

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

The Assembly met in the Assembly Chamber, Shillong, at 11a.m. on Saturday the 3rd December 1938.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred question No. 366 standing in the name of Babu Rabindra Nath Aditya was not called out and answered as the questioner was absent.)

(Starred questions Nos. 367-368 standing in the name of Srijut Purna Chandra Sarma were not called out and answered as the questioner was absent.)

(Starred question No. 369 standing in the name of Srijut Debeswar Sarmah was not called out and answered as the questioner was absent).

Strikes in Madrassa

Mr. BAIDYANATH MOOKERJEE asked :

*370. (a) Has the attention of Government been drawn to a publication in the columns of the "Jagaran", dated the 12th August 1938, headed "স্বাধীনতা সংগ্রামের অবসান" ?

(b) If so, will Government be pleased to state if there is any truth in the statement that a few persons had to stand surety for the Hon'ble Minister of Education in the matter of assurances given by him to the strikers of the Madrassa ?

*371. Will Government be pleased to state in what circumstances it became necessary for the Hon'ble Minister of Education to supplement his assurances by the suretyship of a few private individuals ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

370. (a)—Yes.

(b)—Government have no information.

371.—Government have no information.

Expenditure incurred by Government for classical studies

Srijut GHANASHYAM DAS asked :

*372. Will Government be pleased to state, separately and year by year, the total expenditure incurred by Government for encouragement of classical studies in the province in the years 1935-36, 1936-37, 1937-38 ?

*373. Will Government be pleased to state, separately and year by year, the expenditure incurred for Sanskrit and Islamic culture separately for the years 1935-36, 1936-37 and 1937-38 ?

*374. Will Government be pleased to state the steps taken by Government with reference to the remark of the Director of Public Instruction that "Sanskrit Education has received less generous treatment than Islamic Education of recent years" appearing at page 48 of the Quinquennial Review of the Progress of Education in Assam during 1932-37 ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

	Rs.
372.—1935-36—1,93,089 (excluding Maktabas).	
1936-37—1,99,546 (excluding Maktabas).	
1937-38—2,15,249 (excluding Maktabas).	

373.—

	Sanskrit Education		Islamic Education (excluding Maktabas)
	Rs.		Rs.
1935-36	...	59,644	...
1936-37	...	60,295	...
1937-38	...	59,959	...
			1,33,445.
			1,39,251.
			1,55,290.

Maulavi JAHANUDDIN AHMED : May I know what sum was allotted for Islamic education in the Surma Valley and in the Assam Valley separately ?

The Hon'ble Srijut GOPINATH BARDOLOI : That question is being examined. At present we are not in a position to give that information.

Maulavi MUHAMMAD AMJAD ALI : Is it a fact that the Congress Government is discouraging sectarian education ?

The Hon'ble Srijut GOPINATH BARDOLOI : That is now under the consideration of Government. We do not say that we are discouraging any thing at present.

Maulavi MUHAMMAD AMJAD ALI : May I take it that they do not favour sectarian education ?

The Hon'ble Srijut GOPINATH BARDOLOI : There is no question of discouraging. We are only examining that question. The reply will be found down below.

Maulavi MUHAMMAD AMJAD ALI : Is it not a fact that during the last Budget session of the Assembly, a cut motion was tabled by one of the Congress members for encouraging Islamic education ?

The Hon'ble Srijut GOPINATH BARDOLOI : My memory does not stress so far.

Maulavi MUHAMMAD AMJAD ALI : Will he please look into it ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

374.—Government consider that any money that is available should be spent on non-sectarian lines and on a type of education which will enable the students to re-act more successfully to the conditions in which they live.

Mr. NABA KUMAR DUTTA : May I enquire if the present Government is prepared to give more generous treatment to Sanskrit education ?

The Hon'ble Srijut GOPINATH BARDOLOI : That matter will be considered.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: Favourably or adversely ?

Maulavi MUHAMMAD AMJAD ALI: What is the attitude of the present Government regarding sectarian education ?

The Hon'ble Srijut GOPINATH BARDOLOI: Reply to question 374 is very clear. Government consider that any money that is available should be spent on non-sectarian lines and on a type of education which will enable the students to re-act more successfully to the conditions in which they live.

Maulavi JAHANUDDIN AHMED: Are we to take it that this Government is not encouraging sectarian education ?

The Hon'ble Srijut GOPINATH BARDOLOI: I have nothing more to add to what I have already said.

Maulavi Dewan MUHAMMAD AHSAB CHAUDHURY: Is it a fact that the Director of Public Instruction, in his last quinquennial report, showed a hostile attitude towards Islamic education ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware of that, Sir.

Maulavi Dewan MUHAMMAD AHSAB CHAUDHURY: Is it a fact that during these few months, the Hon'ble Minister of Education did not find time to look into the report.

The Hon'ble Srijut GOPINATH BARDOLOI: That question does not arise. We did not consider it necessary to stray from our daily duties.

Maulavi MUHAMMAD MAQBUL HUSEAIN CHAUDHURY: Has the Hon'ble Minister gone through the Quinquennial Report of Public Education ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, I have gone through it, but the question does not arise at all.

Discretionary grants of the Hon'ble Ministers

Maulavi MABARAK ALI asked :

*375. Will Government be pleased to state—

- (a) The amount granted to the students of the Sylhet District from the discretionary funds of the Hon'ble Ministers of Education and Agriculture ?
- (b) Whether the amount was granted for making Muslim League propaganda or for any other purpose ?
- (c) The names of those students and the amount granted to each of them ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

375. (a) & (c)—Two separate statements showing the names of the students, purpose of the grant and the amount granted to each student from the discretionary allotments of the Hon'ble Ministers of Agriculture and Education are laid on the table.

(b)—The donors alone can specify the purposes: the present Government do not propose to hazard any reply.

Statement placed on the Members' tables in reply to starred question No. 375 asked by Maulavi Mabarak Ali

Statement showing the names, purpose and amount granted to students of the Sylhet District from the discretionary allotment of the Hon'ble Minister, Education, during the year 1938-39

Name of student	Amount	Purpose
	Rs.	
1. Abdul Hamid	50	Educational expenses.
2. Md. Musaddar Ali	10	Purchase of books.
3. Master Abdur Rakib	25	Purchase of books.
4. Binoy Bhusan Nath	25	Purchase of books.
5. Sonawar Ali	10	Purchase of books.
6. Abdul Majid	36	Educational expenses.
7. Azizur Rahman	30	Educational expenses.
8. Khairul Anam	10	Purchase of books.
9. Golam Mahdi Choudhury	25	Purchase of books.
10. Md. Fotehnus Khan	25	Purchase of books.
11. Kripesh Chandra Sarma Chaudhury.	10	Purchase of books.
12. Md. Abdul Musowir	20	Purchase of books.
13. Babu Sudhanya Kumar Datta.	50	Purchase of books.
14. Syed Muslahuddin Ahmed	40	Educational expenses.
15. Md. Ayatullah	30	Educational expenses.
16. Md. Abdul Mannan	20	Educational expenses.
17. Hitendra Kumar Dey	20	Educational expenses.
18. Md. Jalaluddin Chowdhury	50	Educational expenses.
19. Ainuddin Choudhury	50	Purchase of books.

Statement placed on the Members' tables in reply to starred question No.375 asked by Maulavi Mabarak Ali

Statement showing the names, purpose and amount granted to students of the Sylhet district from the discretionary allotment of the Hon'ble Minister, Agriculture, during the year 1938-39

Name of student	Amount	Purpose
	Rs.	
1. Maulavi Akmal Hussain ...	25	To complete I.D.D. course.
2. Maulavi Syed Khurshed Ali (for his son Bazlur Rahman).	40	Educational expenses of his son.
3. Syed Bazlur Rahman ...	150	Educational expenses in the Kerala Soap Institute.
4. Md. Abdur Rashid ...	50	Purchase of books.
5. Habibur Rahman Choudhury.	40	Educational expenses.
6. Maulavi Abru M'a (educational expenses of his son).	20	Educational expenses of his son.
7. Syed Abdul Hafiz ...	25	Educational expenses.
8. Syed Sajidur Rahman ...	20	Ditto.
9. Md. Abdul Hasib ...	30	Ditto.
10. Fayaz Hussain ...	30	Ditto.
11. Sirajul Islam ...	20	Ditto.

Maulavi MABARAK ALI : On what principle will the present Government distribute money from the discretionary grant ?

The Hon'ble Babu AKSHAY KUMAR DAS : In future ?

Maulavi MABARAK ALI : At present.

The Hon'ble Babu AKSHAY KUMAR DAS : At present there is almost no money in the discretionary grant.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Education amongst the Muslims in the Lakhai Thana

Maulavi ASHRAFUDDIN MD. CHAUDHURY asked :

639. Are Government aware that Education amongst the Muslims in the Lakhai Thana is very backward ?

640. Will Government be pleased to state whether there is any High School in the whole of the Lakhai Thana ?

641. Will Government be pleased to state the number of the Middle English Schools in this Thana ?

642. Will Government be pleased to state whether any Middle English School in the said locality is receiving any grant-in-aid either from Government or from the Local Board ?

643. Will Government be pleased to state whether any official connected with the expansion of Muhammadan Education in the province visited the Katihara Madrassa ?

644. Is it a fact that the inspecting staff of Muhammadan Education seldom visits the outlying Madrassas and Maktabas of the province ?

645. Is it a fact that this Madrassa of Katihara is the only Madrassa in the whole of this Thana ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

639.—The Muslims in the Lakhai Thana are generally backward in Education.

640.—None.

641.—Two.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : Is it in the contemplation of Government to start a High School there ?

The Hon'ble Srijut GOPINATH BARDOLOI : That will depend on the fund that will be available at the disposal of Government.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : While asking for the adjournment of the House when the No-Confidence motion was tabled on the last occasion, did not Government care to ascertain that some money could be saved and that money could be spent in establishing schools in the backward areas ?

The Hon'ble Srijut GOPINATH BARDOLOI : I have not been able to follow the implication of the question.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : When the last No-Confidence motion was tabled, the Hon'ble Minister wanted to adjourn the House, and while succeeding in that, did he not care to ascertain that some money could be saved for establishing schools in the backward areas ?

The Hon'ble Srijut GOPINATH BARDOLOI : Does that question arise, Sir ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

642.—Both are receiving aids from the Local Board.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : Are Government aware that the Local Board is now not in a position to advance money ?

The Hon'ble Srijut GOPINATH BARDOLOI : Government is not aware of that.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : Will Government make an enquiry into the matter ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, if the hon. member likes it.

Maulavi ABDUR RAHMAN : Is it a fact that the Local Board grants to the Middle English Schools are very scanty, ranging from Rs.15 to Rs.20 ?

The Hon'ble Srijut GOPINATH BARDOLOI : The question is much too general for me to answer.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

643.—Yes, by the Deputy Inspector of Schools, Habiganj and the Special Deputy Inspector for Muhammadan Education.

644.—No.

645.—No.

Impounding of cattle by people on the encouragement of lessees of pounds

Kumar AJIT NARAYAN DEV asked :

646. Are Government aware that impounding of cattle is encouraged by the lessees of pounds by giving a commission to the people who bring cattle to the pounds ?

647. Is it a fact that the owners of impounded cattle are charged for the feeding of their cattle.

648. Do Government propose to reduce the fees for redeeming the impounded cattle ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

646. —Some local boards report that this occasionally happens and that the delinquent lessee is then dealt with.

Srijut ROHINI KUMAR CHAUDHURI : May I know if these delinquent lessees are dealt with in criminal courts ?

The Hon'ble Srijut GOPINATH BARDOLOI : I do not think, as a general rule, they are at all detected.

Srijut ROHINI KUMAR CHAUDHURI : Is there any provision by which one can prosecute them criminally ?

The Hon'ble Srijut GOPINATH BARDOLOI : I suppose there is some provision in the Cattle Trespass Act itself.

Srijut ROHINI KUMAR CHAUDHURI : Will the Hon'ble Minister please say whether any such prosecutions have been recently taken ?

The Hon'ble Srijut GOPINATH BARDOLOI : I have no knowledge of that.

Srijut ROHINI KUMAR CHAUDHURI : I cannot take notice of replies which are given in sitting.

The Hon'ble Srijut GOPINATH BARDOLOI : I think I have sufficiently stood up.

Srijut ROHINI KUMAR CHAUDHURI : May I know what steps are taken in those cases where pounds are directly under the control of the Police Department ?

The Hon'ble Srijut GOPINATH BARDOLOI : That is also a much general question for me to answer.

Srijut ROHINI KUMAR CHAUDHURI : I want to know what steps are taken in those cases where pounds are directly under the control of the Police Department ?

The Hon'ble Srijut GOPINATH BARDOLOI : That question, Sir, does not arise because we are now taking up the question of pounds under Local Boards.

Srijut ROHINI KUMAR CHAUDHURI : May I draw your attention, Sir, that the question is about pounds in general and not about Local Board pounds ?

The Hon'ble Srijut GOPINATH BARDOLOI : I want notice.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

647.—Ycs.

Srijut ROHINI KUMAR CHAUDHURI : Is it a fact that the owners of impounded cattle are charged for the feeding of their cattle although, as a matter of fact, they may not have been fed ?

The Hon'ble Srijut GOPINATH BARDOLOI : I presume they are fed.

Srijut ROHINI KUMAR CHAUDHURI : Is the Hon'ble Minister aware that they are charged for feeding although, as a matter of fact, they are not fed ?

The Hon'ble Srijut GOPINATH BARDOLOI : I am not aware.

Srijut ROHINI KUMAR CHAUDHURI : Is the Hon'ble Minister aware that if an impounded cattle is released shortly after it is impounded, that is to say, after half an hour, even then the feeding charge is made ?

The Hon'ble Srijut GOPINATH BARDOLOI : I am not aware.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Will the Hon'ble Minister take it from me that feeding charges are realised from the owners of the cattle ?

The Hon'ble the SPEAKER : The answer is already there—"yes"

The Hon'ble Srijut Gopinath Bardoloi replied :

648.—No.

Steps taken to give effect to the recommendations made by Sir John Russel and Dr. N. C. Wright

Babu RABINDRA NATH ADITYA asked :

649. Will the Hon'ble Minister in charge of Agriculture be pleased to state the steps taken to give effect to the recommendations made by Sir John Russel and Dr. N. C. Wright in Assam ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

649.—Sir John Russel and Dr. N. C. Wright were appointed by the Imperial Council of Agricultural Research, the former to report on the Council's work in applying science to crop production and the latter on the development of the Cattle Dairy industries of India. In course of their reports they made a large number of recommendations to the Imperial Council of Agricultural Research. The Central Fodder and Grazing Committee constituted by the Imperial Council of Agricultural Research at the instance of the Simla Cattle Conference of 1937, considered some of the recommendations of Sir John Russel and Dr. N. C. Wright regarding the general policy to be followed for improvement of fodder and grazing. Some of the recommendations made by the Central Fodder and Grazing Committee have been commended to all the Provincial Governments by Imperial Council of Agricultural Research and this Government have only recently formed a small Provincial Fodder and Grazing Committee to start with the work of examining those recommendations. The Imperial Council of Agricultural Research will no doubt consider other recommendations of Sir John Russel and Dr. Wright and commend them to the Provincial Governments from time to time when action will be taken accordingly.

Mr. NABA KUMAR DUTTA : May I know what are the recommendations of the Central Fodder Committee ?

The Hon'ble Babu AKSHAY KUMAR DAS : Some of the recommendations are there in the reply.

Appointment of an Assistant Marketing Officer

Babu RABINDRA NATH ADITYA asked :

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

(a) If a junior Agricultural Inspector has been appointed Assistant Marketing Officer superseding the claims of many and especially of Srijut Mohi Chandra Gogoi who officiated before ?

(b) If so, whether he was appointed by the Public Service Commission ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

650. (a)—A junior Inspector was appointed in the temporary vacancy. As it was not a case of promotion, the question of supersession of the Senior officers did not arise. Srijut Mohi Chandra Gogoi could not be appointed as his pay was higher than the one sanctioned for the post.

(b)—He was appointed under Regulation 33 of the Assam Public Service Commission Regulations as the case was urgent. When the same officer was considered suitable for the whole period of the vacancy, the concurrence of the Public Service Commission was obtained.

Deputation of Inspectors of Co-operative Societies to the Punjab in 1935

Srijut RAJENDRA NATH BARUA asked :

651. Is it a fact that 4 Inspectors of Co-operative Societies were deputed to the Punjab in 1935 for training—2 for four months and 2 for 16 months ?

652. Will Government be pleased to state on what standard, seniority, competency or communal basis, these Inspectors were selected ?

653. Is it a fact that one of the 2 Inspectors selected, Maulavi Abdul Zahir who was selected for 16 months' training had to be brought back after only 4 months' training due to his incompetency ?

654. Will Government be pleased to state—

(a) If the Inspectors so deputed for training had to appear in any examination after completion of their training ?

(b) If so, will Government be pleased to state if the Inspectors could pass in all the subjects in which they were examined ?

655. Is it a fact that the 2 Inspectors who received 16 months' training, were employed in training the other Inspectors with the exception of the 2 deputed for 4 months ?

656. (a) Is it a fact that there are 1 Registrar, 2 Assistant Registrars and 1 Provincial Auditor over these Inspectors ?

(b) --If so, will Government be pleased to state whether they are trained ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

651.—Yes.

Maulavi GHYASUDDIN AHMED : May I know what is the object of sending these officers for training ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : Because they are to be trained in co-operative works and the Punjab being the best place and successful in co-operative work, these officers were sent there for training.

Maulavi GHYASUDDIN AHMED : Why two officers were sent for 4 months' training and 2 for 16 months' training ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : For the sake of convenience.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : May I know what benefit the public has derived from these trained inspectors ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : Unless they are trained, how can we expect better work and better supervision from these officers ?

Maulavi JAHANUDDIN AHMED : May I know the difference in training for 16 months and 4 months ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : They are trained there according to the class (*loud laughter*).

Srijut ROHINI KUMAR CHAUDHURI : Will the Hon'ble Minister please repeat the answer ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : They are trained there according to the requirements.

Maulavi JAHANUDDIN AHMED : That is not the answer to my question, Sir. I want to know the difference in training for 16 months and 4 months.

(Voice from the Congress benches : We cannot follow.)

The Hon'ble the SPEAKER : The complaint is that the hon. member is not heard.

