

(FIRST SITTING OF THE ASSEMBLY IN FREE INDIA)

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on Tuesday, the 9th September, 1947.

PRESENT

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the six Hon'ble Ministers and fifty-one Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Distribution of power-pumps for irrigation of Agricultural lands

Srijut KAMESWAR DAS asked :

*133. Will Government be pleased to state—

- (a) The number of power-pumping sets for irrigation of agricultural lands in Assam ?
- (b) The Subdivisions where these sets are working with the areas irrigated in each Subdivision ?
- (c) The authority who controls allocation of such set in each Subdivision and the authority who selects the areas of operation there ?
- (d) The number of people who are in charge of actual operation of the machineries and their designations with pay ?
- (e) Whether Government have any scheme to provide power-pumping sets in each Subdivision for irrigation ?
- (f) If so, what is the scheme ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

133. (a)—Surma Valley—Out of 22 old sets, 12 are in working order now, the engines having been replaced. The rest are not in proper working order being old and worn out.

Upper Assam Valley—Six pumping-sets in all, of which one is out of order now.

Lower Assam Valley—Nil.

(b)—Surma Valley—Here pumping-sets are used for the irrigation of boro (Spring rice). During the last season pumping-sets were worked as shown below :—

| Subdivision | No. of pumps worked | Area irrigated (bighas) |
|--------------------|---------------------|-------------------------|
| North Sylhet... | ... | ... |
| South Sylhet | 1 | 100 |
| Sunamganj ... | 1 | 150 |
| Habiganj ... | 6 | 1,356 |
| Upper Assam Valley | 1 | 100 |

Four pumps worked in Nowgong in flood-affected areas—the area irrigated being 641 bighas.

(c)—The authority for allocation of the pumps and selection of areas is :—

District Agricultural Officers in the Assam Valley and Agricultural Inspector in-charge, Power Pump, in the case of the Surma Valley ; acting under the supervision of their respective Deputy Directors of Agriculture.

(d)—The number of people in charge of actual operation of a pumping set is two—One Driver and one Handyman (who work under the supervision of the local Agricultural staff in the case of the Assam Valley and the Agricultural Inspectors, Power-Pump Irrigation, in the case of the Surma Valley). The pay of the Driver and the Handyman who are temporarily engaged during the working season only is paid from contingencies and usually varies from Rs.56 to Rs.60 in case of the Driver and Rs. 30 to Rs. 40 in case of the Handyman.

(e)—There is no such scheme. Power-pumps are installed according to demand and necessity.

(f)—Does not arise.

Maulavi ABUAL MAZID ZIAOSH SHAMS: I want a complete answer to Question No. 133 (b). The answer is wanted with regard to the Subdivisions where these sets are working. Is it a fact that the word "Subdivisions" refers to each particular Subdivision? Will the Government be pleased to supply the information which is wanted for each Subdivision?

The Hon'ble the SPEAKER: That was not your Question, but it was from Srijut Kameswar Das.

Maulavi ABUAL MAZID ZIAOSH SHAMS: The reply given is not proper.

The Hon'ble the SPEAKER: The Subdivisions where these sets are working within the areas irrigated in each Subdivision are North Sylhet, South Sylhet, Sunamganj and Habiganj.

Maulavi ABUAL MAZID ZIAOSH SHAMS: In Assam Valley the Hon'ble Minister has not given the Subdivisions where these sets are working.

***Babu KAMINI KUMAR SEN:** May I ask how many of these irrigation pumps are in working order?

The Hon'ble the SPEAKER: "Out of 22 old sets, 12 are in working order now, the engines having been replaced. The rest are not in proper working order being old and worn out. That is for Surma Valley.

Upper Assam Valley—6 pumping-sets in all, of which one is out of order now.

Lower Assam Valley—Nil."

That is the answer.

Maulavi ABUAL MAZID ZIAOSH SHAMS: Subdivisions of the Assam Valley have not been given.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, apparently the answers show that these are the only Subdivisions where the pumps are working.

The Hon'ble the SPEAKER: "Four pumps worked in Nowgong in flood-affected areas—the area irrigated being 641 bighas". That is the figure in respect of the Assam Valley.

***Srijut KAMESWAR DAS:** The informations are sought for Subdivision by Subdivision, but in the Upper Assam Valley the area is given but not the Subdivisions.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Nowgong is the only Subdivision in the District where these pumps worked.

***Srijut KAMESWAR DAS:** May I know if this is the only Subdivision in the Upper Assam Valley where there are needs for power-pumping sets?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The answer to (e) is quite clear. Power-pumps are installed according to demand and necessity. So apparently in other Subdivisions there are no demands and the Department could not find any necessity for this. If and when necessity arises, I think, those Subdivisions will also be provided with such pumps.

