wrongly, then I feel it, because he is abused wrongly. When I heard this, it really pained me, and I think the Hon'ble Minister will find his way to contradict this vehemently.

In this House, Sir, on various occasions the Hon'ble Minister has said that nominations are made just to assist or preserve the rights of the minority communities. He in his speech said in reply to the supporters of this motion that in some cases because there was some policy or special motive behind, he withdrew from the general practice. When the Assam Local Self-Government (Amendment) Bill was before this House, the Hon'ble Minister for Local Self-Government said that he would use it very carefully and cautiously and it would be used in proper cases, but according to the statement he has made just now he could not justify his action.

Then, Sir, I come to another point. As it was said by one of the supporters of the Hon'ble Minister so far as this motion is concerned, that a defeated candidate should get preference because he is the second best candidate. Sir, from what principle and reasons he has gathered this knowledge? I cannot understand. This, I can say, without any fear of contradiction, is a thing which is beyond our imagination. Now it should be remembered that a man who is not wanted by the public to represent them should not be put on the Board. Government should be careful in all these cases that an unwanted man is not nominated and moreover this should not be defended in the way they have defended now. It was really ridiculous. With these words I support the motion.

Srijut DEBESWAR SARMAH: Mr. Speaker, Sir. As regards this motion so many things have been said by my predecessors that I do not propose to take the time of the House by repeating them. But I would ask the House to consider another aspect of the matter.

Before going to that matter I may be pardoned if I remind the House of yet another side of the question. My hon. friend Mr. Omeo Kumar Das was seeking uprightness in the Hon'ble Minister for Local Self-Government Rev. J. J. M. Nichols-Roy, and he was complaining about it. Well, will it serve any useful purpose if we forget that certain hon. members are not exactly the same, luckily or unluckily, inside this House as they are outside it?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: What is that I would like my hon. friend to explain.

Srijut DEBESWAR SARMAH: In my humble way I would try to explain. In his capacity as a reverend gentleman, surely we will have little to complain against and less to dispute with. Of course I had not the luck or luxury of hearing him on a Sunday, but assuming that few people could beat him, at any rate amongst the Indians, in that capacity, I would bow down to him in that respect. But, Sir, before long that Christian zeal vanished away from him when he took the portfolio of Excise because he wanted to have the money.....

The Hon'ble the SPEAKER: How does the question of Excise come? **Srijut DEBESWAR SARMAH:** I am giving the explanation asked for by the Hon'ble Minister. So, Sir, the Christian zeal in that Reverend Gentleman vanished away inside this House and he wanted to keep himself in power and luxury with the money that he could get out of the drug edicts without spending any money to redeem from that evil habit. Sir, this reminds me of a small incidence which took place on the floor of this House this morning. The Hon'ble Chief Minister showed a trifle of his sporting spirit in throwing that news paper on my hon. friend Mr. Dakshina Ranjan Gupta Chaudhury. Outside the House, few could beat him in amiability and geniality. Then coming to to-day's affair in this House, I mean the resolution of my hon. friend Babu Lalit Mohon Kar that the salary of the Pandits should be fixed at.....

The Hon'ble the SPEAKER: The hon. member is speaking irrelevant.

Srijut DEBESWAR SARMAH: I will relate that very shortly. When Mr. Kar asked for an increase in the pay of the primary school teachers the Hon'ble Education Minister said that when the salary of our teachers was raised to Rs.12 the salary of those teachers in the province of Bengal was only Rs.5. Sir, it reminds me of a complaint.....

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Is not the hon. member out of order?

Srijut DEBESWAR SARMAH: When I complain to my neighbour.....

The Hon'ble the SPEAKER: Order, order. The hon. member should confine to the motion.

Srijut DEBESWAR SARMAH: Very well, Sir, I stop here. Now coming to the point, let us see what the Hon'ble Reverend gentleman the Minister for Local Self-Government spoke on another occasion in connection with nomination. I will read from page 311 of the Assam Legislative Assembly debates.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: What is the good of going through all that? We are going to abolish nomination from next year. There is no question of nomination from this time. Then what is the use of talking all this?

Srijut DEBESWAR SARMAH: Let us compare what he says to-day with what he said on another occasion not very far from to-day. He said: "The proposal to do away with nomination is an ideal principle no doubt, but the principle underlying nomination is that certain under-represented communities and minorities may get a chance to be represented in the Municipal Boards. Unless special arrangement is made for giving representation to these under-represented and minority communities, it is not desirable that nomination should be done away with. We find that in the last election of Municipal Boards even an important community like the Muslim community has lost in many Municipalities. For example, in Sylhet the Muslims according to the population ought to get 6 elected members, but they got only 3 returned. Then, Sir, in Maulvi Bazar the Muslims, according to their population, ought to have got 4 members returned, but there only two returned. In Dhubri, the Muslims should have got about three at least, but none was returned and then there are demands also from several minority communities....."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are wasting time, Sir.