Maulavi JAHANUDDIN AHMED : The reply which the Hon'ble Minister has given does not cover my question. I want to know the difference of training for 16 months and 4 months.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : Sir, it is better known to the last Governments (*loud laughter*).

Maulavi Saiyid Sir MUHAMMAD SAADULLA : May I point out to the Hon'ble Minister that he is far far wrong in saying that this was done by the last Government. If he looks to the question, he will find that it was in 1935 when the system of deputing Inspectors for training was started and at that time the last Government did not exist.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI : I said, Sir, last Governments (*loud laughter*).

Maulavi Saiyid Sir MUHAMMAD SAADULLA : May I, Sir, seriously ask the Hon'ble Minister in-charge to look to the record if he has got it with him and to say why this difference was made, in the time or period for training for 4 months in one case and 16 months in the other ? In reply to the question, once he said that it was done according to the class, and then he said according to the requirements and for the third time he said according to the capacities of the Punjab Government to absorb our students and thus he started all these loose talks. Will he please look to the record and give us the correct reply ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I have already replied, Sir. (*laughter*).

Maulavi JAHANUDDIN AHMED: I have not yet got the reply, Sir.

The Hon'ble the SPEAKER: What was the question of the hon. member ?

Maulavi JAHANUDDIN AHMED: I want to know the difference in training for 16 months and 4 months.

The Hon'ble the SPEAKER: He has answered that.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

652.—While selecting the Inspectors, due consideration was given to seniority, competency and communal representation.

653.—Yes, due to his failure in the examination at the end of the four months' training.

654.(a)—Yes.

(b)—One Inspector failed in all the six subjects, one in one subject, one in two subjects and one passed in all the subjects.

Khan Bahadur Maulavi KERAMAT ALI: May I know from the Hon'ble Minister in charge, the name of the candidate who passed in all the subjects ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: It is not possible, Sir, to remember the names of all the candidates. (*Loud laughter*). If the hon. member is so keen about the names, I may give him the names of the candidates later on, if he wants.

Khan Bahadur Maulavi KERAMAT ALI: May I know from the Hon'ble Minister why the candidate who passed in all the subjects was not given the chance of continuing his training for 16 months ?

The Hon'ble the SPEAKER: Which candidate ?

Khan Bahadur Maulavi KERAMAT ALI: Sir, I want to know whether the candidate who passed in all the subjects was given training for 4 months or for 16 months ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: This was done by the last Governments and so I cannot account for these things. (*Loud laughter*).

Khan Bahadur Maulavi KERAMAT ALI: Will the Hon'ble Minister please look to the record and tell me as to whether the candidate who passed in all the subjects was given training for 4 months or for 16 months ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I shall inform him later on if he wants. (*Loud laughter*).

Khan Bahadur Maulavi KERAMAT ALI: Shall I be allowed then to put further supplementary questions, Sir ?

The Hon'ble the SPEAKER: Yes.

Maulavi ABDUR RAHMAN: On a point of order, Sir. If things are allowed to go on in this way, we shall not get any reply. Whenever any question is put to any of the Hon'ble Ministers now holding office, he always puts it on the shoulders of the previous Government.

The Hon'ble the SPEAKER: Not on the shoulder of the previous Government. He stated "previous Governments." (*Loud laughter*).

Maulavi ABDUR RAHMAN: Whenever they find any difficulty, they say that it was done by the previous Government. We don't know what would be our position because we do not belong to the Cabinet. We remain in darkness and we do not know where to get the answer from.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : If the Hon'ble Minister care to read the records, he will find everything and may give us the information. The Hon'ble Minister in charge of Industry has said that he will give the information later to my hon. friend Khan Bahadur Maulavi Keramat Ali and you have said that after this information is given, you will allow further supplementary questions.

The Hon'ble Maulavi MAHMUD ALI replied :

655.—Yes.

656.(a)—Yes, but the Provincial Auditor is not over the Inspectors.

(b)—They know their work although they have no special training outside the Province. The Provincial Auditor had some special training in Bengal on the audit of the accounts of non-credit Societies.

Duties of the Provincial Auditor of Co-operative Societies

Khan Bahadur Maulavi KERAMAT ALI asked :

657. Will Government be pleased to state—

(a) The duties of the Provincial Auditor of Co-operative Societies ?

(b) Whether it is a fact that he has not to do anything beyond auditing a few societies which is also the duty of the Inspectors of Co-operative Societies ?

(c) Do Government propose to consider if this officer is at all necessary in these days of financial hardship ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

657.(a) & (b)—The primary duties of the Provincial Auditor of Co-operative Societies are to conduct the original audit of a large number of important co-operative Banks and all societies of special type *e.g.*, Co-operative Stores, Milk Societies and Milk Unions, to super-audit some of the Banks of which the original audit is done by the Inspectors and to audit the accounts of societies under liquidation. He is also to make special enquiries whenever ordered by the Registrar. The compilation of the provincial figures for the annual administrative report and assessment of audit fee are also done by him.

The Inspectors do the audit of rural societies and of only a small number of urban banks in their respective charges.

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

Re-opening of the Kedar Road of Gauhati straight to the Assam Trunk Road

Srijut BELIRAM DAS asked :

658. Are Government aware that the Kedar Road which is in the heart of the Gauhati town in Ward No. VII of the Gauhati Municipality has been blocked towards the south by the wire fencing of the Assam-Bengal Railway Co., Ltd. ?

659. Is it a fact that the inhabitants of the localities concerned submitted various applications to the Chairman of the Gauhati Municipality to take necessary steps for re-opening the Kedar Road straight to the Assam Trunk Road ?

660. Is it a fact that the inhabitants of the localities concerned, including Srijut Rohini Kumar Chaudhuri, B.L., Maulavi Abdul Hai, M.L.C., Srijut Narnarayan Goswami, B.L., Srijut Mohini Kanta Barkakati, B.L., Srijut Lakshminath Das, B.L. and many other submitted an application, dated the 20th August 1935 to the Commissioner, Assam Valley Division, to re-open the Kedar Road straight to the Assam Trunk Road ?

661. Is it a fact that the Chairman of the Gauhati Municipal Board in his letter No.649, dated the 14th July 1914, very strongly recommended the application of the rate-payers of Kedar Road and its adjoining localities and requested the Deputy Commissioner, Kamrup, to take necessary steps for re-opening the said Road ?

662. Do Government propose to make an enquiry into the matter without delay, and take necessary steps for the re-opening of the Kedar Road and fix a level crossing as existed a few years back ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

658.—Yes.

Srijut ROHINI KUMAR CHAUDHURI : May I know, Sir, when this road was blocked ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : I want notice of that question, Sir. I cannot give the exact date.

Srijut ROHINI KUMAR CHAUDHURI : The Hon'ble Minister says that he cannot give me the exact date. Will he be pleased to give me the approximate date ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : I want notice.

Srijut ROHINI KUMAR CHAUDHURI : I do not want the date but I want the year.

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : The time was not asked for in the question.

The Hon'ble the SPEAKER : It was the duty of the hon. member who put the question to give the date.

Srijut ROHINI KUMAR CHAUDHURI : There must be some records, Sir. May I know whether any enquiry was made as to when this road was blocked ? From the report the Hon'ble Minister may say when it was blocked.

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : There was nothing mentioned in the question and so I want notice of that question.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : May I point out to the Hon'ble Minister that if he refers to question No.661, he will get some date mentioned there and that will help him in giving the year ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : There is nothing in question No.661 which gives the exact year.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : There it is mentioned that the Chairman of the Gauhati Municipal Board in his letter, dated the 14th July, 1914 requested the Deputy Commissioner, Kamrup, to take necessary steps for re-opening the said road and that means the road had already been closed by that time.

Maulavi ABDUR RAHMAN : Sir, is it a fact that this road is named 'Kedar road' in order to commemorate the name of our hon. friend Mr. Kedarmal Brahmin ?

The Hon'ble the SPEAKER: That question does not arise. It is not an information which may be of any value to the members.

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

659.—Yes.

660.—Yes.

661.—Yes.

Khan Bahadur Maulavi KERAMAT ALI: May I know who was the Chairman of the Gauhati Municipal Board at the time the application was made ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN: Does that question arise, Sir ?

The Hon'ble the SPEAKER: I do not know what is the purpose in asking the name. Our rules say that names should not be introduced in putting questions ; as far as possible names should be avoided.

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

662.—No.

Srijut ROHINI KUMAR CHAUDHURI: May I know why Government do not propose to make an enquiry into the matter and take steps ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN: Because there is another level crossing on the Pandu Road, and it is very near to the junction of Kedar Road and the Railway line.

Annual Car Festival Ceremony at Dhaka Dakshin

Babu KARUNA SINDHU ROY asked :

663. Will Government be pleased to state—

(a) Whether it is a fact that it had been the custom for about 400 years at the Dhaka Dakshin annual Car Festival Ceremony to construct a new car every year and this custom has been violated this year, under orders from Government ?

(b) If so, will Government be pleased to state the names of officers who passed and carried out such orders and to what religion they belong ?

664. Is it a fact that all the "Sebaitis" except one Indra Kumar Misra vehemently opposed against accommodating "Jagannath Mahaprabhu" in an used car ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

663. (a)—Government understand that the car is re-built every year, parts of the old materials such as the wheels being often used for the purpose. Government passed no orders in this connection. It appears that a dispute arose between Indra Kumar Misra and other *sebaitis* as to whether his car or theirs should be used, and the Inspector of Police finding that there was an apprehension of breach of the peace, sought an injunction to restrain the latter from interfering with Indra Kumar Misra's car, the night before the ceremony.

(b)—As already explained, there were no such orders. The opposition party ultimately withdrew their objection and the injunction was not served.

664.—There was opposition to begin with, but it was voluntarily withdrawn.

Whether a fine was imposed on the lessee of the Maulvibazar-Chandnighat ferry by the Subdivisional Officer, South Sylhet

Maulavi MD. MAQBUL HUSSAIN CHAUDHURY asked :

665. Will Government be pleased to state whether the attention of Government has been drawn to a piece of news published under the caption "Tug-of-War between the Subdivisional Officer, Civil and the Subdivisional Officer, Public Works Department" in the *Sylhet Chronicle*, dated the 18th July, 1938 ?

666. (a) Is it a fact that the Subdivisional Officer, South Sylhet, fined the lessee of the Maulvibazar-Chandnighat ferry and realized money from him on the ground that the lessee asked the boatmen to take back the lights after the Subdivisional Officer had gone away ?

(b) If so, will Government be pleased to state under what Law the Subdivisional Officer acted like that ?

667. Will Government be pleased to state—

(a) Whether the fine realized from the lessee by the Subdivisional Officer was deposited to the Treasury ?

(b) If so, on what date ?

668. Is it a fact that after the lessee filed a petition to the Subdivisional Officer, Public Works Department, the Subdivisional Officer, Civil of the South Sylhet Subdivision called the lessee and asked him to take back his money and persuaded him to make a donation of the same to the poor Fund ?

669. (a) Are Government aware that the present Subdivisional Officer, South Sylhet, realizes money from the public in the name of a Poor Fund exercising his official influence ?

(b) If so, will Government be pleased to state—

(i) The amount realized up to date from the time the present Subdivisional Officer assumed the charge of the subdivision ?

(ii) How the money of the said Poor Fund is utilised ?

(c) If the reply to question (a) above is in the negative, do Government propose to enquire into the matter ?

670. Will Government be pleased to state whether it is a fact that the Subdivisional Officer, South Sylhet, crossed the river Manu by the Chandnighat ferry, Maulvibazar Town on the 3rd July 1938, with his motor car and ordered the lessee of the ferry not to allow any cart of the cloth merchants to cross the river till he returned from Kulaura ?

671. (a) Are Government aware that under the order of the Subdivisional Officer, Public Works Department, the merchants had their carts crossed and the Subdivisional Officer not finding the carts at the ghat on his return, fined the boatmen Rs. 5 and realized the money at once ?

(b) If so, will Government be pleased to state—

(i) Whether the money was deposited to the Treasury ?

(ii) Under what Law the Subdivisional Officer fined the boatmen ?

(c) If the reply to question (a) above be in the negative, do Government propose to enquire into the matter immediately ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

665.—Government have seen the article.

666-668.—The facts have been misrepresented. Government have obtained a report from which it appears that no mar-boat was kept at the ferry on the evening in question and the Subdivisional Officer had to wait for over an hour and a half before he could secure a crossing even in an ordinary boat. The lessee was then absent, but visited the Subdivisional Officer some days later and contributed Rs. 50 to the Poor Fund on condition that no action should be taken for the mismanagement of the ferry by his men.

Mavlavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Is it not a fact that the lessee was fined by the Subdivisional Officer ?

The Hon'ble Srijut GOPINATH BARDOLOI : It was not a fine, but a voluntary contribution.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : May I know who submitted the report ?

The Hon'ble Srijut GOPINATH BARDOLOI : The report came from the Subdivisional Officer.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : About whom I put the questions ?

The Hon'ble Srijut GOPINATH BARDOLOI : Possibly so.

Srijut ROHINI KUMAR CHAUDHURI : Does the Hon'ble Minister accept the report of the Subdivisional Officer as a correct one ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes.

Srijut ROHINI KUMAR CHAUDHURI : Is he the man against whom complaint has been made and it is his version that has been accepted ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, the circumstances also lead to the same conclusion.

Srijut ROHINI KUMAR CHAUDHURI : Do I understand the Hon'ble Minister to say that on account of the circumstantial evidence, the Subdivisional Officer's report was taken as correct ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, in the circumstances, we had no option.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Am I to understand that all on a sudden, the lessee turned into a benevolent man ?

The Hon'ble Srijut GOPINATH BARDOLOI : He did not turn into a benevolent man all at once. He was asked by the Subdivisional Officer whether he would like to make that contribution and he was willing to pay.

Srijut ROHINI KUMAR CHAUDHURI : Did the Hon'ble Minister try to test the accuracy of this report through the Deputy Commissioner ?

The Hon'ble Srijut GOPINATH BARDOLOI : As a matter of fact, we had it tested.

Srijut ROHINI KUMAR CHAUDHURI : Does the Hon'ble Minister mean to say that the Deputy Commissioner also held an enquiry ?

The Hon'ble Srijut GOPINATH BARDOLOI : The Deputy Commissioner did not hold any enquiry at all.

Srijut ROHINI KUMAR CHAUDHURI : Then how was it tested ?

The Hon'ble Srijut GOPINATH BARDOLOI : The report came through the Deputy Commissioner.

Srijut ROHINI KUMAR CHAUDHURI : As it was forwarded by the Deputy Commissioner, was it therefore assumed to be tested by him ?

The Hon'ble Srijut GOPINATH BARDOLOI: As a matter of fact, the circumstances of the whole thing were examined by us and we found that the Subdivisional Officer did right.

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Minister be pleased to mention some of the circumstances?

The Hon'ble Srijut GOPINATH BARDOLOI: Whatever circumstances had been, they are there in the questions and answers and I have nothing more to add.

Srijut ROHINI KUMAR CHAUDHURI: All the circumstances?

The Hon'ble Srijut GOPINATH BARDOLOI: Practically those which determined us to come to the conclusion.

Srijut ROHINI KUMAR CHAUDHURI: Can the Hon'ble Minister lay hold on any particular circumstance and say that for this reason the report of the Subdivisional Officer has been taken as a gospel truth?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not prepared to divulge the details of all the correspondence between the Subdivisional Officer and Government.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: May I know the reason, Sir?

The Hon'ble the SPEAKER: The reason was given by the previous Government to the effect that contents of confidential correspondence should not be given to the House.

Maulavi ABDUR RAHMAN: May I ask the Hon'ble Minister whether he thinks it desirable to have the matter enquired into by a higher officer, as the Subdivisional Officer is the gentleman in question, against whom the enquiry is being made?

The Hon'ble Srijut GOPINATH BARDOLOI: No, Sir. As I said already, we examined the whole thing and we were satisfied about the accuracy of the Subdivisional Officer's report.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Was any report called for from the Subdivisional Officer, Public Works Department, in this connection?

The Hon'ble Srijut GOPINATH BARDOLOI: No.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Then was it not an one-sided enquiry?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, some confusion has been made about this question. There was no tussle between the Subdivisional Officer, Civil and Subdivisional Officer, Public Works Department over this matter.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: With reference to the ruling just mentioned by you, Sir, that confidential matters should not be divulged in this House, may I submit that the Hon'ble Minister did not say that the report in question was a confidential one.

The Hon'ble the SPEAKER: He said that he was not prepared to divulge the correspondence.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, but he did not say that it was confidential.

Maulavi JAHANUDDIN AHMED: May I know from the Hon'ble Minister whether he enquired into the matter personally?

The Hon'ble Srijut GOPINATH BARDOLOI: No, Sir. The matter related to a period when the last Ministry was acting.

Maulavi JAHANUDDIN AHMED: Do I understand that the present Hon'ble Minister will not enquire into the matter?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not think it at all necessary to enquire into the matter again.

Maulavi JAHANUDDIN AHMED: Now, as the question has been put before the House may I hope that this matter will be enquired into by the Hon'ble Minister?

The Hon'ble Srijut GOPINATH BARDOLOI: After such a long time, I do not consider it necessary at all.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: Do Government mean to shelve this matter?

The Hon'ble Srijut GOPINATH BARDOLOI: There is no question of shelving, Sir. An enquiry has been made.

Maulavi MUHAMMAD AMJAD ALI: How is it that a delinquent is allowed to sit upon his own judgment?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already replied to that question.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Does the Hon'ble Minister realise that these reports are challenged?

Srijut ROHINI KUMAR CHAUDHURI: In view of the agitation in this House over this question, will the Hon'ble Minister be pleased to ask the Deputy Commissioner to hold a fresh enquiry?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not consider it necessary at all after this length of time.

Maulavi JAHANUDDIN AHMED: As the report has been challenged in this House, is the Hon'ble Minister going to make a fresh enquiry by the Deputy Commissioner?

The Hon'ble Srijut GOPINATH BARDOLOI: I said, Sir, that the report is a document which is not before the House and I do not see how my hon. friend can challenge that report.

Maulavi JAHANUDDIN AHMED: It has been challenged in this House, Sir.

The Hon'ble Srijut GOPINATH BARDOLOI: I do not propose to add anything more to what I have said.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

669. (a)—Government are informed that there is such a fund, but have no evidence that the Subdivisional Officer misuses his official position in order to obtain funds for it. Contributions are voluntary.