*** Srijut KAMESWAR DAS :** May I know whether there is no necessity of these power-pumps in other Subdivisions?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is a matter of survey. But people of other Subdivisions have not yet made any demand for this. Perhaps they did not feel the necessity of the power pumps. The answer is very clear that supply is according to demand.

Srijut GAURI KANTA TALUKDAR : Are Government aware that many cultivators of village Arangamaw in my constituency are repeatedly demanding pumping-sets where they have introduced *baro* cultivation for the last three or four years and still no power-pump has been supplied to them?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : In which Subdivision?

Srijut GAURI KANTA TALUKDAR : In Gauhati Subdivision, Sir.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : If the demand comes Government will try to provide them with such pumps.

***Srijut KAMESWAR DAS :** May I know whether Government is prepared to meet the demands from other Subdivisions also?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : That will depend on how many power-pumps Government can collect and that again depends on the resources of the Department.

Srijut GAURI KANTA TALUKDAR : Will Government take it from me that there is strong demand from the said cultivators of my constituency for pumping-sets, and will Government help them with such pumps?

*Speech not corrected.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Well, I have no objection to take his words as true and in that case if there is a demand Government will surely try to meet that demand.

Maulavi MAHAMMAD ROUFIQUE : May I know from the Hon'ble Minister what has happened to these machineries after the separation of Sylhet ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Separation business is still going on and it is not possible to give exact position now.

Maulavi MAHAMMAD ROUFIQUE : Who is going to inherit these assets—East Bengal or Assam ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : That is a matter of policy and, I think, it shall have to be drawn out by Government. As a matter of fact Sylhet was transferred in running condition, so the power-pumps that were allotted for working in Sylhet must have gone to East-Bengal Government.

†Srijut DANDESWAR HAZARIKA : May I point out to the Hon'ble Minister the fact that the demand for power-pumps is not from Mr. Talukdar's constituency alone but so far as my information goes, there is a great demand in other constituencies also ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It will be noted, Sir.

Supply of Milk and Milk products

Srijut KAMESWAR DAS asked :

*134. Will Government be pleased to state—

- (a) If supply of Milk and Milk products alone is the underlying principle in having all the big cattle farms of Jorhat, Khanapara, Upper Shillong, Sylhet and Silchar at or near big towns ?
- (b) If supply of improved cattle and improved breeding bulls to the people, mainly of rural areas, is also a main and important factor behind such schemes ?
- (c) If so, how do Government propose to serve the rural areas and start cattle farms and cattle breeding centres there ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

134. (a) & (b)—Supply of Milk and Milk products alone is not the object of the cattle farms. The primary object is the breeding of superior cattle (for milk production in case of the Upper Shillong Farm and for the dual purpose of draught and milk in the case of the rest). These Farms are also intended to provide superior bulls for cattle breeding work in the rural areas.

(c)—It is not a fact that the present cattle farms do not or cannot serve rural areas as appears to be implied in the question. There are rural areas adjacent to each of the existing cattle farms and these areas are benefited by the farm bulls. Moreover, surplus bulls from the farms are widely distributed in the Agriculture Department's rural breeding centres. So, the rural areas are already getting the full benefit of the existing resources and work of the cattle farms.

Srijut GAURI KANTA TALUKDAR : Are Government aware that in most of the Government Cattle Breeding Farms Johnes disease has reappeared ?

The Hon'ble the SPEAKER : What is the relevancy in the question ?

Srijut GAURI KANTA TALUKDAR : It is a very important matter.

The Hon'ble the SPEAKER : It may be an important matter but what is the relevancy of the question ?

Srijut GAURI KANTA TALUKDAR : As it is a very important matter concerning the Government Cattle Farms, may I be allowed to put the question ?

The Hon'ble the SPEAKER : Yes, I thoroughly appreciate the importance of the question but where is the relevancy ?

Srijut GAURI KANTA TALUKDAR : Sir, I beg your indulgence to allow me to bring to the notice of the Government the fact that Johnes disease has become a source of danger to the cattle in the farms and this might not be known to the Government. Especially when the Government Cattle Farms are supplying milk and bulls to the people it is the duty of the Government to see that milk contaminated with germs of diseases and diseased bulls are not sent to the villages to spread the disease.

The Hon'ble the SPEAKER : I quite appreciate the view put forth by the hon. Member. I hope the appropriate authorities will give attention to this question and do needful. But the hon. Member should also see that appropriate and relevant supplementary questions are put as supplementaries. We have to follow certain rules framed by the Legislature and when such rules and laws are framed by the Members of the Legislature themselves it is their bounden duty to obey them. Therefore, I hope, the hon. Member will agree that I cannot allow questions which offend against the rules.

Srijut GAURI KANTA TALUKDAR : May I ask the Hon'ble Minister whether it is a fact that Johnes disease is prevalent in the Government Cattle Breeding Farms and if so, what steps Government has taken to see that the milk and bulls supplied to the public are free from this disease ?