Srijut DEBESWAR SARMAH: Let me come to specific points.

From that he enunciated that unrepresented communities are to be given representation. What about my place at Jorhat? The caste Hindus were well over-represented. I do not say that the gentleman who has been nominated is undesirable or useless, but I say that unrepresented community has not been given representation; the overwhelmingly over-represented community has been given representation.

Now, the Hon'ble Minister said that some people were disappointed. There is hardly anything in this. Members of this group, that is to say of the members of the Congress are not going to accept nomination from Government. How can the question of disappointment arise? The scheduled castes at Jorhat are a very substantial community and they were not given any representation. The fact is that because Srijut Ram Nath Das did not support the Government on the last occasion, the Minister was out to teach him a lesson.

Thus the principle has been thrown to the winds.

The Hon'ble the SPEAKER: The hon. member should finish soon.

Srijut DEBESWAR SARMAH: Very well, Sir. Let us now look at the other effect of nomination, i.e., disturbing the elected strength of the parties, which matter was dealt with by Messrs. Kantlie and Walker, Commissioners. Out of 23 seats three are nominated in the Jorhat Local Board. Of the remaining 20 seats, 11 seats only are allotted to Non-Muhammadan, general constituency and of these 9 seats were captured by Congress and there was another elected associate to Congress party. Nomination being given to all 3 anti-Congress party men the balance was completely upset against the Congress. Was it proper or fair?

Sir, he took exception to the term bribery. I have got papers here.....

The Hon'ble the SPEAKER: The hon. member should stop now.

Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I heard the Hon'ble Minister for Local Self-Government, but the arguments he has adduced to oppose my motion do not convince me. He has said that it was for the efficiency of the administration that he had to nominate all these persons.

Let me take the case of Tezpur Local Board and the question of the efficiency of the administration. All the elected seats were captured by the Congress Party. But the Congress party could not take office because the Mauzadar who was defeated at the election was rewarded for his service to the Ministry in the way of bringing back a rebel member of the party to their fold. He with his nominees were nominated to the Board and with the help of my friends on the left, I mean the planting group, came to take office.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Does the hon. member mean to say that because we gained a rebel member he was given nomination.

Srijut OMEO KUMAR DAS: Yes, one rebel member was brought back and for this he was given nomination.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is a total lie.

Srijut OMEO KUMAR DAS: He did not reply to this previously. I repeat the statement again.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I say this again a lie.

Srijut OMEO KUMAR DAS: He is still confined in the Minister's Bungalow.

(At this time there was an uproar in the House).

The Hon'ble the SPEAKER: The hon. member may go on and finish his speech.

Srijut OMEO KUMAR DAS: Then the Hon'ble Minister for Local Self-Government has stated that Mr. Ludai Ram Kaibarta was selected for nomination at first to the Tezpur Local Board. But a few days before publication of the nomination he took an appointment in the Sibsagar High School. Was there no other gentleman from the Kaibarta community or Brittil community? Again the question of efficiency of the administration arose. The gentleman who has been nominated and at present the Chairman was previously the Vice-Chairman of the Tezpur Local Board and how did he run the administration of the Board?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: He has received frequent recommendations from the local officer and from the audit staff.

Srijut OMEO KUMAR DAS: From the audit staff! But the auditor in his note had to remark adversely. In no other local board the Vice-Chairman drew so large an amount as travelling allowance.

Maulavi JAHANUDDIN AHMED: Will the hon. member mention the total amount?

Srijut OMEO KUMAR DAS: Just look at the audit report.

Maulavi JAHANUDDIN AHMED: He does not know.

The Hon'ble the SPEAKER: Order, order. It is half past five. The House stands adjourned till 11 O'clock to-morrow the 6th September 1938.

Adjournment

The Assembly then adjourned till 11 a.m., on Tuesday, the 6th September 1938.

APPENDIX A

The 19th March 1938

No.1774-L.S.-G.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendments in the rules published with Notification No.1041-E., dated the 8th March 1924, as subsequently amended:—

AMENDMENTS

Substitute the following for rule 5—Part V—at page 270 of the Assam Municipal Manual:—

5. (i) Except in the case of an emergent indent under sub-rule (v) all indents of Municipal Boards for medical stores, instruments, appliances, drugs, dressings and the like, but excluding disinfectants and chemicals, shall be checked, approved and countersigned by the Civil Surgeon.