(b)—Does not arise but for the hon. member's information the following particulars of the Fund are supplied—

(i)—Rs. 553.

(ii)—For giving relief to the poor, the distressed and the sick, or similar purposes of public utility.

(c)—Does not arise.

Khan Bahadur Maulavi KERAMAT ALI: May I know who started this fund?

The Hon'ble Srijut GOPINATH BARDOLOI: This fund, as far as I know, was started by the Subdivisional Officer himself.

Khan Bahadur Maulavi KERAMAT ALI: May I know who collects subscriptions for this fund?

The Hon'ble Srijut GOPINATH BARDOLOI: I presume, Sir, that the wife of the Subdivisional Officer is one of the persons who collect these subscriptions.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

670 & 671. (a), (b) & (c)—No. The Subdivisional Officer only asked that the mar-boat should be ready for his return. He was delayed for 45 minutes on his first crossing, and the lessee himself fined the boatmen and contributed the sum to the Poor Fund.

Resolutions passed in the fourth session of the All-Assam Aided High School Teachers Conference held at Gauhati in December, 1937

Srijut KAMESWAR DAS asked :

672. (a) Will Government be pleased to state whether they have received copies or they are aware of the resolutions passed in the fourth session of the All-Assam Aided High School Teachers Conference held at Gauhati in December, 1937 ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

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

Srijut KAMESWAR DAS : Have Government taken any steps over the resolution regarding supply of a copy of the *Assam Gazette* to each of the Aided High Schools free of charge ?

The Hon'ble Srijut GOPINATH BARDOLOI : The matter will be considered.

Srijut KAMESWAR DAS : Are Government taking any steps with respect to the resolution requiring a lump grant of Rs.400 to each of these aided schools for purchase of equipments required by the revised rules of the Calcutta University ?

The Hon'ble Srijut GOPINATH BARDOLOI : I cannot give the exact amount, but the question of providing some fund is under the consideration of Government.

Drainage system in Sylhet district

Maulavi ASHRAFUDDIN MD. CHAUDHURI asked :

673. Will Government be pleased to state whether Government propose to undertake drainage question in the District of Sylhet and save the paddy fields from flood and inundation ?

674. Is it a fact that Government have estimated the number of *khal*s that require immediate re-excavation and the opening of the silted up *khal*s ?

675. Will Government be pleased to state—

(a) Whether they propose to take up the matter in the coming winter ?

(b) How do they propose to start with the said drainage problem ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

673.—The question of improving agricultural holdings of the province by means of 'dongs and embankments' is under the consideration of Government.

Maulavi ASHRAFUDDIN MD. CHAUDHURI : May I ask the Hon'ble Minister whether he can give us a definite time when Government will take this matter into consideration ?

The Hon'ble Babu AKSHAY KUMAR DAS : I cannot give you any definite time, but the matter is under consideration.

Maulavi ASHRAFUDDIN MD. CHAUDHURI : Any probable time ?

The Hon'ble Babu AKSHAY KUMAR DAS : Not possible.
Maulavi ASHRAFUDDIN MD. CHAUDHURY : Within the regime of this Government ?

The Hon'ble Babu AKSHAY KUMAR DAS : I hope so.

Khan Bahadur Maulavi KERAMAT ALI : May I know from the Hon'ble Minister since when this matter has been under the consideration of Government ?

The Hon'ble Babu AKSHAY KUMAR DAS : Since the assumption of office by this Government.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : After the assumption of office, has anything been done towards the fulfilment of this consideration ?

The Hon'ble Babu AKSHAY KUMAR DAS : As the matter is under consideration, the hon. member may well understand that Government is doing something.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : And what is that something ?

The Hon'ble Babu AKSHAY KUMAR DAS : As the matter is under consideration I cannot disclose it.

The Hon'ble Babu AKSHAY KUMAR DAS replied :

674.—Not yet.

675. (a) & (b)—The hon. member is referred to the reply to question 673 above.

Realisation of fees from the students of the Title Classes of Sylhet

Maulavi MABARAK ALI asked :

676. (a) Is it a fact that the Hon'ble the Chief Minister assured the Deputationists who waited upon him in the Circuit House, Sylhet on the 28th April, 1938, that no fees would be charged from the students of the Title Classes ?

(b) If so, will Government be pleased to state whether it is a fact that fees are being realised from the students of the Title Classes ?

677. Will Government be pleased to state—

(a) Why the system of tuition fees has been introduced in the said Title classes inspite of assurances from the Hon'ble the Chief Minister and the Ex-Minister of Education ?

(b) When it was introduced ?

(c) Whether Government realise fees from the students of the Sanskrit College, Sylhet ?

(d) Whether Government propose to abolish forthwith the system of realisation of fees in the Title classes of the Sylhet Government Madrassa ?

(e) If not, why not ?

The Hon'ble Srijiut GOPINATH BARDOLOI replied :

676 & 677.—The realisation of fees has already been stopped,

Discriminatory measures in High Schools re. award of free student-ship to Muhammedan pupils

Babu LALIT MOHAN KAR asked :

678. Has the attention of Government been drawn to a correspondence under the caption " Discriminatory measures in High Schools " published in " The Sylhet Chronicle " of 30th May 1938, regarding distribution of free-studentship amongst the pupils of different communities in Aided High Schools ?

679. Will Government be pleased to state whether there are two such circulars as referred to in the said correspondence, one from the Director of Public Instruction requiring appointment of Muhammedan teachers in proportion to the roll strength of that community in the school, and the other, from the Inspector of Schools, requiring distribution of free studentship among students of different communities in such a way as to secure for the Muhammedans, 8 out of every 13 awards in a hundred ?

680. (a) Do Government propose to have the said circular of the Inspector of Schools, revised so as to ensure award of free studentship to Muhammedan pupils in proportion to the roll strength of that community in the School ?

(b) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

678.—Yes.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : Will the Hon'ble Minister please explain the principle for distributing free-studentships in Aided High Schools ?

The Hon'ble Srijut GOPINATH BARDOLOI : I want notice of that question.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : Is it a fact that students in aided high schools receive step-motherly treatment in the matter of free-studentship from the school authorities ?

The Hon'ble the SPEAKER : You must explain the term "step-motherly" treatment.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : The Hon'ble Minister is competent to understand the meaning of the term, Sir ?

The Hon'ble Srijut GOPINATH BARDOLOI : It is the Managing Committee who disposes such matters.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : Do the Managing Committee follow the same rules as apply to Government High Schools ?

The Hon'ble Srijut GOPINATH BARDOLOI : It is the duty of the Managing Committee to dispose of these matters of free scholarships.

Maulavi JAHANUDDIN AHMED : May I know whether the aided high schools observe the same rate of free-studentship as the Government high schools ?

The Hon'ble Srijut GOPINATH BARDOLOI : They are expected to do so, but it is more or less the duty of the Managing Committee.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : Are we to understand that Government has got no control over schools which are aided by Government ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, but there are certain matters which are within the discretion of the Managing Committee and the granting of free studentship is one of them.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: Are we to understand that Government has no power to revise the present arrangement?

The Hon'ble Srijut GOPINATH BARDOLOI: Government can enforce its will in a particular manner by withholding the grant or by saying that they will withhold the grant.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: If Government finds that proper consideration is not given to a minority community, will not Government try to see that those schools which are receiving aid from Government are made to grant free studentship to these communities?

The Hon'ble Srijut GOPINATH BARDOLOI: If concrete cases are brought to the notice of Government, they will be able to exercise such powers as they may think proper—they need not necessarily withdraw the grant-in-aid—they may take some other suitable action.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: Are there no fixed rules for the purpose?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already answered the question. It is more or less the duty of the Managing Committee.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: I want to know whether there are any definite rules.

The Hon'ble Srijut GOPINATH BARDOLOI: There are no definite rules, but inspecting officers during the course of their inspections give instructions about granting of free-studentships.

A Voice: Was there any rule framed by the previous Government?

The Hon'ble Srijut GOPINATH BARDOLOI: The reply may be seen in questions Nos. 679 and 680.

Maulavi JAHANUDDIN AHMED: May I know, with regard to the appointment of teachers in aided high schools, whether any instructions have been issued to appoint teachers on a communal basis?

The Hon'ble Srijut GOPINATH BARDOLOI: This does not arise out of the question.

Maulavi JAHANUDDIN AHMED: I want to know whether this Government has got any hand in the appointment of these teachers?

The Hon'ble Srijut GOPINATH BARDOLOI: The appointment of teachers is not the point at issue with reference to this question.

Maulavi MUHAMMAD AMJAD ALI: On a point of order, Sir. May I know who is to decide whether a question arises or does not arise? The Hon'ble Minister says that the question does not arise and there the matter finishes.

The Hon'ble Srijut GOPINATH BARDOLOI: I have addressed the Hon'ble Speaker.

The Hon'ble the SPEAKER: Every hon. member is to address the Speaker.

Khan Bahadur Maulavi KERAMAT ALI: Does the Hon'ble Premier mean to say that the percentage in aided schools is fixed by the Managing Committee and not by Government?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, that is more or less so. There have been 2 circulars.

Srijut ROHINI KUMAR CHAUDHURI: Replies are being given direct. *(Laughter).*

The Hon'ble the SPEAKER: The Hon'ble Premier will please complete his reply.

The Hon'ble Srijut GOPINATH BARDOLOI: I said that the replies are there in questions Nos. 679 and 680.

Khan Bahadur Maulavi KERAMAT ALI: My question was whether the percentage in aided high schools is fixed by the Managing Committee or by Government?

Srijut ROHINI KUMAR CHAUDHURI: The sentence is not complete. He said only "The Government have some....." and the sentence was not completed.

The Hon'ble the SPEAKER: The Hon'ble Minister completed the sentence but the hon. member might not have heard him.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Is it a fact that inspite of repeated warning given by the inspecting officers the aided school authorities pay little heed to the grievances of the Moslem teachers and students?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware of that fact, Sir.

Maulavi JAHANUDDIN AHMED: Will the Hon'ble Premier be pleased to enquire into the matter and issue instructions to follow it?

The Hon'ble Srijut GOPINATH BARDOLOI: Provided there is a complaint to that effect.

Maulavi JAHANUDDIN AHMED: They need not actually withhold the grant-in-aid, but issue instruction that if the circular is not followed, their grant-in-aid will be withheld.

The Hon'ble Srijut GOPINATH BARDOLOI: As I said, provided there is a complaint.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: The Hon'ble Minister does not appear to be in his proper mood.

The Hon'ble the SPEAKER: The hon. member may draw his own inference.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

679.—Yes.

Maulavi MUHAMMAD AMJAD ALI: With reference to question 679, the answer is in the affirmative. The sentence runs thus "One from the Director of Public Instruction requiring appointment of Muhammadan teachers in proportion to the roll strength of that community in the school". I want to know what is the total number of students, the proportion of which would call for the appointment of a Muhammadan teacher?

The Hon'ble Srijut GOPINATH BARDOLOI: The question is much too vague for me to answer.

Maulavi MUHAMMAD AMJAD ALI: Sir, some of these questions which are very vital are worded off by saying that they are much too general or that they are much too vague, to answer. But the answer to the main question is already there and when supplementaries are asked the answers are given straightway that they are vague. We are in difficulty in getting answers and we want the protection of the Chair in this matter.

The Hon'ble Srijut GOPINATH BARDOLOI: The question is whether there are two circulars and the answer is there.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I make the question clear, Sir. As regards the first circular they appoint a certain number of Muhammadan teachers in proportion to the roll strength of a community. The hon. member wants to know what is the ratio of one Muhammadan teacher in reference to the roll strength?

The Hon'ble Srijut GOPINATH BARDOLOI: I now understand the question. I want notice. As a matter of fact I have not seen the circulars.

Maulavi MUHAMMAD AMJAD ALI: Then without understanding the question the answer was framed ?

The Hon'ble Srijut GOPINATH BARDOLOI: The question was with regard to the two circulars and the answer is given.

The Hon'ble the SPEAKER: Next question.

Maulavi MUHAMMAD AMJAD ALI: I am only asking whether without caring to read the circulars the answers were framed ?

The Hon'ble Srijut GOPINATH BARDOLOI: As I say the question was only with regard to the two circulars.

The Hon'ble the SPEAKER: The hon. member's question is whether answers were given without looking into the circulars.

The Hon'ble Srijut GOPINATH BARDOLOI: All that was wanted was the number of circulars.

Maulavi MUHAMMAD AMJAD ALI: Is that with the idea of evading the question ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware that I am evading the question.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is the Hon'ble Premier aware that a distinct rule in the Educational Rules and Orders, exists, fixing the percentage of free studentship among the different communities ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is he also aware that that rule applies to all High Schools of the province ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Then does he contemplate in answer to question 680 (a) and (b) to revise that rule ?

The Hon'ble Srijut GOPINATH BARDOLOI: The rule shall have to be reconsidered in the light of the objections that have been raised in reference to the aided schools.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Will he take the sense of the House in regard to this rule because it affects the Muhammadan community ?

The Hon'ble Srijut GOPINATH BARDOLOI: If the sense of the House is that they should be consulted, I am prepared to do so.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

680. (a) & (b)—The point raised will be considered.

Allotment of backward scholarships to scheduled castes students

Babu BALARAM SIRCAR asked :

681. Will the Hon'ble Minister in charge be pleased to state—

(a) How many of the scholarships reserved for backward communities are allotted to the scheduled caste students ?

(b) Whether Government propose to modify the standard of merits in case of scheduled caste students, so that those who pass the Matriculation Examination in the Second Division, may be entitled to get the benefit of these scholarships ?

682. (a) Is the Hon'ble Minister in charge of Education aware that the Hon'ble the Chief Minister assured in the last Budget Session of the Assembly that the backward scholarships, now enjoyed by caste Hindus, would be particularly allotted for scheduled caste students ?

(b) If so, when they will be given effect to, and

(c) What is the total number of these scholarships ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

681. (a)—No particular number of these scholarships are reserved for scheduled castes but some are secured by students belonging to these classes.

(b)—No modification as proposed is necessary as students who pass in the Second Division are already eligible for these scholarships.

682. (a)—Yes.

(b)—As soon as Government come to a decision on the matter which is already under consideration.

(c)—Thirty-three, viz., Primary 9, Middle Vernacular 1, Middle English 2, and College 21.

Babu BALARAM SIRCAR: May I know when Government will come to a decision ?

The Hon'ble Srijut GOPINATH BARDOLOI: As early as it is possible.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Do Government admit that the scheduled castes are backward in education ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, they are so.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Do Government propose to reserve a certain number of scholarships for this community alone ?

The Hon'ble Srijut GOPINATH BARDOLOI: This leads me to an explanation of the position. At present certain scholarships are to be reserved for backward people and they are done like that. But what those backward people are, requires some explanation. Certain hon. members from the scheduled communities, and I suppose some from the backward communities also, wanted that all these scholarships and free-ships should be reserved for them alone. Government at present is giving consideration to that.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: What is the difference between backward community and scheduled class ?

The Hon'ble Srijut GOPINATH BARDOLOI: I must refer the hon. member to what has been recorded in the Government of India Act, 1935. There are some communities which are known as backward.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Do not the backward communities include in the scheduled class ?

The Hon'ble Srijut GOPINATH BARDOLOI: There are other than scheduled also.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Will you kindly show instances ?

The Hon'ble the SPEAKER: I should ask the hon. member to read the Government of India Act, 1935 and other publications in connection therewith.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: With reference to 681(a).

The Hon'ble the SPEAKER: We are now in Question 682. Why do you want to go back ?

Srijut ROHINI KUMAR CHAUDHURI: May I know whether this decision will be arrived at before the next budget session ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes. I hope so.

Teaching of Botany in Degree Classes of the Cotton College, Gauhati**Srijut GAURI KANTA TALUKDAR** asked :

683. Is the Hon'ble Minister in charge of the Department of Education aware—

- (a) That teaching of Botany in the Cotton College was introduced about 11 years ago ?
- (b) That no attempt has been made so long to teach the subject beyond the First and Second year classes ?
- (c) That the said subject is highly popular among the students ?
- (d) That Assam being an agricultural country and a land abounding in forest resources and rare and valuable medicinal herbs, the spread of knowledge in Botany among its people is indispensable ?
- (e) That the Botany students of the Cotton College are very much handicapped in selecting their subjects in the Degree Classes ?
- (f) That the teaching of the subject in the Degree Classes can easily be extended without incurring heavy expenditures ?

684. Do Government propose to make arrangements for teaching Botany in the Degree Classes of the Cotton College from the ensuing session and to remove thereby the long-standing grievance of the people ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

683. (a), (b), (c), (e) and (f)—Yes.

(d)—Government cannot agree that the knowledge of Botany is anything more than desirable.

684.—The Director of Public Instruction has submitted proposals for opening classes in Botany to the B.Sc. standard which are now under the consideration of Government.

Grant to Jamuguri Aided Middle English School**Srijut MAHADEV SARMA** asked :

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

- (a) Whether the Jamuguri Aided Middle English School is the only Middle English School in the Tezpur subdivision ?
- (b) Whether the school was started by the public at first and a grant-in-aid of Rs.13 per month was sanctioned by Government only from the recent years ?
- (c) Whether Government granted any money for building purposes of the said School ?
- (d) If so, how much and when ?
- (e) Whether the Managing Committee of the School referred the matter to the Inspector of Schools several times and the Inspector of Schools in his last visit to the said School has recommended Rs.500 for non-recurring building grant ?

- (f) If it is a fact that the Inspector of Schools has recommended the said amount for grant this year also ?
- (g) If so, whether the grant will be made available this year ?
- (h) Whether Government propose to increase the grants-in-aid of the institution as has been pressed by the Managing Committee for several years ?
- (i) Whether the Inspector of Schools has recommended such increment in grants-in-aid ?
- (j) If so, by how much ?
- (k) If not, do Government propose to enquire into the matter in details and take early steps to improve the institution ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

685. (a)—No.

(b)—Yes.

(c)—No.

(d)—The question does not arise.

(e)—Yes.

(f)—Yes.

(g)—Government regret that financial stringency stands in the way.

(h)—The case will be considered subject to funds being available.

(i)—Yes.

(j)—Government do not consider it desirable to disclose the recommendations of the Departmental Officers.

(k)—Yes, when funds will be available.

Srijut MAHADEV SARMA : What other similar institutions receive Government aid, Sir, ?

The Hon'ble Srijut GOPINATH BARDOLOI : I cannot give the names just now.