The Hon'ble the SPEAKER : This is perfectly a relevant question.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I can reply to all the questions.

The Hon'ble the SPEAKER : No, I cannot allow that.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Before the bulls are supplied to villages they are examined by doctors whether they are fit or not.

Srijut GAURI KANTA TALUKDAR : May I know how many of the bulls in the Farms were infected with this disease ?

The Hon'ble the SPEAKER : That is a new question. I cannot allow it. Any further supplementaries.

(After a pause).

I pass on to the next Question.

(Starred Question No.135 standing in the name of Maulana Md. Mufazzal Hussain was not put and answered as the hon. Questioner was absent.)

UNSTARRED QUESTIONS

(To which answers were laid on the table)

(Further Supplementaries to †Unstarred Question No.447)

The Hon'ble the SPEAKER : I suppose supplementary questions were standing over in regard to Unstarred Question No. 447. I think, that was the position where I left on the last occasion. Therefore hon. Members may put supplementary questions in respect to Unstarred Question No. 447.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Is it a fact that in spite of the instruction of the Government there has been no fresh election or reformation of the Vigilance Committee in question ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : According to the instruction there was some kind of election.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Will Government be pleased to take it from me that there was absolutely no election and the Deputy Commissioner, Mr. Jarman, gave the hope that in future there would be election ? When Mr. Jarman is here now as Deputy Commissioner he might be asked to enlighten the Government about the actual situation.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : In fact, I had consultation yesterday with Mr. Jarman on this question and he told me that the situation was such that it was almost impossible on his part to hold the meeting there for the purpose of election as there were so many candidates for election to the Committee. It would be necessary to make rules of procedure for conduct of such an election which was not possible in that meeting.

Srijut LAKSHESVAR BOROOAH : From my experience I can say that these elections are held in the shape of resolutions passed in a meeting. There is a proposer and a seconder and with the majority of votes one is elected as Member of these Committees.

†Formation of Vigilance Committee in Dhubri

Maulavi MUHAMMAD ABUL KASHEM asked :

447. (a) Will Government be pleased to state whether they have taken any step to materialise their assurance given on the floor of the House during the last Session of the Assembly relating to the formation of Vigilance Committee in Dhubri Subdivision ?

(b) Are Government aware that the Deputy Commissioner, Goalpara, still did not order for election of members and office bearers of the Vigilance Committees in spite of repeated public protests against the Vigilance Committees appointed by him and their mal-practices ?

(c) Is it a fact that during the course of last six months numerous representations against this kind of appointments were made to Government ?

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

447. (a)—Yes.

(b)—Deputy Commissioner, Goalpara, has been asked to hold election-

(c)—No.

The Hon'ble Rev. J. J. M. NICHOLS ROY : That kind of election he held, I think.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Is it a fact that there was a deadlock practically in Mankachar in the distribution of cloth on account of non-election of a Vigilance Committee ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I was told, Sir, that it was impossible to get persons elected in that way and so the Deputy Commissioner had to do something.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Will the Government be pleased to make an enquiry from Mr. Jarman who is now here, whether he wanted to go to Mankachar and whether he gave that assurance about five or six weeks back, to hold the election there ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I want to know from the hon. Member whether he means that elections should be held only for Mankachar ?

Maulavi ABUAL MAJID ZIAOSH SHAMS : The question of Mankachar arises because there was practically no election there.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Does he not mean that election should be held for all areas and not for Mankachar alone ?

Maulavi ABUAL MAJID ZIAOSH SHAMS : There should be elections for all areas.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : But there is no demand for that from all areas.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Will Government please consider that recently there were two petitions submitted so far as Gauripur area is concerned, requesting for re-election ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : We have not got any information about that, Sir.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Will Government please institute an enquiry ? They may take it from me that one of the petitions was moved by me.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : If there is such a thing, Sir, we will see what we can do.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Does not the Government make some promise to hold these elections ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : It may be possible that in such areas where there is such demand, Government may have agreed to have such kind of elections ; but whether that election should be held in the same way as Members of the Legislature were elected and not simply one in which one proposes and another seconds and thereby a majority voting is taken in a mass meeting, is not clear from the order of the Government.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Will Government be pleased to send instructions to the Deputy Commissioner, Goalpara, or enquire of him whether any election was desirable or whether fresh elections are wanted or not?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That means only elections for the Vigilance Committees. If that is what the hon. Member means, we shall ask the Deputy Commissioner.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Will an enquiry be made, Sir?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, Sir, an enquiry will be made.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Thank you very much.