(ii) All biological products, viz., anticholera and other vaccines, sera and bacteriophages manufactured in the Pasteur Institute and Medical Research Institute, Shillong, shall be obtained only from the Director of the said Institute and not elsewhere, except with the previous approval of the Director of Public Health, Assam.

(iii) Cinchona febrifuge and other quinine products manufactured at the Bengal Cinchona plantation shall be obtained in accordance with such directions as may be issued from time to time by the Provincial Government.

(iv) Subject to sub-rules (ii) and (iii) Municipal Boards may obtain all other medical stores, appliances, drugs, chemicals, disinfectants, etc., from any reliable firm or firms approved by them and also approved by the Civil Surgeon. Before giving such approval (which may at any time be revoked) the Civil Surgeon shall satisfy himself that the firm in question is a reliable one and that the prices at which it is prepared to supply the Board are not above the ordinary wholesale Calcutta rates allowing for carriage, etc. In case of a difference of opinion between the Municipal Board and the Civil Surgeon the matter should be referred to the Inspector General of Civil Hospitals for final decision.

(v) In the case of a definite emergency an indent not exceeding Rs.15 in value for drugs, dressings or the like, or any amount for chemicals and disinfectants, which are required immediately may, subject to the control of the board be made direct by the officer in charge of a dispensary on a chemist's or druggist's shop in the locality at the market rates locally current.

(vi) The Inspector General of Civil Hospitals may, if he thinks fit, call for the indent for medical stores of any hospital or dispensary under the control of any Municipal Board and, if necessary, advise the Board to revise such indent.

H. G. DENNEHY,

Secy. to the Govt. of Assam, Edn. & L. S.-G. Depts.

APPENDIX

APPENDIX B

The 19th April 1938.

No.2220-L.S.-G.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following rule:—

ASSAM LOCAL BODIES' ACCOUNTANTS' DIPLOMA EXAMINATION RULE

In part VII of the rules published with Notification No.1041-E., dated the 8th March 1924, add the following as a new rule after rule 6C:—

“6D—After this rule comes into force no person shall be appointed Accountant or Head Clerk and Accountant in the office of a Municipal Board unless he has passed the Assam Local Bodies' Accountants' Diploma Examination or an examination prescribed by the Provincial Government as at least equivalent thereto:

Provided that a person may be appointed to such post if he has not passed the said examination on condition that he shall pass the examination within 3 years of his appointment and such person shall not be confirmed nor draw any increment of pay until he has so passed and in the event of his failing to pass within the prescribed time he shall be removed or reverted to his former post as the case may be unless the Provincial Government otherwise direct.

Note.—The examination held by the Examiner, Local Accounts, Assam, previous to the institution of the Assam Local Bodies' Accountants' Diploma Examination for the purpose of examining Accountants in Local Board offices is prescribed as equivalent to the Assam Local Bodies' Accountants' Diploma Examination.

S. GOHAIN,

*Dy. Secy. to the
Govt. of Assam, Edn. & L.S.-G. Depts.*

APPENDIX

APPENDIX C

The 25th April 1938.

No.2369-L.S.-G.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendments in the rules published with Notification No.1041-E., dated the 8th March 1924.

AMENDMENTS

ACCOUNT RULES—PART I

1. *Delete* rule 60.
2. *Insert* the following as rule 127-A.

CONTRACTORS' LEDGER

127-A. A personal ledger account shall be maintained in the following form for recording the transactions with each contractor, whether relating to one or to several works or to materials purchased from him. A separate folio shall be allotted to each contractor. The ledger shall show the number and amount of each passed Bill and certificate, briefly naming the work and the number and amount of each cheque. The value of materials made over to a contractor shall be debited to his account, and a receipt for the value thereof taken from him in support of the debit.

Dr.			Cr.	
Month and year	Particulars	Amount	Particulars	Amount
1	2	3	4	5

The ledger shall be posted as Bills are paid and the account of each contractor closed without delay on the completion of his contract. The ledger shall be closed and balanced monthly. If a contractor delays in receiving final payment for more than one month after the final certificate has been passed, the accounts of the work and of the contractor shall be closed and the balance due credited to the accounts “Deposits” through the Register of Adjustments in form 14.

NOTE.—Security deposits shall not be included in this account; they are recorded under deposits, an dregularly reviewed in the outstanding list of that account—*vide* rule 82

3. *Delete* the words "estimated to cost more than Rs.200" in line 2 of rule 134.

PART II

PUBLIC WORKS

Section II

4. *Substitute* the figure 10 per cent. for 15 per cent. in line 2 of rule 7.

S. GOHAIN,

*Dy. Secy. to the
Govt. of Assam, Edn. & L.S.-G. Deptts.*

Shillong :
The 17th October 1938.

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A. K. BARUA,
Secretary, Legislative Assembly, Assam.

B. Das