Placing of Middle English Schools in the same line with High English Schools

Babu RABINDRA NATH ADITYA asked :

686. Will Government be pleased to state whether they propose to place the Middle English Schools in a line with High English Schools as regards—

(a) Vacations, (b) fee concessions ?

(c) Scale of teachers' pay ?

(d) and other privileges enjoyed by High English School teachers and students ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

686.(a) & (b)—No action is called for as the number of holidays and fee concessions are the same in High and Middle English Schools.

(c)—No, because the duties of High School teachers are more responsible.

(d)—The question is too vague to be satisfactorily replied. If the hon. member will specify the particular privileges he has in mind, Government may be able to deal with the question better.

Steps taken by Agricultural Department for extension of cotton cultivation in the province

Srijut GAURI KANTA TALUKDAR asked :

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

(a) Whether the Department has made any endeavour to spread the cultivation of cotton in the province ?

(b) If so, where and with what result ?

688. Do Government propose to take early steps to introduce and encourage the cultivation of cotton, both indigenous and foreign in the different parts of the province ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

687.(a) & (b)—Yes, $\frac{1}{2}$ maund of Comilla cotton seeds were distributed during last year in North Cachar Hills. The results were satisfactory.

688.—Government are contemplating to take steps for the extension of cotton cultivation in other Hills.

Adjournment motion on account of failure of Government to grant adequate relief to the flood stricken people of the Goalpara district

Mr. NABA KUMAR DUTTA: Sir, before the commencement of to-day's work I sent notice of an adjournment motion. May I move it ?

The Hon'ble the SPEAKER: I have got four such motions. The first one is from Maulavi Jahanuddin Ahmed. With regard to this motion * it appears to me that it is exactly the same motion which was disallowed yesterday, and I do not see why that motion should be tabled again to-day.

Maulavi JAHANUDDIN AHMED: Before this motion was disallowed I wished to say something.

* That this House do now adjourn to discuss a definite matter of urgent public importance, that is, failure of Government to grant adequate relief to the flood stricken people of the Goalpara district.

The Hon'ble the SPEAKER : It was stated in the motion that it was a definite matter of public importance and related to the failure of Government in connection with floods in the Goalpara district. If the hon. member had to say anything, he could have said that yesterday. Having had an opportunity to say something, he should not have tabled the same motion to-day.

Maulavi JAHANUDDIN AHMED : I wanted to say something yesterday, Sir.

The Hon'ble the SPEAKER : The hon. member ought have taken the opportunity to say what he had to say.

Adjournment motion on account of arrest of Babu Hirendra Chandra Chakravarty, M. L. A., by the Police at Hailakandi.

The Hon'ble the SPEAKER : The next motion is in the name of Srijut Rohini Kumar Chaudhuri about the arrest of the hon. Babu Hirendra Chandra Chakravarty. It was also tabled yesterday. But I do not want to say anything in regard to that and make that as a ground for rejecting the motion. But I will allow him to say what he has to say to show that the motion is in order.

Srijut ROHINI KUMAR CHAUDHURI : Sir, I take the liberty of reading before the House the motion tabled by me, namely, "that the House do now stand adjourned to consider a definite matter of public importance, to wit the arrest of Babu Hirendra Chandra Chakravarty by the Inspector of Police, Hailakandi."

Sir, this arrest took place on the morning of the 23rd November 1938 and the arrest was made by an Inspector of Police who was not an investigating officer. This Mr. Chakravarty is a member of this Legislative Assembly and the immediate reason for such arrest was political. On the evening of the 22nd November there was a public gathering organised by the Congress Committee and in that meeting.....

The Hon'ble the SPEAKER : I should like to enquire why was the arrest made. Is the hon. member aware of the facts which led to the arrest? When the Police Inspector arrests a gentleman, he must do it under some provisions of the law and under certain allegations which would make out a cognisable offence. I want to know that.

Srijut ROHINI KUMAR CHAUDHURI : I was coming to that. I had the good fortune of going through the first information report.

The Hon'ble the SPEAKER : Was there a first information report lodged with the Police?

Srijut ROHINI KUMAR CHAUDHURI : Yes, information was laid at the Thana.

As I said, there was a public meeting organised by the Congress, and it is known to this House that Mr. Hirendra Chandra Chakravarty is in opposition to the present Coalition Government. In that meeting a resolution was passed calling upon Mr. Hirendra Chandra Chakravarty to secede from his party and to join the Congress Coalition Party. Mr. Chakravarty refused to attend that meeting, and he was in his own house. Failing to persuade his old father and his brother to exercise their influence on Mr. Chakravarty, the whole crowd, consisting of about 300 people, according to the computation of a Congress-man namely Mr. Paresh Chandra Dey, marched to the house of Mr. Chakravarty at about 7 p. m., that is to say, one and a half hours after sunset, entered.....

The Hon'ble Babu KAMINI KUMAR SEN: Is the hon. member in order, Sir, when he admits that the matter is *sub-judice* ?

The Hon'ble the SPEAKER: The hon. member said that there was a first information report lodged with the Police. The case was going to be investigated into and all these facts would really be considered by the Police before they decided to dispose of the case, either by submitting a charge sheet or a final report.

Srijut ROHINI KUMAR CHAUDHURI: I am not going into the merits of the case. What I want to raise.....

The Hon'ble the SPEAKER: My point is this, that these facts which have been stated are the subject matter of a police investigation and there is a likelihood that they will be placed before the Court. If these facts are introduced, there will be a discussion on their merits, without which the adjournment motion cannot be discussed.

Srijut ROHINI KUMAR CHAUDHURI: Just one moment, Sir. I am going to raise during the course of this debate a very important question and that relates to the privileges of members of this House.

The Hon'ble the SPEAKER: If the hon. member can show that the privileges of the members of this House have been affected in any way, I shall be the last person to disallow a discussion in a suitable manner.

The Hon'ble Babu KAMINI KUMAR SEN: Sir, my first objection is a technical objection. The motion is not properly worded.....

The Hon'ble the SPEAKER: Order, order (cheers from the Opposition Benches).

Srijut ROHINI KUMAR CHAUDHURI: I raise, Sir, a very important matter of privilege and it is this. The Assembly was to sit on the 1st of December 1938. A political meeting was held on the 22nd of November, less than 14 days before the sitting of the Assembly. The most important point which agitates my mind is this, Sir, that the occurrence having taken place at 7 p. m. and the first information having been lodged at 9 p. m., during the whole course of the night no investigation was held, and in spite of that an ordinary Inspector of Police had the hardihood to arrest him. (Cries of 'shame' 'shame' from the Opposition Benches.) The House will be startled to learn that there is no mention of the name of Mr. Chakravarty on the first information report, and what is the significance of this ? The whole reputation of the Congress Coalition Government is at stake. (Cries of 'No' from the Congress Benches and of 'shame' from the Opposition Benches.) There is only one inference to be drawn from this, namely, that it was designed to prevent Mr. Chakravarty from attending the No-Confidence motion proposed to be moved. And that is the question of privilege I wanted to lay stress on. For that purpose, the matter was taken out off the hands of the investigation officer and was taken up by an over-zealous Inspector of Police, namely, Mr. Chaudhury Singh, who has several times figured in communal disturbances. He took upon himself the responsibility of arresting this gentleman in order to ingratiate himself with the Government, because he was already under orders of transfer (cries of 'hear' 'hear' from the Opposition Benches). The House will be again startled to learn that this order of transfer has been kept in abeyance as a reward for this magnificent act of boldness. (*Shame, shame.*)

The Hon'ble the SPEAKER: Order, order.

Srijut PURNA CHANDRA SARMA: Is it a matter of privilege of the House which has been raised by the hon. member ?

Srijut ROHINI KUMAR CHAUDHURI: As I say, Sir, the matter is of urgent public importance, it is of recent occurrence and raises a question of privileges of the members of this House. I would therefore

appeal to you to give the House an opportunity of discussing this motion, apart from the merits of the criminal case.

The Hon'ble Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I submit that the adjournment motion, that has been tabled, is absolutely out of order. First of all, even from the wordings of the adjournment motion, it seems that the matter is not urgent. The adjournment motion runs thus: "that this House do now stand adjourned to consider a definite matter of public importance". There is nothing urgent in it. But according to the rule, an adjournment motion must be on a definite matter of *urgent* public importance. In the adjournment motion, the mover does not say that it is urgent. Secondly, Sir, the mover himself admits that the arrest has been made in connection with a case which is pending before the Court. As a matter of fact, I understand that a date has been fixed and summons are being served on the accused. The matter is clearly *sub-judice*. So an adjournment motion cannot be moved on a matter like this.

Rai Bahadur PROMODE CHANDRA DUTT: I would say just a word. There was a case in Madras about the liquidation of a certain bank, the Quilon Bank, I believe. In connection with that case, Sir James Taylor, the Governor of the Reserve Bank, had a statement published on the merits of the Bank affairs. When the matter came up before their Lordships of the Madras High Court, they remarked that if any person or any newspaper makes any comment on a case, which he or it knows will be taken to Court, he or it will be guilty of contempt of Court. We are trying to commit a sort of contempt of Court here because everybody knows that the case will be taken to a Court. My Hon'ble friend, the Judicial Minister, says that a date has been fixed for the hearing of the case. The discussion that has taken place relates to the merits of the case. There is no question about the privileges of the members of the House.

Maulavi JAHANUDDIN AHMED: What has been said by Rai Bahadur Promode Chandra Dutt is not really our point. Our point is that the privileges of the members of this House were taken away by the police officer.

Mr. BAIDYANATH MOOKERJEE: How, Sir?

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: On a point of information, Sir. May I ask whether it is a fact that what the Hon'ble Prime Minister does is the direct result of the letter addressed to him by Babu Brajendranarayan Chaudhury?

The Hon'ble the SPEAKER: I hope the hon. member will try to be relevant. I think this is not at all relevant so far as the question before the House is concerned.

Srijut ROHINI KUMAR CHAUDHURI: The only point which has been raised, so far as I can understand from the Hon'ble Minister in charge—I cannot say in charge of what (*voice*—Judicial) is that this matter is not urgent. This is a matter of great urgency because members of this House are being subjected to police tyranny. An hon. member of the House was arrested by the police without any first information report against him. This is a question of the liberty of a member of this House.

The Hon'ble the SPEAKER: If he was arrested for a non-bailable offence.

Srijut ROHINI KUMAR CHAUDHURI: Here an illegal act has been committed by the police and the police is the agent of Government. An hon. member is going to be coerced so that he may be absent or be on the side of Government. In a matter like this, this House has every

right to hear what the real matter is. This is not a matter in which discussion should be stifled. My advice to Government is to agree to the discussion, so that hon. members may be convinced that they had no hand in this dirty trick. Government should welcome a discussion on this subject instead of trying to shelve it off.

The Hon'ble the SPEAKER: Order, order. It is really very unfortunate that an hon. member of this House has been arrested by the police, and if really this arrest was made without any alleged reason or cause, then of course this House should stand by him and give all the protection that it can give (*voices*—certainly). From what has been said by the hon. member who has asked for leave to move this adjournment motion, it appears that there had been certain allegations against the hon. member before the police some hours before his arrest. So it appears that the police took some time before they had decided to arrest the hon. member, and the natural presumption is that on the allegation of facts, the police officer must have done his duty and made certain investigation before they could make up their mind to arrest such an hon. gentleman. Therefore for the reasons of the arrest it can be said that the police could find that there was a cognisable case in connection with which the hon. member had to be arrested.

Srijut ROHINI KUMAR CHAUDHURI: No allegation was made.

The Hon'ble the SPEAKER: There was an investigation on the allegation. How can the hon. member say that there was no allegation? Naturally the presumption is that the police must have done their duty.

(At this stage Khan Bahadur Keramat Ali rose to speak.)

The Hon'ble the SPEAKER: I should ask hon. members to refrain from making any reference when the Chair is delivering a ruling.

There was a cognisable case, on which therefore the police decided that some arrest should be made.

Now, from what has been said by the hon. member who has asked for leave to move this adjournment motion, it appears that the case of the hon. member arrested is that the whole thing was engineered by the Congress people and that things were managed in such a way as would lead to his arrest and would prevent him from attending this session of the House. Now if really this is his defence then that will also be investigated into by the police. So having regard to what has been said by the hon. member it appears that there are facts before the police into which they would investigate and if they choose they may place the facts before the Court for final trial. So a discussion in this House would naturally turn into a discussion of the merits of the facts which have been alleged for the purpose of getting leave to move this adjournment motion and also the facts which may be brought before the House by the other side.

Now our Rules relating to motions for adjournment of the business of the House prohibit this House to undertake to discuss any matters which are *sub-judice*. Although it may be said that the facts are not yet before the Court and they are yet before the Police Officers, the House cannot ignore the fact that these facts are likely to be placed before a Court of Justice and, as the Hon'ble Rai Bahadur Promode Chandra Dutt has rightly pointed out that in the course of discussion of an adjournment motion, if it would appear that the facts to be discussed would very likely be placed before any Court of Justice, the House should refrain from discussing those facts. I may refer to a ruling given by the President of the Central Legislature on 21st March 1929 and exactly the same point of view was considered by the Hon'ble President of that Legislature in allowing an adjournment motion in similar circumstances. He clearly stated in allowing the adjournment

motion that when it would be perceived that merits of some facts which were likely to be brought before a court of justice were going to be discussed in the course of the adjournment motion, the discussion would not be permitted. It has been said that this motion has been tabled for the purpose of discussing a breach of the privilege of the House that has been committed. Now it appears that the hon. member who was arrested by the Police has been released on bail and he would get time to attend the sittings of this session of the House. And again from what has been said by the hon. member it appears that he wants to prove that there has been a breach of the privilege of the House on account of the fact that it was the motive of the Congress people to manipulate things in such a way as would prevent the hon. member from attending the sittings of this session. I have already pointed out that these matters would be agitated before the court. That will practically be his defence and if the court comes to the conclusion that what has been alleged is true, then the question of privilege can very well be considered after the disposal of the case. If it be found by the court which would try the case that things were contrived in such a way by the Congress people as would help them to achieve the object of preventing the hon. member from attending the sittings of this session then certainly the House will consider whether there was any breach of the privilege of the House. But an adjournment motion to discuss the question of a breach of a privilege of the House is not permissible and specially in the circumstances that have come out at present. I should however, point out to the hon. members that they might consider that there was a breach of the privilege but what is the value of such a discussion? They may discuss, but they cannot point out that there is any procedure by which that breach of privilege can be effectively dealt with. In a statement which I made on the floor of this House in the early part of September last I dwelt on the matter at length and pointed out that the House was quite powerless to deal effectively with any breach of a privilege of the House and again I repeat that. The House should decide to devise a procedure by which the breaches of the privileges of the House can be dealt with. Without devising that procedure a discussion on the breach of the privilege will always be futile. As I pointed out, this House is not a High Court of Parliament, in which capacity alone, it can exercise a right of self indication. If the House so desires it may strive to get such powers as can be exercised for dealing with breaches of privileges in a suitable and effective manner.

Having regard to all these facts, I find that the motion is not in order and it cannot be discussed now. At the same time I extend my sympathy to the hon. member who has been involved in such a case and I do not think that any member of the House will be wanting in extending that sympathy to that hon. gentleman (*Hear, hear*).

Mr. ARUN KUMAR CHANDA: Also to the gentleman who was assaulted and who is a member of this House.

The Hon'ble the SPEAKER: That fact of any other member having been also assaulted has not as yet transpired.

Srijut ROHINI KUMAR CHAUDHURI: Sir, I most humbly bow to your ruling which has been given after due consideration, but may I respectfully ask you to remove certain misapprehensions from my mind for future guidance about such motion what may be called a hypothetical case, namely, if on the eve of an important motion some members of this House, say two members, while going out of this House or while coming to this House or even during their stay at Shillong, are arrested by the Police on non-bailable

charge and are not released till the session is over, then is there no power on which the House can exercise to allow them to appear in the House during that important motion ?

The Hon'ble the SPEAKER : When a member is arrested under any circumstances the fact of such arrest should be brought to the notice of the Chair and the Chair would certainly ask the Police to let the House know under what circumstances the arrest has been made. If from the facts which may be supplied by the Police, it appears that the member cannot be let out on bail to attend the session then the question of privilege cannot be considered to be at all affected by that arrest. It is no doubt a privilege of the House that a member should have unrestricted right to attend its deliberations. If a member is prevented from doing so on account of his being involved in a non-bailable criminal offence, the House is powerless at present to secure his attendance, unless the privileges are clearly defined and the procedure for enforcing such privileges are prescribed by law. Sub-section 2 of section 71 of the Government of India Act 1935 authorises the Legislature to pass an Act defining the privileges of a provincial Legislative Body. But under that section until such legislation is undertaken, the privileges of the members of a provincial Legislature shall be such as were immediately before the commencement of Part III of the Act enjoyed by members of the Legislative Councils of the provinces. What were really the privileges which were enjoyed by the Legislative Councils of the provinces are also not clearly defined as I pointed out in my statement to which I have referred. Again under item 12 of the Provincial Legislative list, legislation may be undertaken to define privileges of the House and provision may be made to cover such a case. And under item 37 of the same list offences for breach of privileges may also be defined and punishment thereof may be provided for.

Srijut ROHINI KUMAR CHAUDHURI : Then, Sir, the matter will be *sub judice* and the House will not be competent to discuss.

The Hon'ble the SPEAKER : Yes, until the case is finally decided by a court, the House will be precluded from discussing the facts even though the police officer supplies those facts on requisition from this House.

Srijut ROHINI KUMAR CHAUDHURI : What would be the next step, Sir ?

The Hon'ble the SPEAKER : There may be request to the Police Officer to send the member to attend the House. I may refer to the detailed ruling which has been given by the Hon'ble Speaker of the Bengal Legislative Assembly in one of its session on an actual arrest of a member of that House.

Adjournment motion on account of stationing of police pickets in the residences of certain members of the Assembly

Srijut ROHINI KUMAR CHAUDHURI : Sir, the motion for which I would beg leave of the House to move runs thus :—

“ That the House do now stand adjourn to consider a definite matter of public importance to wit the stationing of police pickets from the evening of the 2nd December in the residence of certain members of the Assam Legislative Assembly ”.

The Hon'ble the SPEAKER : The hon. member always omits the word ‘ urgent ’. What does the hon. member mean by the term ‘ police pickets ’ ?