Jowai High School Managing Committee

Mr. LARSINGH KHYRIEM asked :

448. Will Government be pleased to state—

- (a) Who are the members of the High School Managing Committee at Jowai?
- (b) Since when the present Committee was constituted?
- (c) How many meetings of the Committee were held during the year 1946?
- (d) What are the functions of a High School Committee?
- (e) Whether there are any elected members to a High School Committee?
- (f) If so, who are the electors?
- (g) Whether there is a guardians' representative in such a Committee?
- (h) What are the rules relating to the election and nomination of members to such a Committee?
- (i) Whether these rules are followed in electing and nominating members to the Jowai High School Committee?
- (j) If not, why not?
- (k) Whether Government propose to take immediate steps to see that the Committee is constituted according to prescribed rules and orders?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

448. (a)—A list is furnished below—

The members of the Managing Committee of High School at Jowai.

Ex-Officio Members

1. Subdivisional Officer, Jowai—President.
2. Inspector of Schools, Surma Valley and Hill Districts—Vice-President.
3. Inspectress of Schools, Assam.

4. Headmaster, Jowai Government High School—Secretary.
5. The Assistant Headmistress, Jowai Government High School.
6. Deputy Inspector of Schools, Khasi and Jaintia Hills.
7. Mr. Deng Rowland Poshma, Assistant Master, Jowai Government High School (elected by the teaching staff).

Non-Official Members

1. Rev. G. A. Jones, B.A., Missionary, Welsh Presbyterian Church, Jowai.
2. Rev. L. Gatphoh, M.B.E.
3. Mr. Larsingh Khyriem, M.L.A.
4. Mr. Wikin Shullai, M.A., B.L. (Pleader).
5. Mrs. O. W. Lenge, Seventh Day Adventists Mission, Thahlaskein, Jowai.
6. Dr. E. N. Das, (U/O Dr. R. N. Das).

(b)—Since 15th March 1947.

(c)—This Committee did not function in 1946.

(d)—The functions of a Managing Committee for a Government High School for Boys and those for a Government High School for Girls are as laid down in parts I and II of section 26, respectively of the Education Department Rules and Orders.

(e) & (f)—An Assistant Master is elected by the teaching staff in the Managing Committee for a Government High School for boys. There is no elected member in the Managing Committee of a Government High School for girls.

(g)—No.

(h)—There are no such rules in the Education Department Rules and Orders. The non-official members are appointed by the Director of Public Instruction on the recommendation of the District Officer or the Subdivisional Officer.

(i) & (j)—Does not arise. A Committee was approved for the Jowai High School as a special case by Government.

(k)—The prescribed rules and orders of the Department cannot be rigidly applied to this school providing for co-education. Hence a special committee was sanctioned for this school under rule 1 of section 26, part I of the Education Department Rules and Orders.

Number of Fisheries in the Province

Srijut HALADHAR BHUYAN asked :

449. Will Government be pleased to state—

- (a) The names of all the fisheries pertaining to (i) rivers part by part, in each District, and (ii) Beels Mauza by Mauza, in each District or Subdivision of the Assam Valley showing against each fisheries.
- (b) The amount of money at which they were leased out;
- (c) Periods of lease settled for;
- (d) Dates of settlement and expiry; and
- (e) Whether the lease has been granted by public auction or by direct settlement by Government?

(f) The names of rivers and Beels reserved exclusively for breeding purposes in each District of the Assam Valley ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

449. (a) to (e)—A statement is placed on the Library Table.

(f)—

| District | | | | Names of Rivers and Beels reserved exclusively for breeding purpose |
|--------------|-----|-----|-----|---|
| 1. Goalpara | ... | ... | ... | 1. Manas—I 2. Manas—II 3. Gadadhar River. 4. Bhalarkhas Beel. 5. Mara Sankosh or Banyaguri chara. 6. Bamni Nadi—II 7. Rahumari Beel. 8. Maskenerchar. 9. Bishpani. 10. Singimari Beel. 11. Satichara Beel. 12. Bura Nadi. 13. Champamati. |
| 2. Nowgong | ... | ... | ... | 54. Kaldharia. 79. Rawmari. 80. Soru Rupahi. 12. Gatanga and Difolunadi. 40. Maria Beel. 18. Kapili Nadi—I 29. Borpani Nadi—I 99. Moamari 89. Dejoo. 90. Killing. 109. Nabhanga. 113. Jetaura. 119. Forma. |
| 3. Lakhimpur | ... | ... | ... | 6. Ujan Subansiri. |

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to give us some idea as to how the reserved Beels and rivers are being utilised for the purpose of breeding fish ?

***The Hon'ble Srijut BISHNURAM MEDHI:** These Beels and rivers are protected areas and no one can fish there and destroy the fishes.

Srijut GAURI KANTA TALUKDAR: Are these Beels and rivers protected throughout the year ?

***The Hon'ble Srijut BISHNURAM MEDHI:** Yes, Sir, they are protected throughout the year.

***Mr. HARENDRA NATH SARMA:** Are Government aware whether in these protected areas there is no fishing by stealth?

***The Hon'ble Srijut BISHNURAM MEDHI:** No information has been received by the Government that people are fishing there stealthily.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state why no Beels or rivers are reserved for breeding fish in the district of Kamrup?