Srijut ROHINI KUMAR CHAUDHURI : A number of police constables have been put to prevent the access of persons to the houses. Some hon. members of the Government Bench may like this but others certainly resent it. Sir, if I read to the House a circular letter

written by the Deputy Superintendent of Police to the Leader of our Party, then the members of this House will understand the real position. The letter reads thus :—I am directed by the Deputy Commissioner in-charge of Police, Khasi and Jaintia Hills to state that it is understood in that approaching session of the Assembly there will be a no-confidence motion moved, . . .

The Hon'ble the SPEAKER : What is the hon. member reading from ?

Srijut ROHINI KUMAR CHAUDHURI : I am reading from a circular letter issued by the Deputy Superintendent of Police here to the Leader of our Party.

"a no confidence motion moved against the Government and that attempts may be made by the irresponsible supporters of the different parties to coerce some members of the Assembly into voting one way or the other. So it should be better to give us the names of the members of your Party against whom such an attempt may be made during the coming session so that the Police can see that they are not put to trouble". So, Sir, it seems that the Police will interfere in the matter of voting in this House. So far as our Party is concerned, we do not ask for any police help but we find, Sir, that certain members who originally belonged to our Party and are expected to be supporting the Congress Coalition Party are now having police pickets in their habitations.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : May we know from the hon. member what does he mean by 'police pickets' ? (laughter).

Srijut ROHINI KUMAR CHAUDHURI : I mean, Sir, Police Constables. My grammar is always wrong. The hon. members will please try to appreciate thoughts and need not bother about my grammar. I know of three houses in which the hon. members who originally belonged to our Party are now residing and the police have been posted.

The Hon'ble the SPEAKER : What is the location of the houses ?

Srijut ROHINI KUMAR CHAUDHURI : One is 'Geeta Bhawan', the second is 'Mirzana', both of which are in the Kench's Trace. The third is the famous 'Ashley Hall' where the Hon'ble Premier, who is in charge of police, himself resides.

The Hon'ble the SPEAKER : How does the hon. member know that the Hon'ble Premier does not want police help ?

Srijut ROHINI KUMAR CHAUDHURI : No, Sir, he has a very sturdy body and I presume he does not require police help. (Laughter.)

Babu RABINDRA NATH ADITYA : On a point of information, Sir. Did the hon. member attempt an entrance there. (Laughter.)

Srijut ROHINI KUMAR CHAUDHURI : I submit, Sir, it is an invasion on the rights of the members of this House that the police should come in in the matter of voting in order to influence the votes one way or the other. What is the meaning of this ? My hon. friend, Sir Muhammad Saadulla did not take police help. The other Party must have taken police help, and so police help was offered to us. I say, Sir, it is very dangerous to allow police to intervene in a matter like this.

The Hon'ble the SPEAKER : If any individual member wants police help how can this House take exception to that ?

Srijut ROHINI KUMAR CHAUDHURI : No individual member must have asked for police help. If there is a single member in this House who say that he wants police help I would not press my motion. To begin with, let my hon. friend Mr. Akshay Kumar Das say "I want police help" then I would not press my motion.

Mr. BAIDYANATH MOOKERJEE: May I know from the Hon'ble Mr. Akshay Kumar Das whether he wants it or not ?

The Hon'ble Babu AKSHAY KUMAR DAS: Yes, I wanted police help (*Hear, hear*). Sir, I want to say something in this connection. During the last session some hooligans threw stones on my House (*shame, shame*) and I was compelled to bring this matter to the notice of the Chief Secretary.

Srijut ROHINI KUMAR CHAUDHURI: As the Hon'ble Minister, Mr. Das wants police protection in a matter of this kind, I do not wish to press my motion. I would humbly ask the Hon'ble Premier to redouble the police force there (*laughter*).

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, as the subject matter falls in my portfolio, I consider it my duty to explain certain matters which necessitated the posting of these police constables.

The whole of Shillong knows, Sir, that at the time when my hon. friend on the right, Khan Bahadur Maulavi Mahmud Ali, had come to take his oath of office and was going to be admitted as one of the Ministers, my house was surrounded by not less than 300 people (*s'ame, shame*), and the blockade was of such a character that even ingress and egress from the House was made difficult. They went so far, that cars coming in and going out of the House were stopped and peeped into by some of these people. Then, Sir, only the other day, just before the placing of police constables, my hon. friend on my right received a letter in which threat of murder was held out to him (*shame, shame*).

(Voices from the opposition Benches): We have also received several such letters.

The Hon'ble Srijut GOPINATH BARDOLOI: So far as I am concerned I am quite prepared to state that I did not want police help at the time when my house was surrounded by 300 people or at any time (*Hear, hear*). But a certain duty rests on me as the preserver of law and order in the Province and surely it is my duty to lend such help and assistance as may be required by certain persons for the protection of their life and freedom, and in issuing the letter, the Deputy Commissioner of Shillong was only doing his duty. So I beg to submit that not only no adjournment motion lies, but the whole idea of the adjournment motion is misconceived.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand the Hon'ble Minister to say that he did not want police help when 300 people surrounded his house, but he wants it now on the eve of the No-Confidence motion ?

The Hon'ble Srijut GOPINATH BARDOLOI: I want to protect the life of my friend over here, and of other people who require such protection.

The Hon'ble the SPEAKER: In connection with this motion it is desirable that no further discussion should be made. Already some facts have been thrashed out in the House which are not at all consistent with the dignity of this House. Of course we know that the Government installed may be dislodged, or a Government that may be installed after this Government may be again dislodged. The question of No-Confidence motion against the Ministry is always within the right of this House, but on such a motion every member of the House is a free agent to decide as to how he should cast his vote, and I consider that if allegations are made regarding influencing the vote of a member to the effect that certain pressure is put upon him in such a way that he requires police help, I do not know what opinion I should express. I need not say anything more, but I would have been very glad if such a motion was not tabled at all.

Srijut ROHINI KUMAR CHAUDHURI: It would have been better if such a letter were not written.

The Hon'ble the SPEAKER: That was a letter written by police.

Srijut ROHINI KUMAR CHAUDHURI: But at the instance of Government.

The Hon'ble the SPEAKER: I do not think so. The police did their duty. I may remind the House that in the first part of this Session in September last I had occasion to make a reference to the tension of feelings prevailing in connection with the questions of No-Confidence motions. Of course the police felt it their duty to take note of that tension, and take such measure as was required. This letter of the police discloses, I should say, their *bona fide* intention of affording protection to the members in anticipation of certain eventualities, (*hear, hear*).

Then another motion stands in the name of Mr. Naba Kumar Dutta. The hon. member may state if he wants leave to move his motion.

Adjournment motion on account of refusal to grant reduction of land revenue payable for the year 1938-39 by the uneconomic tea gardens of the Province

Mr. NABA KUMAR DUTTA: Sir, I beg leave of the House to move the adjournment motion that stands in my name, *viz.*, that this House do now stand adjourned to discuss a definite matter of urgent public importance, to wit, refusal to grant reduction of land revenue payable for the year 1938-39 by the uneconomic tea gardens of the province.

Sir, this is a matter of recent occurrence as the order of the present Government was published in a resolution only on the 16th of November, when the House was not sitting, and to-day I have got the first opportunity of putting this matter before the House. This is an urgent matter in view of the fact, Sir, that the revenue will be collected very shortly and this is a matter of public importance as it will affect all tea planters of those small gardens of this province that were recommended as uneconomic gardens by the Indian Tea Licensing Committee and were allowed a reduction of revenue by the previous Government. But for reasons best known to this Government, they have by a notification that was published on the 16th of November 1938 in the *Assam Gazette*, disallowed any reduction to these uneconomic gardens.....

The Hon'ble the SPEAKER: The hon. member is speaking on the motion. The motion wants to discuss the question of the reduction of land revenue payable for the year 1939 on tea gardens. Now, Government have passed certain orders and has refused to grant reduction to the proprietors of these uneconomic tea gardens. Now, I think that it is not a matter of so very definite importance from a point of view of emergency. It is an order passed by Government which can be revised or altered. It does not permanently place the owners of the uneconomic gardens under a disadvantage. If they have got a grievance they can ask Government to revise it and Government may be disposed to revise their orders.

Mr. NABA KUMAR DUTTA: Sir, I am seeking an opportunity to discuss this matter.

The Hon'ble the SPEAKER: It is not a matter of such urgent public importance that it should be discussed by an adjournment motion.

Mr. NABA KUMAR DUTTA: The revenue will be collected very shortly, and it will affect the small Indian tea planters, so I submit, Sir, that it is an urgent matter of public importance because revenue will be collected from the 15th of January 1939, and I shall have no other opportunity of moving this matter.

Rai Bahadur PROMODE CHANDRA DUTT : What is an uneconomic tea garden ?

Mr. NABA KUMAR DUTTA : Those gardens that cannot make any profit.

The Hon'ble the SPEAKER : Is the word "uneconomic" definitely mentioned in the Government resolution ?

Mr. NABA KUMAR DUTTA : Yes, Sir, I can read it out. "They are further more of opinion that the concession of land revenue remission is very much more necessary in the case of the rural population than of the town-dwellers and that these concessions should not be allowed in the case of all lands settled with tea gardens, whether or not they are classed as "economic units" by the Tea Licensing Committee".

Mr. A. F. BENDALL : The word "economic" has been used by the Tea Licensing Committee for a number of years, and it is a recognised phrase in the legal aspect of the case.

The Hon'ble the SPEAKER : I quite see that the refusal to grant a reduction may be a grievance on the part of owners of uneconomic gardens of the province, but as I said before, it does not give rise to such a condition of emergency as to justify an adjournment of the House.

Mr. NABA KUMAR DUTTA : They will have to pay full revenue from the 15th of January and we shall not have another opportunity to move in this matter.

The Hon'ble the SPEAKER : The hon. member may put a short notice resolution.

Mr. NABA KUMAR DUTTA : Short notice resolutions are not allowed to put without the consent of the Hon'ble Minister-in-charge. Will he be pleased to tell us whether he will give his consent or not ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : I stated the other day, Sir, that I was going to make a statement in connection with the land revenue reduction and that the House will then have an opportunity of discussing the matter.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : But he made the other statement also.

The Hon'ble the SPEAKER : After the statement is made, discussion will be allowed, and if the hon. member wishes to proceed with the discussion on the resolution tabled, he can do so.

So having regard to the fact that the object of this motion may be very well served by a discussion of that statement, or in connection with any resolution tabled, I am not disposed to hold that the motion is in order.

Maulavi JAHANUDDIN AHMED : I want to know whether we will be able to discuss the motion.

The Hon'ble the SPEAKER : I have already said that after the statement is made, it will be open to the hon. member to table a resolution.

Khan Bahadur Maulavi SAYIDUR RAHMAN : It will be convenient for us to know when that statement will be made.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : So far as I have been able to find out we have one day allotted for Government business on the 6th, and that is a day when most of the pending business of the Government will have to be finished. The only other day which has been reserved for Government business is the 9th. I shall make my statement on the 9th and give an opportunity to the hon. members to discuss this matter.

Khan Bahadur Maulavi SAYIDUR RAHMAN : The 9th is the last day and the House will sit for half day; in that case we will have no time to discuss the matter.

The Hon'ble Srijut GOPINATH BARDOLOI : On account of these adjournment motions two Bills which are of great importance have been held up and could not be taken up yesterday. We must have these Bills taken up on the 6th, and I do not think that after these Bills Government will have time to discuss this matter.

Khan Bahadur Maulavi SAYIDUR RAHMAN : Then I would suggest to you, Sir, to extend the session (*laughter*). Last time the Report of the Line Committee was tabled for discussion, and I do not find any mention of the Report of the Line Committee on this provisional programme, and I want to know whether it may be considered to have been shelved ?

The Hon'ble Srijut GOPINATH BARDOLOI : We have not decided what to do with the Report of the Line Committee at present.

Khan Bahadur Maulavi SAYIDUR RAHMAN : Then the trouble and expense spent on that report have gone for nothing.

The Hon'ble Srijut GOPINATH BARDOLOI : The policy of the present Government may be different. We may have obtained a lot of information from that report but we have not yet decided as to whether we should accept the recommendations either in whole or in part or to what extent.

The Hon'ble the SPEAKER : I must state one thing. The 9th of December is a half-day. If really any motion is tabled, I think that can be discussed if we sit a bit late on that date. Instead of adjourning at 4 p.m., if we sit for another hour more, then I think that might be done. I suggest that the House should agree to that. And practically there is no business except the presentation of the authenticated schedule and any other Government business which may remain unfinished. If we can finish all other business on the 6th instant then we should get ample time. I think my suggestion will suit the convenience of the House.

Maulavi JAHANUDDIN AHMED : That is the last day of the session and it will not be possible to sit late.

The Hon'ble the SPEAKER : Why not ? The hon. members may table resolutions and I shall arrange to receive them and I shall allow those resolutions to be discussed after Government business is finished.

Maulavi JAHANUDDIN AHMED : This is a very important matter, Sir, affecting the people of the whole of Assam.

The Hon'ble the SPEAKER : But I should want to get an assurance from the House that they would finish all the Government business on the 6th, if the House is anxious to have a discussion on the question of reduction of land revenue. I think they should strive to finish the Government business as I said on the 6th. We shall have two Bills which could not be taken up yesterday. If we can finish these Bills there is no other Government business left on the 9th except to present the authenticated schedule.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : What my hon. friend is trying to point out is th's. If after finishing these Bills towards the later part of the day on the 6th, my hon. friend the Revenue Minister makes his statement, then there will be hardly any time for giving amendments because our Party wants to give notice of resolutions which we want to do after hearing the Government statement. It may happen that after hearing the statement we find there is no necessity to table any resolution we may not do so. Otherwise we shall have to table them without hearing the Revenue Minister.

The Hon'ble the SPEAKER : These adjournment motions are going to be moved without hearing him.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : But you say that we will be able to give notice of resolutions and we have no further time for tabling resolutions. We thought there is a case for tabling adjournment motions on the Government Resolution published in the *Assam Gazette*, which is now going to be supplemented by a statement from the Hon'ble Minister.

The Hon'ble the SPEAKER : I do not think the statement will be a long one. On the 6th instant after finishing other business, I am prepared to allow the statement to be made.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : If the hon. members are so anxious to table resolutions on the resolution adopted by Government with regard to the land revenue reduction, they can easily do so. What I wanted to do was to explain the principles and difficulties which may not be possible for some members to find out from the Government resolution. But, if on principle they are against any portion of the Government resolution, they can, in anticipation of my statement, table a resolution which can form matter of discussion on the 9th instant.

The Hon'ble the SPEAKER : The point of the Opposition is that they must know what the statement is. So I am asking the Hon'ble Minister to make the statement on the 6th instant after finishing other business of the day.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Sir, you will realise my difficulty. I am in charge of all the Bills put down for Government business. It will not be possible for me to find out time to prepare the statement till the business is over on the 6th instant, I can have time only on the 7th and 8th instant to prepare the statement. That is my difficulty.

Maulavi JAHANUDDIN AHMED : If a copy of his statement is given beforehand, that will do.

The Hon'ble the SPEAKER : We can arrange like this. The statement may be made on the 8th instant.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Yes, on the 7th instant there will be the recess ; and I will make the statement on the 8th instant.

The Hon'ble the SPEAKER : Then the statement will be made on the 8th instant and the hon. members will table resolutions to be discussed on the 9th instant. But I want to get the assurance of the House that Government business of the 6th instant would be finished on that day. I should also, in this connection, draw the attention of the House to one other fact. The two Bills, the Members' Removal of Disqualifications Bill and the Ministers' Salaries Bill will be taken up on the 6th instant for the introduction, consideration clause by clause and passing. Hon. members who want to table any amendments, should do so from to-day upto 12 noon on the 5th instant. That would minimise matters.

The House do now stand adjourned to 5 minutes past 2 p.m.

After Adjournment.

The Assembly re-assembled after lunch at 2-5 p.m.

Enquiry about Line System Committee's Report

Maulavi MUHAMMAD AMJAD ALI: Mr Speaker, Sir. As it was given out that the business that was left over last time will be taken up now, may I know whether the question of the Line System Committee's Report will be placed before the House for discussion in this session, and if so, when?

The Hon'ble the SPEAKER: There was a statement made by the Hon'ble Minister in charge of Revenue. Will the Hon'ble Minister, reply to the hon. member's enquiry whether Government are going to allow any discussion on the Report of the Line System Committee?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already stated that we are studying the Report and if we consider it necessary, we shall place it before the House for consideration. If we consider otherwise, the Report will not be placed before the House.

Maulavi MUHAMMAD AMJAD ALI: May I know if Government are going to place it before the House?

The Hon'ble Srijut GOPINATH BARDOLOI: I have made my statement very clear. The matter is under consideration.

The Hon'ble the SPEAKER: Government are not sure whether they would be able to place the Report and they will not be able to say anything before the House is prorogued.

The Sylhet Town Land Tenancy Bill, 1937, by Babu Karuna Sindhu Roy, M.L.A.

The Hon'ble the SPEAKER: The first motion is for consideration of the amendments made by the Assam Legislative Council on Babu Karuna Sindhu Roy's "The Sylhet Town Land Tenancy Bill, 1937". There is a motion which stands in the name of Babu Harendra Narayan Chaudhuri.

Babu HARENDRA NARAYAN CHAUDHURI: I beg to move, Sir, that the amendments made by the Assam Legislative Council on Babu Karuna Sindhu Roy's "The Sylhet Town Land Tenancy Bill, 1937" be taken into consideration.

The Hon'ble the SPEAKER: The motion moved is that the amendments made by the Assam Legislative Council on "The Sylhet Town Land Tenancy Bill, 1937", be taken into consideration.

(The motion was agreed to).

The Goalpara Tenancy (Amendment) Bill, 1938, by Srijut Jogendra Chandra Nath

The Hon'ble the SPEAKER: The next motion is of Srijut Jogendra Chandra Nath to the effect that "The Goalpara Tenancy (Amendment) Bill, 1938," be referred to a Select Committee. This motion was under discussion when the House adjourned on the last occasion. The discussion will be now taken up. The last speaker on this motion was the then Hon'ble Revenue Minister Srijut Rohini Kumar Chaudhuri who was speaking on behalf of Government.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED*: Mr. Speaker, Sir, when the Hon'ble Srijut Rohini Kumar Chaudhuri introduced the Goalpara Tenancy (Amendment) Bill on behalf of the previous Government, he made it clear to the hon. members of this House that he was prepared

*Speech not corrected

to allow the Bills introduced by the private members to be referred to Select Committees without accepting the principles of those Bills. Sir, Committee would not be able to consider or incorporate any new provisions involving new principles in the Bill. To me, Sir, the thing looked very strange that though the principle was not accepted by the former Revenue Minister, yet he was anxious that the Bills introduced by private members should also be referred to Select Committees and taken into consideration along with the Bill introduced by Government.