***The Hon'ble Srijut BISHNURAM MEDHI:** It may be that, that was not considered necessary.

Srijut GAURI KANTA TALUKDAR: The Hon'ble Minister has said that some Beels and rivers are reserved for breeding purposes. Are these freed from water hyacinth?

The Hon'ble the SPEAKER: Perhaps what the hon Member wants to know is, whether in areas reserved for breeding purposes water hyacinth has been removed by Government.

Srijut GAURI KANTA TALUKDAR: Yes, Sir, that is what I want to know.

***The Hon'ble Srijut BISHNURAM MEDHI:** I want notice with regard to that question, Sir. I don't know what exactly is the position. The matter will, however, be considered by the Government.

Srijut GAURI KANTA TALUKDAR: We have heard that certain lessees only are required to keep the Fisheries leased out to them cleared of water hyacinth: it necessarily follows that Beels and rivers reserved for breeding purposes are not taken care of by anybody.

***The Hon'ble Srijut BISHNURAM MEDHI:** The reply has already been given that the matter will be considered by Government.

***Babu KAMINI KUMAR SEN:** For how long or how many years these Beels and rivers are reserved?

***The Hon'ble Srijut BISHNURAM MEDHI:** I want notice about that question also, Sir.

***Mr. HARENDRA NATH SARMA:** Will Government consider that it is essential to provide the reserved Beels and rivers with 'hilsa mash' (hilsa fish) for breeding purposes?

(No reply)

*Speech not corrected

Introduction of a Fishery Bill in Assam

Srijut HALADHAR BHUYAN asked :

450. (a) Is it a fact that Assam has no Fishery Act of her own and that she is guided by the Bengal Fishery Act ?

(b) If so, do Government propose to introduce a Fishery Bill in the Legislature incorporating all provisions of safeguards, guidance, directions and improvement, etc., on the subject ?

451. Is it a fact that there is no provision restricting the lessees in the leases to catch fish and other aquatic animals below specified sizes and therefore to use fixed minimum span of meshes in the nets for each kind of fish in order to allow or leave out the younglings or immature ones to grow to their full sizes ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

450. (a)—No. The fisheries in Assam are governed by the Indian Fisheries Act, 1897 (IV of 1897) and the rules framed thereunder and the Assam Land and Revenue Regulation, 1886.

(b)—Government see no necessity of it at present.

451.—Rules 2 and 3 at pages 258-259 of the Assam Land Revenue Manual, Volume I (new) and clause IV of the lease form at page 87 of Volume II of the said Manual provide such restriction as the knowledge at the disposal of Government can support at present in the matter.

Re Employees of the Commercial Carrying Company, Limited, Shillong

Srijut BIJOY CHANDRA BHAGAVATI asked :

452. (a) Will Government be pleased to state what is the outcome of arbitration of the dispute between the Commercial Carrying Company, Limited and the Union of the employees under the Company ?

(b) Is it a fact that increment has not been given to all the employees with salary of Rs. 45 (forty-five) or below ?

(c) Is it a fact that the working hours of Porters of the Commercial Carrying Company, Limited at Gauhati have not yet been reduced to 8 hours a day ?

(d) Is it a fact that overtime allowance granted on Sundays or Bank Holidays has not been granted to the employees ?

(e) Is it a fact that Puja-Bonus with another month's pay has not been paid to all employees ?

(f) Do Government propose to enquire which of the terms of the arbitration has been given effect to ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

452. (a)—A copy of the award is printed below :—

AWARD

“The discussion that have been taken place between the representatives of the Union and the Company on 25th October 1946 and 11th November 1946 and the correspondence that has passed between me and the Representatives of both the sides have greatly made my task easier as will appear from the proceedings

of the Conference. Happily, there has been agreement between both the sides on many of the matters affecting the Company and the employees. It is not necessary for me to repeat what has been agreed upon by both the sides. I shall merely confine my Award to such matters as were not agreed upon by both the sides. I give this Award in the hope that both the parties will take it in the spirit in which it is given. That is to say, of bringing a happy relationship between the employers and the employees. I feel that the time has come when it should be realised on the side of the employers that whatever profit they made, the employees have a claim to a portion of it and that the employers should do their utmost to convince the employees that the profits no longer earned by them at the exploitation of the employees. At the same time, it is desirable that the employees also should give their utmost co-operation to the employers and while pressing for their claims they should not do anything which will undermine the discipline and good behaviour between the parties concerned. In short, both the parties must know their duties and rights and work on a basis of accommodation and tolerance.

My Award is as follows :—

1. (A)—As regards Service Rules the Draft proposals submitted by the Company should remain subject to such modifications in certain paragraphs as have been agreed upon by both the parties and as will be apparent from the Proceedings of the Conference.

(B)—In reference to Item 8 of the Disciplinary Rules in the Draft Proposals, an appellate authority is to be appointed and that will be the Advisory Committee consisting of two members one of whom will be nominated by the Company and the other by the Provincial Government.

(C)—In reference to Item 4 of the Leave Rules, medical leave to employees on monthly salary basis shall not be at the Secretary's discretion, but shall be as follows :—

(a) Medical leave on full pay for a period not exceeding the period of leave earned by the employee during his tenure of service.

(b) On half-average pay for a period not exceeding 6 months during his tenure of service from the date on which the leave will be granted.

(c) The medical leave to employees engaged on daily wage basis shall be for ten days on full wages ; provided the worker has rendered one year's continuous service.

2.—As regards scale of pay it will be as follows :—

(1) Ministerial staff—Rs. 45—5—100—10—160—15—200.

There will be efficiency bar at Rs. 100 and Rs. 160. Record of character-roll should be maintained by the Company and no one should be debarred from crossing his efficiency bar unless for good reasons he has been found inefficient.

(2) Typist—Rs. 45—5—100.

(3) Driver—Rs. 45—5—100.

(4) Handyman-Driver—Rs. 30—3—45.

(5) Handyman—Rs. 20—1—25.

Driver shall get Rs. 2 per trip as allowances and handyman shall get annas 8 per trip.

In view of the fact that sometime it is possible for drivers and handy-men employed on Gauhati-Shillong Road to do more than one trip per day which is impossible for those employed on Shillong-Sylhet Road and in view of the longer journey undertaken by those employed at Shillong-Sylhet Road, I feel that some extra allowance should be given. My Award is that Drivers on Shillong-Sylhet Road should get extra allowance of annas six per trip and handy-men annas two per trip. Trip money will be the same for handy-men as for drivers. Chageman-Driver shall be entitled to extra eight

annas over their due per trip and Service handyman shall get annas twelve per trip. Handyman's commission on roadside earnings shall remain as it is now

Workshop Staff—on daily wages—

| | Rs. a. p. | Rs. a. p. | Rs. a. p. |
|------------------------------|------------|-----------|-----------|
| Grade (a) | 0 12 0 | 0 4 0 | 3 0 0 |
| Grade (b) | 3 0 0 | 0 8 0 | 6 6 0 |
| Office Labourers—Grade (a) | Rs.20—1—25 | | |
| Grade (b) | Rs.25—2—35 | | |
| Tyreman & Greasers—Grade (a) | Rs.20—1—25 | | |
| Grade (b) | Rs.25—2—35 | | |
| Car Washers—Grade (a) | Rs.20—1—25 | | |
| Grade (b) | Rs.25—2—35 | | |
| Sweeper—Grade (a) | Rs.20—1—25 | | |
| Grade (b) | Rs.25—2—35 | | |
| Choukidars—Grade (a) | Rs.20—1—25 | | |
| Grade (b) | Rs.25—2—35 | | |
| Traffic Coolies—Grade (a) | Rs.20—1—25 | | |
| Grade (b) | Rs.25—2—35 | | |

Every one shall get increment from 1st September, 1946 and for 3 years the increment will be every year. After that the next increment will be after every 18 months of the employees service. This method of increment will be equally employed to the employees working on daily wage basis.

The Company must make arrangement to give Sunday off on every alternate Sunday by rotation to such employees who now are regarded as essential and do not get a Sunday off. If those workers could not be given alternate Sundays off everytime, allowance should be given to them. Employees required to work on alternate Sundays should be given less work than usually done by them and extra allowance, if their service is required over and above the hours of duty for alternate Sundays and the over-time allowance should be calculated by the Company and fixed in consultation with the Union.

Another thing I should like to draw the attention of the Company is the fact that such employees who will retire in the near future and will not get the benefit of the Provident Fund recently started for the benefit of the employees, I hope the Company will sympathetically consider their cases and give them adequate relief for services rendered by them.

Regarding Bonus, the employees draw my attention and in view of what Mr. Guha has said, I do not propose to say anything about it. But I trust, Mr. Guha will see that the Bonus asked for, is paid to the employees at an early date.

(Sd.) F. A. AHMED,
15th November 1946.

(b)—The intention of the question is not understood. The provisions of the award have been carried out, i.e., the scales laid down have been introduced and every worker whose pay was below the minimum of the scale applicable to him has been given the minimum while every worker who has completed one year's service on a stage in the scale before 1st September, 1946 has been given an increment.

(c)—No.

(d)—Since it has not been found possible in the case of some essential workers to grant alternative Sundays, the Company's proposal to grant a day's basic pay for such lost holidays has been put to the Union, whose reply is awaited.

(e)—A month's pay as bonus has been given. This was not part of the arbitration.

(f)—Government know of no reason to believe that there are any matters where the award has not been followed, save as stated under reply to question (d).