Sir, so far as the present Government is concerned, we consider that the principles involved or incorporated in the Bill introduced by the previous Government do not meet the requirements or the benefits we would like to give to the tenants of the two districts concerned. So, if we accept the principles of those Bills, we would be failing in our duty by not bringing measures which we think will bring relief to the people. So, so far as this Government is concerned, we do not propose to proceed with the Bill introduced by the previous Government.

Now, Sir, this is a Bill introduced by one of the private members and we think it is a matter in which legislation should be accepted if the Bills are introduced by the present Government. But the present Government, having been in power for only nearly two months, they have had no time to give it their full consideration. I think, Sir, if the hon. members who want to introduce their Bills will give us an opportunity of bringing this Bill during the next session, I think it will be better for all concerned, as it is likely that such a Bill will be passed much earlier than if a Bill introduced by a private member were sponsored here. So I would suggest that the hon. member who has introduced this Bill should withdraw the same on the undertaking that Government, at the next session, will introduce a Bill which will meet the requirements and give relief to the tenants concerned. And if the House so desires, I shall be prepared to take into confidence and consult the hon. private members who have introduced this Bill before the Government Bill is drafted.

Maulavi MUHAMMAD AMJAD ALI:* Sir, as the Hon'ble Revenue Minister has promised to bring another Government Bill, may I ask the hon. private member Srijut Jogendra Chandra Nath to withdraw his Bill? Will the Hon'ble Minister also give an indication as to the lines on which he would proceed, that is to say, the modifications he would suggest to the Government Bill?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED:* I have made it clear, Sir, that if the hon. members, who are seeking permission to introduce these Bills, want that I should consult them at the time of drafting this Bill, I would do so. In the circumstances I think this question does not arise. The hon. members know fully well that the sponsorer of the present Bill is a member belonging to the Congress Party and it is unnecessary for me to say anything further than what I have already stated.

Srijut JOGENDRA CHANDRA NATH: In view of what I have heard from the Hon'ble Minister, and in view of the assurance that this present Government would bring forward a Bill in the next session, I beg leave of the House to withdraw my motion.

*Speech not corrected.

The Hon'ble the SPEAKER: Has the hon. member the leave of the House to withdraw his motion.

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

The Goalpara Tenancy (Amendment) Bill, 1938 by Maulana Abdul Hamid Khan

Maulana ABDUL HAMID KHAN: আমি আমার বিল উত্থাপন করিব।

The Hon'ble the SPEAKER: মাননীয় সন্ত্রী মহোদয় একথা বলিয়াছেন যে গবর্ণমেন্ট এরকম একটা বিল আনিবেন। সেই বিলেতে এমন সব বন্দবস্ত করিবেন যে প্রজারা যাহা চায় সমস্তই যাহাতে সেই বিলে যে সব clause দিবেন তাহাতে থাকিতে পারে এবং যাহারা Tenancy Bill এর এসব amendments এর notice দিয়াছেন তাহাদের অত নিবেন এবং বিল তৈয়ার করিবেন। এ অবস্থায় তিনি আপনাদের অনুরোধ করিয়াছেন যে এসব বিল আপনারা যাহাতে আর উপস্থিত না করেন।

Maulana ABDUL HAMID KHAN: গত দীর্ঘকাল যাবৎ গবর্ণমেন্টের অবস্থা দেখিয়া গবর্ণমেন্টের প্রতিশ্রুতির উপর আমার মোটেই বিশ্বাস নাই। সেই জন্য আমি এই বিল উত্থাপন করিতে চাই।

A VOICE: কাহাদের উপর বিশ্বাস নাই? এই গবর্ণমেন্টের উপর না আগেকার গবর্ণমেন্টের উপর?

The Hon'ble the SPEAKER: দীর্ঘকাল যাবৎ গবর্ণমেন্টের উপর যে বিশ্বাস নাই বলিয়াছেন, এই গবর্ণমেন্ট স্থাপিত হওয়া ৬ বেণী দিন হয় নাই?

Maulavi ABDUL HAMID KHAN: প্রজার বর্তমান অবস্থা অতীব দুঃখজনক। গোয়ালপাড়া প্রজাসভা বিল আমি এই session এই উত্থাপন করা উচিত মনে করি।

The Hon'ble the SPEAKER: Very well. If the hon. member wants to move, he may move his motion.

Maulavi ABDUL HAMID KHAN: আমি ১৯৩৮ সালের গোয়ালপাড়া প্রজাসভা সংশোধনী বিল উত্থাপন করিবার অনুমতি চাহিতেছি।

The Hon'ble the SPEAKER: The motion moved is that leave be granted to introduce the Goalpara Tenancy (Amendment) Bill, 1938.

The motion was agreed to.

The Secretary then read the title of the Bill.

Maulana ABDUL HAMID KHAN: আমি ১৯৩৮ সালের গোয়ালপাড়া প্রজাসভা সংশোধনী বিল পেশ করিতেছি।

The Hon'ble the SPEAKER: There is no necessity for introducing the Bill. He is to move that the Bill be referred to a Select Committee.

Maulana ABDUL HAMID KHAN: আমি প্রস্তাব করিতেছি যে আমার ইচ্ছা পত্ৰ উপরোক্ত বিল নিম্ন লিখিত মেম্বারগণ দ্বারা গঠিত সিনেট কমিটিতে প্রেরণ করা হউক :—

- ১। মাননীয় রাজস্ব সচিব,
- ২। মৌলভী মহম্মদ আমজাদ আলী,
- ৩। মৌলভী গিয়াছ উদ্দিন আহমদ,
- ৪। মৌলভী জাহান উদ্দিন আহমদ,
- ৫। মৌলভী মতিয়র রহমান মিয়া,
- ৬। মৌলভী নৈয়দ আবদুর রৌফ,
- ৭। শ্রীযুক্ত যোগেন্দ্র নারায়ণ মল্ল,
- ৮। শ্রীযুক্ত সন্তোষ কুমার বক্রয়া,
- ৯। শ্রীযুক্ত যোগেন্দ্র চন্দ্র নাথ,
- ১০। শ্রীযুক্ত পরমানন্দ দাস, এং
- ১১। প্রস্তাবক।

৫ জন সদস্য লইয়া “কোরাম” হইবে।

গোয়ালপাড়া জেলার জমিদারদের প্রজার অবস্থা এবং অন্যান্য জেলার জমিদারদের প্রজার অবস্থা সমান নহে। গোয়ালপাড়া জেলার জমিদারেরা গবর্ণমেন্টকে একটাকা রেভিনিউ দিয়া তত্বে পক্ষে ৪০০ টাকা বুনাফা করিয়া থাকেন; কিন্তু ছপ ও পরিতাপের বিষয় যে গত প্রবল ভূমিকম্পে গোয়ালপাড়া জেলার অধিকাংশ জমি বালুভরাট হইয়া আবাদের জযোগ্য হওয়ায় প্রায় অশাণের ন্যায় পড়িয়া আছে। গবর্ণমেন্টের খাস মহালে, গবর্ণমেন্ট আর্থিক দুর্দশা বিবেচনা করিয়া, টাকা প্রতি পাচ আনা কোন কোন জায়গায় চার আনা খাজানা কম করিয়াছেন। কিন্তু গোয়ালপাড়া জেলায় আজ পর্যন্ত তাহারা উচ্চ হারেই খাজানা দিতেছে। উচ্চ নিরিখে খাজানা দিতে অক্ষম হওয়ায় শত শত লোকের জমি বিক্রি হইয়া পথের কাঙ্গাল হইয়াছে। ১৯২৯ সালে যে গোয়ালপাড়া প্রজাস্বত্ব আইন লুইস ভাবে amended হইয়াছে তাহাতে বিধি রহিয়াছে যে গোয়ালপাড়া জেলায় জমি ক্রয় বিক্রয় করলে শতকরা ১০ টাকা খারিজ দাখিল নজর দিতে হইবে। জানিনা কি উদ্ভূত এই আইন এখন হইয়াছে। প্রজারা যখন হাড় ভাঙ্গা পরিশ্রম করিয়া জমি প্রস্তুত করিয়াছে তখন জমিদারের কোন প্রকার সম্মত থাকি উচিত নহে এবং তাহারা নজর পাইবার ও আধিকারী নন। বর্তমানে বাংলাদেশে নূতন ভাবে য আইন প্রণয়ন হইয়াছে তাহাতে সম্পূর্ণভাবে খারিজ দাখিল নজর রহিত করা হইয়াছে। অতএব গোয়ালপাড়ার প্রজাদের জা ও ইচ্ছা নজর বাপ্তা ভাবে রহিত হওয়া উচিত।

প্রজাদের যে রকম বর্তমান অবস্থা তাহাতে খাজানা দেওয়াই তাহাদের পক্ষে অসম্ভব। তদুপরি, জমিদারগণ প্রজাদের নিকট হইতে যেকোন ভাবে অন্যায় আবিষ্কার আদায় করেন সে অতি ভয়াবহ দৃশ্য। আবুয়াব সরুপ যে নানারূপ নজরানা তুলপানা দিতে হয় তাহা সম্পূর্ণরূপে অত্যাচার। চুক্তির প্রজা ঐ অত্যাচার আবিষ্কার আদায়ের বিরুদ্ধে যে গবর্ণমেন্টের কাছে আবেদন করিয়া বিচার প্রার্থী হইবে সরুপ গোপ্যতা মোটেই নাই। গবর্ণমেন্টের পক্ষ হইতে এইরূপ আইন করিয়া এই আবুয়াব প্রথা লোপ করিয়া দিতে হইবে যে জমিদার বা জোতদার বা তাহাদের কর্মচারী যদি কোন প্রকার আবুয়াব গ্রহণ করেন তাহা হইলে বন্ডার শাস্তি প্রদানের যোগ্য হইবে। ১৯২৯ সালের আইনে খাজানা কদ করার জন্য মোকদ্দমা করার বিধান আছে। কিন্তু জমির উর্বরা শক্তি হ্রাস হইয়াছে এবং খাদ্য শস্যের মূল্য কম হইয়াছে। ইহা প্রমাণ করিতে হইবে প্রজাকে কিন্তু গরীব প্রজার পক্ষে ইহা সম্ভবপর নহে।

প্রজাণ হাড় ভাঙ্গা পরিশ্রম করিয়াও ছুবেলা খাইতে পাইতেছেন না। এমতাবস্থায় তাহাদের পক্ষে প্রবল প্রতাপী জমিদারগণের বিরুদ্ধে খাজানা হ্রাসের মামলা দায়ের করা সম্পূর্ণ অসম্ভব। গবর্ণমেন্টের পক্ষ হইতে যদি ইহার ব্যবস্থা না হয় তাহা হইলে প্রজাদের রক্ষার উপায় নাই।

জমিদারদিগকে যে certificate power দেওয়া হইয়াছে সেই certificate power এর দ্বারা তাহারা নানা ভাবে প্রজাদিগের সর্বনাশ করিতেছেন। এই certificate power সম্পূর্ণরূপে রহিত হওয়া উচিত। প্রজাদের জমিতে যাহাতে প্রজারা 'সাল', 'শেণ্ডন' অথবা 'শিশু' কাঠ জন্মাইতে বা চেনন করিতে পারে তাহার সম্পূর্ণ ক্ষমতা দেওয়া উচিত। বর্তমান এই স্বায়ত্ব-শাসনের যুগ যদি স্বাধীনতার নামে প্রজাদিগকে এরূপ দাসত্ব শৃঙ্খলে আবদ্ধ রাখা হয় তাহা হইলে বিশেষ কলঙ্কের কথা হইবে।

প্রজাদের বিরুদ্ধে জমিদার ও অত্যাচারী মাদিগণ বর্তমান যে ভাবে এক তরফা ডিক্রী করিয়া খাজানার মোকদ্দমায় তাহাদের সর্বনাশ করিতে ছন তাহার প্রতিকারার্থে যে ব্যবস্থা বর্তমান আইনে প্রচলিত আছে তাহা অত্যন্ত অত্যাচার। কারণ এক তরফা ডিক্রী হইলে প্রজার প্রতি ব্যবস্থা দেওয়া হইয়াছে যে দাবীর সম্পূর্ণ টাকা তাহাকে আদালতে দাখিল করিতে হইবে এবং দাখিল করার পর তাহার যে কোন আপত্তি থাকুক না কেন, তাহা পেশ করিতে হইবে। একইবারই আদালত সুন সহকারে দাখিল করা প্রজার পক্ষে অসম্ভব। অতএব প্রজা কোন দিন একতরফা ডিক্রীর বিরুদ্ধে কোন প্রকার আবেদন নিবেদন করিতে পারিবেনা। গরীব কৃষকদিগকে উদ্ধার করিবার জন্য যাহাতে কোন প্রকার টাকা দাখিল করিতে না হয় একতরফা মামলায় সেই ব্যবস্থা থাকা নিতান্ত উচিত।

জমিদারদিগকে এমন ব্যবস্থা দেওয়া উচিত যে তাহারা কি পরিমাণ টাকা লাভ করিতে পারিবে। এই বৃটিশ শাসন যদি আরও একলক্ষ বৎসর এদেশে কায়েন থাকে তাহা হইলে খাজানা বৃদ্ধি করিতে করিতে প্রজার যথা সর্বস্ব লইয়া যাইবে। অতএব এমন ব্যবস্থা আইনে থাকা দরকার যে জমিদারগণ গবর্ণমেন্টকে যত টাকা রেভিনিউ দেন তাহার ৫ গুণ বা ১০ গুণের বেশী যেন প্রজার নিকট কিছুতেই আদায় করিতে পারেন না। পূর্বে জমিদারগণ জমির উর্বরা শক্তি বৃদ্ধি করিবার জন্য প্রতিক্রিয়া দিয়াছিলেন; কিন্তু আজ পর্যন্ত জমিদারগণ সেই প্রতিক্রিয়া কোন অংশে প্রতিপালন করিতেছেন না। জমির উর্বরা শক্তি বৃদ্ধি করিবার জন্য জমিদারগণ দায়ী। উক্ত দায়িত্ব পালন করিতে জমিদারগণ বাধ্য হইয়া গিয়াছে। আইনে তাহার ব্যবস্থা করা উচিত। বর্তমান বাংলার প্রজাস্বত্ব আইন সংশোধন হইয়া গিয়াছে। পার্শ্ব স্তায় রংপুর জেলায় জমিদারগণকে বিধি প্রতি ২০ টাকা হারে যে খারিজ দাখল নজর দিতে হইত তাহা সম্পূর্ণ রহিত হইয়াছে। গোয়ালপাড়া জেলায় যদি আরও দুই এক বৎসর পরে এই আইন পরিবর্তিত হয় তাহা হইলে আশাদের যথেষ্ট ক্ষতি হইবে। আজ পর্যন্ত যত জমি ক্রয় বিক্রয় হইয়াছে, তাহার নজর দিতে প্রজারা বাধ্য। আরও যদি এক বৎসর সময় দেওয়া হয় তাহা হইলে জমিদারগণ খাজানা বৃদ্ধি করিবার জন্য নানা উপায়ে নানা রকম কবুলিয়ত সৃষ্টি করিয়া ভবিষ্যৎ আইন প্রণয়নের দায় হইতে রক্ষা পাইবার জন্য চেষ্টা করিবেন।

এ অবস্থায় আমি মনে করি যে সমস্ত গোয়ালপাড়া প্রজাস্বত্ব আইন সম্পূর্ণরূপে পরিবর্তিত বা পরিবর্তিত হওয়া একান্ত আবশ্যিক।

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

1. The Hon'ble the Revenue Minister,
2. Maulavi Muhammad Amjad Ali,
3. Maulavi Ghyasuddin Ahmed,
4. Maulavi Jahanuddin Ahmed,
5. Maulavi Matior Rahman Mia,
6. Maulavi Syed Abdur Rouf,
7. Sriyut Jogendra Narayan Mandal,
8. Sriyut Santosh Kumar Barua,
9. Sriyut Jogendra Chandra Nath,
10. Sriyut Paramananda Das, and
11. The Mover.

(Five members to form a quorum.)

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir. I am in agreement with all the sentiments which have been expressed by my hon. friend Maulana Abdul Hamid Khan in moving the motion for reference of the Bill to a Select Committee. Sir, I would like to point out to him that what he proposes to achieve for the poor tenants by this Bill is also the intention of Government, that is to say, of giving relief to the poor tenants of his district, and I, Sir, made a request to him that this purpose would be better served and would be earlier served if he had given an opportunity to Government to introduce the Bill during the next session. I am opposing the present motion not because I am against the principle or the measures which he wants to introduce for giving relief to the poor tenants, but I am simply opposing it, at this stage, in order to help the poor tenants at

an earlier date. Sir, I had made it clear to him that before drafting a Bill of this nature I would take into confidence and consult the hon. members who have given notice of a similar Bill, but my hon. friend could not understand the gesture made by me which is done only in order to save time and in order to save money. In view of the attitude of the hon. member, in spite of my assurance and undertaking, I have no help but to oppose the Bill for reference to the Select Committee.

The Hon'ble the SPEAKER: Then am I to take it that no other member is going to speak?

(After a pause.)

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

1. The Hon'ble the Revenue Minister,
2. Maulavi Muhammad Amjad Ali,
3. Maulavi Ghyasuddin Ahmed,
4. Maulavi Jahanuddin Ahmed,
5. Maulavi Matior Rahman Mia,
6. Maulavi Syed Abdur Rouf,
7. Srijut Jogendra Narayan Mandal,
8. Srijut Santosh Kumar Barua,
9. Srijut Jogendra Chandra Nath,
10. Srijut Paramananda Das, and
11. The Mover.

(Five members to form a quorum.)

(As the supporters of the motion pressed for division, the division bell was rung for five minutes.)

(After the division bell.)

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

1. The Hon'ble the Revenue Minister,
2. Maulavi Muhammad Amjad Ali,
3. Maulavi Ghyasuddin Ahmed,
4. Maulavi Jahanuddin Ahmed,
5. Maulavi Matior Rahman Mia,
6. Maulavi Syed Abdur Rouf,
7. Srijut Jogendra Narayan Mandal,
8. Srijut Santosh Kumar Barua,
9. Srijut Jogendra Chandra Nath,
10. Srijut Paramananda Das, and
11. The Mover.