Accident by Government Publicity Vehicle, Shillong

Srijut BIJOY CHANDRA BHAGAVATI asked :

453. (a) Are Government aware that Government Publicity Vehicle No. ASK-37 injured one Harekrishna Das at Police Bazar (Shillong) on the 9th February last ?

(b) Do Government propose to enquire into the circumstances of this accident ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

453. (a)—Yes.

(b)—The City Inspector of Police investigated the case and he is of the opinion that this is a case of pure accident.

Quantity of sugar and wheat products consumed in the marriage ceremony of sons of Rai Bahadur Jibon Ram Goenka of Shillong

Babu KHAGENDRA NATH SAMADDAR asked :

454. (a) Are Government aware that Rai Bahadur Jibon Ram Goenka consumed several hundred maunds of sugar and wheat products in his two sons' marriage ceremony lately in Shillong by entertaining guests, etc., lasting for about a month ?

(b) Do Government propose to enquire wherefrom he got those huge quantities of articles ?

(c) Is it a fact that he is the whole-saler for sugar and wheat products in Khasi and Jaintia Hills ?

(d) Do Government propose to take immediate steps to allay the public suspicion that he used that quota meant for public in his sons' marriage ceremony ?

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

454. (a)—The Government have no information except that a special quota of 20 seers, each of Sugar and Flour, was allowed to Rai Bahadur Jibon Ram Goenka for the marriage ceremony of his two sons and a Ration Card for 50 guests for 3 weeks was issued.

(b)—No.

(c)—Yes.

(d)—Does not arise as no such report has been received from the Rationing authorities of Shillong who are responsible for ensuring that there is no shortage in any whole-saler's stock.

Impounding of cattle in Tea Garden cattle pounds

Srijut DANDESWAR HAZARIKA asked :

455. (a) Are Government aware that many Tea Garden owners in this Province keep private cattle pounds without the sanction of the Government or

Local Bodies and illegally realise high charges for impounding cattle from the persons concerned ?

(b) If so, do Government propose to enquire into the matter and take adequate steps against those Tea Garden owners who thus illegally realised such fines and to take steps to put an end to such mal-practices ?

(c) Is it a fact that certain villagers of the Golaghat Subdivision lately complained to Government of such illegal realisation of fine by the proprietor of Kupahating Tea Estate and the same was published in the local Press ?

(d) If so, what steps have been taken by Government to ascertain the truth and what steps have been taken against the proprietor of the Garden concerned ?

(e) Will Government be pleased to state the names of such tea gardens who keep such private pounds district by district in the Province ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

455. (a)—Government are aware that many private estates have enclosures in which stray cattle are placed when found doing damage: whether the impounding of stray cattle and realisation of a fee for release is illegal must depend upon the facts in any particular case.

(b)—If any such case of illegal action arises the injured party has his remedy before the Courts.

(c) & (d)—Yes. In this particular case the owner of the private pound was urged to fence his land. The Manager of the garden agreed to this as soon as wiring would be available, and the villagers also agreed to engage cow-herds to look after their cattle. This arrangement is working satisfactorily uptill now.

(e)—Kupahating Tea Estate in the Sibsagar district was the case in point: as already stated there is no doubt many other cases where landowners protect themselves in this way, but Government have no statistics on the subject.

Srijut DANDESWAR HAZARIKA: In their reply the Government stated—"whether the impounding of stray cattle and realisation of a fee for release is illegal must depend upon the facts in any particular case": do Government thereby mean that realisation of fine in certain cases is legal and justified?

The Hon'ble Srijut GOPINATH BARDOLOI: The reply is already there: there is an Act which governs the impounding and release of cattle from the Pounds and I presume, Sir, that all actions in reference to impounding will be governed by that Act. It will depend on circumstances as to whether under that Act, such impounding be legal or not.

Srijut DANDESWAR HAZARIKA: Are Government aware that in many tea gardens there are no fencing and as a consequence, whenever any cattle go there, they are at once taken and kept in private cattle pound and that fines are realised from the villagers ?

The Hon'ble Srijut GOPINATH BARDOLOI: There may be such particular cases, but as has been replied to some Questions, it will be found that in some gardens where there are no fencing, some agreement has been arrived at with the Garden authorities to have their lands fenced and the people to keep cowherds for their cattle.

Maulavi MUHAMMAD ROUFIQUE: Is it not a fact that with the previous sanction of local authorities, I mean the Local Boards, Tea Planters are allowed to have private cattle pounds inside their gardens ?

The Hon'ble Srijut GOPINATH BARDOLOI: Perhaps that may be so, Sir.

**Complaint of one Kashinath Kakaty of Teporgaon, Sibsagar,
on a robbery case**

Srijut BIMALAPROSAD CHALIHA asked :

456. (a) Will Government be pleased to state whether one Kashinath Kakaty of Teporgaon, Morabazar Mouza, Sibsagar, filed a complaint at the Amguri Police Station on the 10th June 1946 to the effect that certain persons robbed him on the way and forced him to execute a document ?