(Five members to form a quorum.)

The motion was lost.

The Assam Prohibition Bill, 1938 by Srijut Gauri Kanta Talukdar

The Hon'ble the SPEAKER: The next motion stands in the name of Srijut Gauri Kanta Talukdar.

Srijut GAURI KANTA TALUKDAR: I beg leave of the House to introduce the Assam Prohibition Bill, 1938.

The Hon'ble the SPEAKER: The motion moved is that the leave be granted to introduce the Assam Prohibition Bill, 1938.

The motion was agreed to.

Srijut GAURI KANTA TALUKDAR: Sir, before I move that the Bill be referred to a Select Committee, I would like to know the view of the Government on this subject.

The Hon'ble the SPEAKER: The hon. member may move his motion and then ask Government to state their views, and then he may decide his course of action.

Srijut GAURI KANTA TALUKDAR: Sir, I move that the Assam Prohibition Bill, 1938 be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister in-charge of Excise,
2. Srijut Bishnu Ram Medhi,
3. Maulavi Abdur Rahman,
4. Mr. F. W. Hockenhull,
5. The Hon'ble Mr. Fakhruddin Ali Ahmed,
6. The Hon'ble Babu Kamini Kumar Sen,
7. The Hon'ble Srijut Rupnath Brahma,
8. Srijut Sarveswar Barua, and
9. The Mover.

— (Five members to form a quorum)

The Hon'ble the SPEAKER: Does the hon. member want that the names of all the Hon'ble Ministers should be included. (*Laughter*). Perhaps he gave the names before they became Ministers. Now when they have become Ministers the hon. member should think whether their names should be included or not.

The motion moved is that the Assam Prohibition Bill, 1938, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister in-charge of Excise,
2. Srijut Bishnu Ram Medhi,
3. Maulavi Abdur Rahman,
4. Mr. F. W. Hockenhull,
5. The Hon'ble Mr. Fakhruddin Ali Ahmed,
6. The Hon'ble Babu Kamini Kumar Sen,
7. The Hon'ble Srijut Rupnath Brahma,
8. Srijut Sarveswar Barua, and
9. The Mover.

(Five members to form a quorum.)

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, I must thank my friend the hon. mover for the introduction of such an important Bill ; but at the same time I must tell that the body of the Bill is not complete because the hon. mover has omitted the most important and injurious drug, i.e., opium in the body of the Bill. So I request the hon. mover to withdraw the Bill so that Government may bring in a new Bill in a more comprehensive manner. I hope the hon. mover, in view of the assurance given by Government, will see his way to withdraw the Bill.

Srijut GAURI KANTA TALUKDAR: Sir, in view of the assurance given by Government, I would beg leave of the House to withdraw the Bill. I want to say, Sir, why I excluded that dangerous drug—opium from the body of my Bill. There is a cut and dried policy of Government to abolish opium consumption altogether by the process of non-issue of new passes and reduction of ration. Moreover, Sir, opium is controlled by the Dangerous Drugs Act. For these reasons I did not include opium in my Bill.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. Was not this Bill considered and approved by the Congress Party to which the hon. member belongs?

The Hon'ble the SPEAKER: The hon. member will please reply.

Srijut GAURI KANTA TALUKDAR: I did not take any formal permission of my Party, Sir, as it was quite consonant with the Congress policy and principle. Now Government is going to introduce a more comprehensive Bill which will include not only opium but liquor, *ganja* and all other intoxicating drugs also. I am glad that my object is going to be better fulfilled. So I beg leave of the House to withdraw my Bill.

The Hon'ble the SPEAKER: Has the hon. member leave of the House to withdraw the motion?

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

***THE ASSAM DOMICILE CERTIFICATE AND STATUS BILL, 1938, BY MR. NABA KUMAR DUTTA.**

The Hon'ble the SPEAKER: Mr. Naba Kumar Dutta may now move his motion with regard to his Assam Domicile Certificate and Status Bill, 1938.

Mr. NABA KUMAR DUTTA: I beg leave of the House to withdraw my Bill, Sir. I do not want to move my motion.

The Hon'ble the SPEAKER: No leave is necessary. The Bill was withdrawn.

The Assam Decree Settlement Bill, 1938, by Maulavi Abdul Aziz

The Hon'ble the SPEAKER: Maulavi Abdul Aziz may move his Bill.

Maulavi ABDUL AZIZ: Mr. Speaker, Sir. I beg leave of the House to introduce the Assam Decree Settlement Bill, 1938.

The Hon'ble the SPEAKER: The motion moved is that the leave be granted to introduce the Assam Decree Settlement Bill, 1938.

(The motion was agreed to.)

Maulavi Abdul Aziz may move his motion.

Maulavi ABDUL AZIZ: Sir, I beg to move that the Bill be taken into consideration. In support of the Bill, I submit that this Bill aims at giving relief to those unfortunate people against whom decrees are passed, since after the passing of the Usurious Loans Act, 1918. The fact is known to almost all the members of the House that the Assam Money Lenders' Act of 1934 gave great relief to many people. The amendment was given effect to in 1936. In it, the rate of interest was reduced to one pice per rupee per month, *i.e.*, by the Assam Money Lenders' Act of 1934, the high rate

*The following Bills which were in the list of business before the Assam Domicile Certificate and Status Bill, 1938, were not taken up as the members who had given notices of the Bills were absent at that time:—

1. The Assam Municipal (Amendment) Bill, 1938, by Maulavi Ashrafuddin Md. Chaudhuri.
2. The Assam Debt Conciliation (Amendment) Bill, 1938, by Mr. Kedarmal Brahmin.

of interest was reduced to Re.1-9 per hundred per month. By the present Bill I propose to give relief to those against whom decrees were passed after the commencement of the Usurious Loans Act, 1918. Most of the money decrees were passed during the period of 1918 to 1936 and during this period the rate of interest was very high which used to range from Rs.4 to Rs.6 per hundred per month. Further more, the judgment-debtor in those decrees did not get any relief by way of instalment from the court of law, and so this Bill aims at giving relief to those unfortunate debtors. By this Bill, I propose, Sir, that no decree shall be executable before final decision by a competent court of applications, if any, for settlement thereof made under this Act by the judgment-debtor. No decree which was passed after 1918 should be executable until an application has been made by the judgment-debtor proposing the instalments by which he wants to pay the debt and the period by which he proposes to make payment of his liability. So, in a nutshell, this Bill proposes to give relief by way of instalments to those judgment-debtors against whom decrees were passed at high rate of interest, and who had not been given the benefit of payment by instalments. Further, in section 8, I propose, Sir, that the homestead lands of those unfortunate judgment-debtors shall not be attachable. By this I want to give the judgment-debtor a piece of land on which he can stand after all his assets are taken off.

With these few words, Sir, I commend this Bill for the acceptance of the House.

The Hon'ble the SPEAKER: The motion moved is that the Assam Decree Settlement Bill, 1938, be taken into consideration.

The Hon'ble Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, though I have every sympathy for the hon. mover of this Bill, I have the unpleasant duty to oppose this Bill. It is a very novel piece of legislation which seeks to extend the period of limitation from 12 years to 60 years. Not only that, the second clause of the Bill says "All decrees passed after the commencement of the Usurious Loans Act, 1918, shall not be executable before final decision by a competent Court of applications, if any, for settlement thereof made under this Act by the Judgment-debtor." That means, it will create a total dislocation in the business of the Courts if all such cases are allowed to be reopened from time to time after the decree has been passed. Sir, already the last Government, for the benefit of the agricultural debtors, has introduced a Bill for postponing the decrees for 3 years. That Bill has been sent for eliciting public opinion, and I think, Sir, in view of that Bill, it would be better for the hon. mover of this Bill to withdraw his Bill. But if he insists on pressing it, I am afraid, I shall have no other alternative than to oppose this Bill. His intention is to benefit the debtors, but I think if a Bill like this is accepted, the debtors, who are intended to be benefited, would be worst sufferers because no body would be willing to lend money to any body, and consequently the borrowers, who are always in need of money, will not get anything, even in their dire need. So, Sir, I think no useful purpose will be served by pressing a legislation like this.

With these few words, I beg to oppose the consideration of this Bill.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I stand to oppose the Hon'ble Minister with the view that the arguments just advanced by him are not at all comprehensive. The Bill which has been moved by the hon. mover only aims at giving further relief to the poor debtors who are fully handicapped for borrowing money. The Hon'ble Minister sees no necessity of introducing this Bill now as the previous Government has brought forward a Bill with a view to give relief to the borrowers. But if I

am permitted, I should say that by referring that Bill for eliciting public opinion, the cause of the public has been simply delayed. Probably my friend the Hon'ble Minister will be one with me if I say that if he goes to any particular locality, he will be simply moved by the cries of the people for a legislation of this kind. People are so much harassed by the money-lenders that they do not get time to breathe. Sir, as a representative of a certain constituency, I can say that the most burning demands of the people at present are the tenancy legislation and the Money Lenders' Bill. They want some sort of legislation to save themselves from the clutches of the money-lenders. If the borrowers are to save themselves, they should be given a longer period in order to repay the money which they borrowed. In moving the motion, the mover has said that this legislation is not a new of its kind. Even in England and other Congress Provinces, this kind of legislation has already been adopted. Though we are having a Congress Government here, I do not see any reason why this Government should oppose such a Bill which is very essential for the present-day condition of the country.

Khan Bahadur Maulavi KERAMAT ALI: If I have heard the Hon'ble Minister aright, he said that he cannot accept this Bill because there are certain clauses which would militate against the law of limitation and some other laws. But I think, the Bill is amenable to amendments. Therefore, with your permission may I move, Sir, that the Bill be referred to a Select Committee so that the objectionable features or clauses of the Bill may be amended, and a law may be enacted which would give relief to the poor peasants, the borrowers, without militating against the principles of any other law.

The Hon'ble Babu KAMINI KUMAR SEN: It is not meant for poor peasants.

Khan Bahadur Maulavi KERAMAT ALI: I would suggest the following names for the Select Committee:—

1. The Hon'ble Minister-in-charge of Judicial,
2. The Mover,
3. Khan Bahadur Maulavi Saiyidur Rahman,
4. Srijut Sarveswar Barua,
5. Kumar Ajit Narayan Deb, and
6. Maulavi Abdul Bari Chaudhury.

(Four members to form a quorum).

The Hon'ble the SPEAKER: The original motion was that the Bill be taken into consideration, and the hon. Khan Bahadur Keramat Ali is moving this motion for reference to a Select Committee consisting of the following members:—

1. The Hon'ble Minister in-charge of Judicial,
2. The Mover,
3. Khan Bahadur Maulavi Saiyidur Rahman,
4. Srijut Sarveswar Barua,
5. Kumar Ajit Narayan Deb, and
6. Maulavi Abdul Bari Chaudhury.

(Four members to form a quorum).

Does the hon. mover accept it?

Maulavi ABDUL AZIZ: I accept the motion as amended, Sir.

The Hon'ble Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I have heard the hon. Khan Bahadur. He was telling us that we must feel for the poor agriculturists. I am in entire agreement with him in this, but Sir, it appears from the Objects and Reasons of the Bill that although the money-lender invests his surplus for profit, the land is the only means of subsistence of the landlords and therefore rent decree is excluded from the operation of

this Bill. So Sir, poor agriculturists will not be benefited in any way by this Bill. However, when some of the hon. members are so keen in this Bill, I feel that when the last Bill has been circulated for eliciting public opinion, Government may agree to this Bill also being sent to elicit public opinion. I do not think however that in the interval any useful purpose will be gained by referring it to a select committee at this stage. If the hon. mover accepts this, I can agree to a motion for circulating the Bill for eliciting public opinion.

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Minister make the motion himself?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, if the hon. mover accepts my suggestion, I will bring the motion.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Speaker, Sir, I rise to oppose the proposal of the Hon'ble Minister-in-Charge.

The Hon'ble the SPEAKER: He has not yet made any proposal.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: I rise to oppose what the Hon'ble Minister has said with regard to this Bill. The present Ministry which claims to be the friend of the poor and servant of the country is going to do a great disservice to the poor. Is this a fair specimen of the Congress Coalition Government? It seems, Sir, that the policy that they are following is quite reactionary and is trying to support the cause of the capitalists.....

Srijut ROHINI KUMAR CHAUDHURI: The Hon'ble Minister himself is a capitalist! (*Laughter*).

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: May I ask the Hon'ble Premier whether they support the capitalists or the poor? Now the time has come for their trial.

With these few words I oppose the Hon'ble Minister.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Sepeaker, Sir. There is some difference certainly in the principle, between the Bill for the Temporary Stay of Execution of Decrees which has been circulated for eliciting public opinion and the present Bill which is under the consideration of the House. It is true that this Bill is not confined merely to agriculturists; it goes a step further than the Temporary Stay of Execution Bill the benefit of which is only limited to the agriculturists. In this poor country there are many poor men outside the class of agriculturists. The agriculturists have at least a plot of land which they can till, and a house in which they can live, but these poor non-agriculturists have not, in some cases, even a house to live in, and in their cases the creditors are more inhuman than in the case of the creditors of the agriculturists. It is, therefore, rather unpleasant and surprising to hear from an Hon'ble Minister adorning the Congress Coalition Cabinet protesting against a Bill of this kind. I would concede that this Bill contains provisions which may be examined more closely and therefore should be thrashed out by a select committee. To try to throw out this Bill is certainly not worthy of the Government which is now carrying on administration in this province. I am personally not surprised at the speech of my Hon'ble friend—Babu Kamini Kumar Sen—he is true to his Capitalistic principle. I remember when I protested against some unreasonable provisions of the Sylhet Tenancy (Amendment) Bill and also some unreasonable provisions in the Money Lenders' (Amendment) Bill, I had the whole-hearted support of this particular Hon'ble Minister. Therefore, I am not surprised that he should be more lenient on the side of the creditors than on the side of the debtors. I only congratulate him that

he has been able to lead the Hon'ble Premier, who is of the genuine Congress type, than to follow him. That is a matter of great exaltation to some who have lately been roped into the Congress band. Sir, if the Hon'ble Minister agrees to the motion for reference to the Select Committee, he would earn the gratitude of the poor debtors. Because, Sir, that would mean that the Bill will be earlier passed into law than the other Bill which is still awaiting public opinion. But, Sir, I should advise the hon. mover of the motion to be satisfied with half a loaf when the Minister is so determined to stand against the interests of the poor debtors and to agree to the circulation of the Bill.

The Hon'ble the SPEAKER: Let the matter be disposed of. A suggestion has been made for the hon. member to agree to the circulation of the Bill.

Maulavi ABDUL AZIZ: Sir, I agree to the circulation of the Bill. In doing so, I wish to say a few words in reply to certain statements made by the Hon'ble Minister. I am very surprised to find that the Hon'ble Minister from his present position of power is at once so unsympathetic towards one section of the people.

The Hon'ble the SPEAKER: He is no longer so unsympathetic.

Maulavi ABDUL AZIZ: He says that the Bill introduced by the last Government will suffice the purpose and he finds fault with the present Bill. But I submit, Sir, that there is greater danger in the last Bill than in the present Bill. If execution will be stopped for three years, we do not know what will happen in these three years, whether things will improve or whether we will be worse off. The present Bill is a very progressive and sympathetic one. It seeks a *via media* in which the debtors can easily and gradually pay off the debt. I find another remark has been made. The Hon'ble Minister has said that this Bill is only meant for the agriculturists. Am I to understand that the present Government is only to protect the agriculturists and none of the other sections of the people? This is not an agriculturists Government, but for all people and all sections of the people are entitled to the protection of the Government. There are many big landlords who are judgment debtors and they are really in a very bad state. I can say they are, most of them worse off than most of the agriculturists. By this Bill, I propose only to give those gentlemen an additional opportunity for saying what they want to say and their creditors an opportunity to get the dues from the debtors. I do not see how and where the Bill is harmful to anyone. In my humble opinion, this is an innocent piece of legislation and should not have been opposed by the present Ministry who claim to serve the interests of all sections.

Another feature which I should like to explain is regarding the period of sixty years. In England there is a provision like this and I know that in Switzerland 35 years is the limit for paying a debt. In our country which is the poorest as admitted on all hands, there is nothing novel in my proposal of sixty years. This point of limitation might be amended, if necessary, in the Select Committee and a reasonable amendment might be accepted. So I do not find there is any objectionable feature in the Bill. I should have thought that the provisions of my Bill are quite in line with the spirit of the present Government which is a Congress Coalition who have always said that they would give relief to all sections of the people. What I am surprised at is that this should have been so vehemently opposed by such a Government. But as the Ministry has been kind enough to agree to the circulation of the Bill, as I have said, I agree that it may be circulated.

The Hon'ble the SPEAKER : The Hon'ble Minister might make a formal motion giving a date by which opinion should be received.

The Hon'ble Babu KAMINI KUMAR SEN : I beg to move Sir, that the Bill be circulated for eliciting public opinion by 31st January 1939. The motion was put and agreed to.

The Assam Land and Revenue (Amendment) Bill, 1938, by Srijut Mahi Chandra Bora

The Hon'ble the SPEAKER : The next Bill stands in the name of Srijut Mahi Chandra Bora. Is he going to make his motion ?

Srijut MAHI CHANDRA BORA : Sir, I do not want to move any motion with regard to my Assam Land and Revenue (Amendment) Bill, 1938.

The Sylhet Tenancy (Amendment) Bill, 1938, by Maulavi Abdur Rahman

Maulavi ABDUR RAHMAN : I beg Sir, to move for leave to introduce the Sylhet Tenancy (Amendment) Bill, 1938.

Leave having been granted by the House, the Secretary read out the title of the Bill.

Maulavi ABDUR RAHMAN : Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members :—

1. The Hon'ble Minister-in-charge of Revenue Department,
2. Babu Rabindra Nath Aditya,
3. Maulavi Mabarak Ali,
4. Babu Shibendra Chandra Biswas,
5. Babu Dakshinaranjan Gupta Chaudhuri,
6. Maulavi Abdul Bari Chaudhury,
7. Maulavi Abdul Aziz,
8. Maulavi Ashrafuddin Md. Chaudhury, and
9. the Mover.

(Four members to form a quorum.)

Sir, in introducing the Bill, I beg to submit before this Hon'ble House that the Sylhet Tenancy Act, which is now in existence and which came into operation in March 1937, has not been able to remove the long-felt grievances which the tenants of the permanently-settled areas of the district of Sylhet are undergoing. The present Act has made certain provisions which are vitally detrimental to the interests and welfare of the tenants of the district. My Bill is to remove, as far as practicable, the difficulties of the poor *rai-yats*. In the present Act there are certain provisions, namely, the landlord's transfer fee, the right of pre-emption of the landlord, etc., which are particularly so cruel to the interests of the tenants that these cannot be allowed to continue.

Now, Sir, there are other provisions in the present Act that, if certain tenants purchase a portion of a *jote* land of a permanent tenant, he stands jointly and severally liable for the whole amount of the rent payable by the old tenant. This is such a wrong provision and this is so unwholesome that if one particular tenant only purchases a portion of the holding of a *rai-yat* and if it yields a rent of Re.1, he is now held liable for paying the whole amount of rent which may amount to Rs. 50 or Rs.60 and not a portion of the rent.

Again, Sir, the provision in the present Act for the transfer fee to the Mirasdars is indirectly preventing the tenants to sell their lands. For instance, if a tenant is to sell a *keir* of land and if the market value of that particular land is about Rs.100, the purchaser, according to the provision of the present Act, is to pay Rs.20 to the Mirasdar as *salami* or five times the rent whichever is greater. Naturally, Sir, the purchaser must not pay more than the market value of the land and the poor *raiya*t cannot expect to get more than Rs. 80 for that particular plot of land, although the market value of the land is Rs. 100. So by this provision, it is evident, that the *raiya*t are not getting adequate relief. Also the procedure which has been prescribed for this purpose is so cumbersome that it injures both the tenants as well as the Mirasdars. There are complaints from Mirasdars that, though the present Act has come into operation for more than a year, the Mirasdars are not receiving their *salamis* but the money is being deposited with Government. If such is the provision, I do not think, this gives relief either to the Mirasdars or to the tenants.

Then again as to the rate of rent. In certain parts the rate of rent ranges from Rs. 4 to Rs. 6 per *keir* per annum. It is so exorbitant that the poor tenants now find it too difficult even to pay even a portion of the rent to the Mirasdars. The result is that the Mirasdars also do not properly get their rents which naturally accumulate. The price of agricultural produce at present has fallen so low that the poor tenants cannot even get the actual cost from the produce which they get from their lands. The productive power of the land also has gone down. It is reported that previously the average yield per *keir* of land in the district was 12 to 16 maunds of paddy at a time and the price also was not less than 2 or 3 rupees per maund. But now-a-days those lands do not yield more than 6 to 8 maunds per *keir* and the price also has gone very low which is well known to the hon. members of this House. It is well known that the price of produce, particularly paddy, is so low that it sells at Re.1 or Rs.1-4 per maund. The cost of growing paddy and other agricultural produce is also high. If the tenants are to pay Rs. 4 or Rs.6 per *keir* to the Mirasdar, the saving practically is nil.

Then again, Sir, there is another provision in the present Act, which is known as the right of pre-emption. The present Act has given the Mirasdars another weapon which is so vitally bad to the interests of the tenants that, if it be allowed to continue, the fate of the poor tenants in the near future will be doomed. There is one class of Mirasdars who are so greedy that they always play all kinds of tricks to extend their Khamar lands.

Unless these grievances are removed, I am sure, the fate of the Sylhet tenants will be sealed.

Sir, it is not unknown to this Hon'ble House that the peasants of Sylhet are crying hoarse in order to get rid of the inhuman provisions in the present Act. Before the operation of the present Act, the people, if I am to make an honest confession, were not so hard hit. In the neighbouring province of Bengal a Tenancy Bill has been passed into an Act quite suited to the interests of the tenants. In the days of democracy and in the days of an awakening among the masses, if we sit silent, it will surely go very hard against the prestige of this Hon'ble House. It is our avowed intention and it is our avowed wish that we should give all sorts of relief to the poor tenants, and I think, Sir, this is the best time and the best opportunity to show our sympathy towards the poor peasants of the district. With this words, Sir, I move that my Bill be referred to a Select Committee as mentioned.

The Hon'ble the SPEAKER : The motion moved is:

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

1. The Hon'ble Minister-in-charge of Revenue Department,
2. Babu Rabindra Nath Aditya,
3. Maulavi Mabarak Ali,
4. Babu Shibendra Chandra Biswas,
5. Babu Dakshinaranjan Gupta Chaudhuri,
6. Maulavi Abdul Bari Chaudhury,
7. Maulavi Abdul Aziz,
8. Maulavi Ashrafuddin Md. Chaudhury, and
9. The Mover.

(Four members to form the quorum).

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir, I am much obliged to the hon. member for the moderate manner in which he has introduced this subject on the floor of the House. We, Sir, on this side of the House have every sympathy for the purposes and the reliefs, which this Bill proposes to give to the peasantry. But, Sir, as I have already stated, we are faced with a difficulty that the previous Government introduced a Bill which was referred to a Select Committee which, as hon. members will agree with me, does not go to meet the requirements which will help the poor peasantry of this district. The hon. Srijut Rohini Kumar Chaudhuri made it clear on behalf of the previous Government that he would also take into consideration the Bill introduced by private members ; but I see, Sir, that legally we cannot take into consideration in the Select Committee stage, the two Bills which differ on principle, and if this Bill is also referred to a Select Committee, we shall be faced with some difficulty. I can assure the hon. members that this Government propose to introduce legislation in this connection which will meet the requirements of the poor peasantry of this district. In doing so, I can assure the hon. member that I shall take him into confidence and I shall consult him before the Bill is drafted by me. If he withdraws this Bill now and gives Government permission to introduce the Bill at the next session, the relief to the suffering tenants will be provided earlier. The hon. member I hope will withdraw his present motion for reference of this Bill to a Select Committee.

Srijut ROHINI KUMAR CHAUDHURI : On a point of information, Sir. Will the Hon'ble Minister refer the Bill, which he contemplates, to a Select Committee ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Which Bill ?

Srijut ROHINI KUMAR CHAUDHURI : The Bill which he is going to introduce in this House—the Government Bill.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : If this Bill be referred to the Select Committee, it will have precedence over the Government Bill.

The hon. member has entirely misunderstood my purpose. If Government is given the facility of introducing a Bill, which will be drafted in consultation with some members of this House, we need not refer it to the Select Committee ; we can proceed with the consideration stage straightway. That provision will be passed into law much earlier than the present Bill if it is allowed to go on.

Maulavi ABDUR RAHMAN: In Bengal such a Bill was introduced and passed, and it was not necessary to send it to a Select Committee or circulate it for eliciting public opinion. Of course, it was not considered in one session, but it was finished in a subsequent sitting. Here if both the parties agree, this can be finished in one session. It is because that the necessity is so great that early legislation in this respect is absolutely essential.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: That is what exactly I propose to do with the co-operation of the hon. members.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Sir, I whole-heartedly support the Bill moved by my friend Mr. Abdur Rahman. The grievances of the tenants of the Sylhet district are so great and the need of amending the Sylhet Tenancy Act is so pressing that I am not prepared to wait till the assurance of the Hon'ble Minister is materialised sometime in future. The present Bill is seeking to do some valuable service to the peasantry of the Sylhet district. The Sylhet Tenancy Act which was passed in 1936 and was brought into operation in 1937 sought to give some relief to the tenants, but in some respects that Bill strengthened the hands of the Zamindars. The present Bill which is introduced proposes to give some further relief to the tenants. In some places of the district of Sylhet, tenants cannot for a moment think that they are living in British territory. I can tell you about my constituency. In some places tenants cannot think themselves free. You will be surprised to learn that tenants are not even allowed to go to the houses of their zamindars with shoes on. This is an ordinary privilege. Shoe is a part of dress and yet a tenant is not allowed to wear shoes before his master. This is the state of things. In some places the rate of rent is very very high and in some places it is prohibitive. The cry of the tenants is a cry in the wilderness. Copies of resolutions passed in meetings are sent to Government, but these are of no avail. The law works in favour of Zamindars and this does not give the tenants any benefit. They cannot get any relief in law courts as the law is not in their favour. So it is an urgent necessity that this Bill should be passed as early as possible.

In this connection I should like to say that the landlord's fee that is now realised from the tenants who sell occupancy lands should be abolished. This is a sort of torture. In some places the fee realised is more than what is provided by the law.

Sir, there is a class of tenants called service tenants. These service tenants are, so to say, a sort of slaves. These tenants should be relieved of their bondage by giving them occupancy rights when and where they so want. I know personally, in some places in my constituency where tenants want to establish schools, the Zemindars refuse to grant a piece of land for the construction of the house. This is my personal experience. I am the President of a Junior Madrasa and so I have the experience personally. The Bill just moved must have a provision to the effect that when tenants establish schools, the Zemindar must give lands for construction of houses without rent, otherwise it will be difficult for tenants to establish schools and thus education cannot spread in many places especially in my constituency. Tenants generally go to their Zemindars for seeking redress in many matters. The Bill should be so framed that the tenants may be free from all connections with the Zemindars except for the payment of the rent.

As regards service tenants, provision should be made when and where they want that they should be given proper and adequate right of occupancy. I appeal to the Hon'ble Minister that he will kindly withdraw his

objection to this Bill. This is a pressing necessity of the district and we, who come from that district, know the difficulties of the tenants. With these words I support the Bill moved by my friend Maulavi Abdur Rahman.

Maulavi ABDUR RAHMAN: Only one word more I shall speak in this connection, Sir. The Hon'ble Minister said that the previous Government introduced one Bill of the same nature which has been referred to the Select Committee and he finds that mine one is a superfluity for referring to the Select Committee. But I want to say that the one which has already been sent to the Select Committee will not serve the purposes which the tenants of the district now require to be served. With these words, I again commend that my Bill be sent to the Select Committee.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: As I have already said, if the hon. member is not prepared to withdraw the Bill, I shall be forced to oppose the motion for reference of this Bill to the Select Committee. But at the same time, I want to make it clear, that I am not against the relief which the Bill seeks to give to the tenants. It is only with a view to bring the Bill into law at an earlier date that I am objecting to the reference of this Bill to the Select Committee.

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

1. The Hon'ble Minister-in-charge of Revenue Department,
2. Babu Rabindra Nath Aditya,
3. Maulavi Mabarak Ali,
4. Babu Shibendra Chandra Biswas,
5. Babu Dakshinaranjan Gupta Chaudhuri,
6. Maulavi Abdul Bari Chaudhury,
7. Maulavi Abdul Aziz,
8. Maulavi Ashrafuddin Md. Chaudhury, and
9. The Mover.

(Four members to form the quorum.)

The motion was lost.

*** The Assam Tea Estate Labourers' Freedom of Movement Bill, 1938, by Srijut Omeo Kumar Das**

Srijut OMEO KUMAR DAS: Sir, I beg to move for leave to introduce the Assam Tea Estate Labourers' Freedom of Movement Bill, 1938.

The Hon'ble the SPEAKER: The motion moved is that leave be granted to introduce the Assam Tea Estate Labourers' Freedom of Movement Bill, 1938.

The motion was agreed to.

* *N. B.*—The following Bills which were in the list of business before the Assam Tea Estate Labourers' Freedom of Movement Bill, 1938 were not taken up as the members who had given notices of the Bills were absent at that time:—

1. The Assam Revenue Tribunal Bill, 1938, by Babu Karuna Sindhu Roy.
2. The Assam Ministers' Salaries Bill, 1938, by Mr. Arun Kumar Chanda.
3. The Assam Ministers' Salaries Bill, 1938, by Srijut Bhuban Chandra Gogoi.
4. The Assam Municipal (Amendment) Bill, 1938, by Mr. Baidyanath Mookerjee.
5. The Assam Ministers' Salaries Bill, 1938, by Babu Lalit Mohan Kar.

The Secretary then read out the title of the Bill.

Srijut OMEO KUMAR DAS: Sir, I beg to move that the Assam Tea Estate Labourers' Freedom of Movement Bill, 1938, be taken into consideration.

In the Bill, the objects and reasons have been clearly stated. It is generally felt that the freedom of movement of tea garden labourers is limited in a manner unheard of in any other industry. They are not allowed to go out of the estates whenever they want to do so. It is a common practice to engage night chowkidars to keep watch over the lines and prevent labourers from leaving the estates. The impression has been created in the minds of the labourers that they have no right to go out of the gardens of their own free will. This constant restraint on their right of free movement has reduced them to a state of slavery. Managers and other officers of tea estates think that they have a right to exclude friends and relations from visiting labourers on the gardens.

This Bill is intended to put an end to this state of things. Removal of obstructions will help to establish contacts with the outside world, which is absolutely necessary for their moral and economic advancement.

The Hon'ble the SPEAKER: The motion moved is that the Assam Tea Estate Labourers' Freedom of Movement Bill, 1938, be taken into consideration.

The Hon'ble Srijut RAMNATH DAS: Mr. Speaker, Sir. I am in sympathy with the object of the mover of this Bill, but the provisions of the Bill are not quite adequate and also it is going to introduce some principles which require scrutiny. Government also feel that there should be a Bill of this nature, and therefore ; Government undertake to bring a similar Bill after the scrutiny of the matter and, if necessary, by consulting the employers and also the employees for whose benefit the Bill is sought to be brought by the hon. member. After this assurance, I hope the hon. member will kindly withdraw his Bill.

Srijut OMEO KUMAR DAS: On the assurance that Government have undertaken to introduce a Bill of this nature in consultation with the planting interests and also with the labourers themselves, I beg leave of the House to withdraw my Bill and as a matter of fact I wrote to some planters on the subject, but I did not receive any reply.

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

The Assam Criminal Law Amendment Acts Repeal Bill, 1938, by Srijut Rajendra Nath Barua

Srijut RAJENDRA NATH BARUA: Mr. Speaker, Sir, I beg leave of the House to introduce the Assam Criminal Law Amendment Acts Repeal Bill, 1938.

The Hon'ble the SPEAKER: The motion moved is that leave be granted to introduce the Assam Criminal Law Amendment Acts Repeal Bill, 1938.

The motion was agreed to.

Srijut RAJENDRA NATH BARUA: I beg to move that the Bill be taken into consideration. Sir, the Assam Criminal Law Amendment Acts Repeal Bill, 1938, has been moved and in the Statement of Objects and Reasons, it has been clearly laid down that these Acts are redundant in Assam. It has been said here that the necessity of the Acts is not at all felt in Assam. The sporadic terrorist crimes of the past of which there is no sign or chance of recrudescence do not justify the retention of the so-called Terrorist Acts in the Statute Book. The Acts are repugnant to all sense of

justice, equity and good conscience. They are full of mistrusts of the Judiciary and they arm the Executive with the powers to deprive the elementary rights of the people and the long rope given to the Police make them unscrupulous and vindictive. To have a clear and peaceful atmosphere between the rulers and the ruled, with the inauguration of the Provincial Autonomy, it is only meet and proper that these Acts, creations of the old bureaucratic Government should no longer find place in the Statute Book. Sir, I think, I should not waste the time of the House by dwelling upon the different sections of the Acts. So I beg to move that the Bill be taken into consideration.

The Hon'ble the SPEAKER: The motion moved is that the Assam Criminal Law Amendment Acts Repeal Bill, 1938, be taken into consideration.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir. I am in full sympathy with the object of this Bill. It may be well known to the hon. members of this House that one of the principal programmes of the Congress is to repeal all repressive laws. I had a cursory review of the three Acts of 1934, 1935 and 1936 and also of the rules framed thereunder. I think, Sir, in matters like this, it should always be left to Government to scrutinise the exact position that prevails in the country. Government is contemplating to repeal all these Acts and as I said just now, it should always be left to Government to take up the matter after proper enquiry. We are in full sympathy with the object of the Bill, and we propose to bring in a Repealing Bill according to the situation that prevails in the country and also considering what other Congress provinces have done regarding these Acts. With these words I request the hon. mover of the Bill to withdraw it and thus to give Government a chance of bringing in their own legislation.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir. I would like to know from the Hon'ble Prime Minister whether he has any doubt in his mind as to the desirability of repealing the Assam Criminal Law Amendment Act. From the speeches of the group from which he comes delivered in the House from time to time during the last 18 months, I thought Sir, that there is absolutely no doubt in his mind that this Act should be repealed, and it is indeed very astonishing that he should take further time to consider whether he should bring in a new Bill for repealing this Act. I think, it is well known to the hon. members of this House that in no Congress provinces, these Acts have not so far been repealed. On the other hand the Congress Premiers in other provinces have resorted to the provisions of these Acts. So why not in a straightforward way and frankly say that he is not going to do anything in the matter and that this Bill was brought before only to embarrass the then Government (*laughter*). The Hon'ble Prime Minister should have at least found time to look into this Act.

Babu RABINDRA NATH ADITYA: Why did you not do it during the last 18 months?

Srijut ROHINI KUMAR CHAUDHURI: During those last 18 months, they were speaking very glibly and very enthusiastically. May I know where is that enthusiasm about the prohibition of opium, etc.—where is that enthusiasm about the repeal of these Acts?

The Hon'ble Srijut GOPINATH BARDOLOI: Since my personal opinion has been sought, I can tell the hon. member definitely that I am in favour of repealing of any repressive laws. I should like to say that the Hon'ble Ministers of the previous Government took 18 months' time and they should at least give me two months' time to consider this. I can

make it quite clear before the House that we shall take all possible steps consistent with good Government for the repeal of these laws. (*Cheers from the Ministerialist Benches*).

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. Does the Hon'ble Minister mean to say that he is hampered by his colleagues in this matter?

The Hon'ble Srijut GOPINATH BARDOLOI: Surely not. Although I am not bound to say, I can tell him that we are all at one and are acting together as a team. (*hear, hear*).

Srijut RAJENDRA NATH BARUA: In view of the assurance given by the Hon'ble Prime Minister, I beg leave of the House to withdraw the Bill.

The Hon'ble the SPEAKER: Has the hon. member leave of the House to withdraw the Bill?

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

The Hon'ble the SPEAKER: There are only five minutes more and we shall not be able to do anything more. So we should rise. The House stands adjourned till 11 a.m., on Monday, the 5th December, 1938.

Adjournment

The Assembly was then adjourned till 11 a.m., on Monday, the 5th December, 1938.

SHILLONG :

18th January 1939. }

A. K. BARUA,

Secretary to the Assam Legislative Assembly.