(b) Is it a fact that in spite of sufficient evidence of the robbery, the Police concerned did not proceed to take any action against the culprits ?

(c) Are Government aware that the said Kashinath Kakaty then filed a Criminal Case against the culprits in the Criminal Court, Sibsagar ?

(d) Is it a fact that the Police concerned are now not responding to the enquiries from the Court calling for a report of the incident ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

456. (a)—Yes.

(b)—No. The case was fully investigated but returned in final report as false under sections 392/384, Indian Penal Code.

(c)—Yes, he filed two complaints, one of which has been rejected and one is subjudice.

(d)—No.

Motor accident near Gaurisagar

Srijut BIMALAPROSAD CHALIHA asked :

457. (a) Is Government aware of a serious motor accident near Gaurisagar resulting instantaneous death of one and injury to many passengers ?

(b) Is Government aware that many motor truck owners carry passengers freely in the Sibsagar Subdivision ?

(c) Is Government aware that the Gaurisagar accident is at least the third such accident in about 12 months in the Sibsagar Subdivision ?

(d) Is it a fact that the Police Force at Sibsagar is quite inadequate to control traffic ?

(e) Will Government be pleased to state the steps it proposes to take to stop recurrence of such accidents ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

457. (a)—Yes.

(b)—Government are informed that the malpractice is increasing.

(c)—Yes : there have been three fatal accidents, though in one of these the driver was not at fault.

(d)—Yes.

(e)—Government have already increased the strength of the district police recently, which will, it is hoped, enable control to be tightened up. The Central Government are initiating measures for the reduction of motor accidents throughout India.

Distribution of cloth to the Muslim [population of Dandua, Tetelia and Choraibahi Mauzas in Nowgong District

Maulavi MAHAMMAD ROUFIQUE asked :

458. (a) Are Government aware that the Muslim population of Dandua, Tetelia and Choraibahi Mauzas in the district of Nowgong have not been receiving their quota of cloth and yarn from the distributors appointed for the aforesaid places for many months now ?

(b) Are Government aware that except a handful of Jamiat men of the locality the Muslims are not given their quota of cloth and yarn because they are Muslim Leaguers ?

(c) Is it a fact that in spite of written complaints made to the authorities on this behalf no relief has been received by these Muslims ?

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

458. (a)—Reports reveal that the allegations are not based on facts.

(b)—Not a fact.

(c)—Relief is not given on communal lines. The available stock of yarn and cloth was distributed equitably without any distinction between communities.

Maulavi MAHAMMAD ROUFIQUE : Sir, with regard to question (a) is it not a fact that all dealers selected for these mauzas are Congress volunteers ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I have no information in that respect, Sir.

Maulavi MAHAMMAD ROUFIQUE : As regards question (b), Sir, is it not a fact that the feelings between the Jamiats and Muslim Leaguers were far from cordial ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I think the hon. Member himself must know that. I am unable to say what the feelings are.

Sub-Deputy Collectors not transferred from same place for more than five years

Raja AJIT NARAYAN DEV of Sidli asked :

459. Will Government be pleased to state—

(a) The number of Sub-Deputy Collectors not transferred from the same place for more than the last five years ?

(b) The number of Sub-Deputy Collectors allowed to remain in their respective native Subdivisions for more than five years ?

(c) Names of places where such Sub-Deputy Collectors are posted ?

(d) Whether they are allowed to remain in such places as a special favour ?

(e) If not, why are they not transferred ?

(f) If it is a fact that taking advantage of such posting some of the Sub-Deputy Collectors have acquired land in *benami* in the areas under their respective jurisdictions ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

459. (a)—Eleven.

(b)—One.

| | | | |
|------------------------------|-----|-----|---|
| (c)—Jhalukbari Survey School | ... | ... | 1 |
| Aijal ... | ... | ... | 2 |
| Sylhet Sadar ... | ... | ... | 2 |
| Karimganj ... | ... | ... | 1 |
| Gossaingaon ... | ... | ... | 1 |
| Shillong ... | ... | ... | 2 |
| Patharkandi ... | ... | ... | 1 |
| Habiganj ... | ... | ... | 1 |

(d)—No.

(e)—Does not arise.

(f)—Government have no information.

Official rank of the Officer in-charge of Planning Section of the Public Works Department

Srijut BELIRAM DAS asked :

460. Will Government be pleased to state the official rank of the officer who is in-charge of the Planning Section of the Public Works Department ?

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

460. An Assistant Engineer in Class II of the Assam Engineering Service. He works under the direct control of the Chief Engineer in-charge, Post War Reconstruction.

Resumption of tea garden grant lands

Mr. P. M. SARWAN asked :

461. (a) Do Government propose to take such steps as to resume tea garden grant lands for the settlement of ex-tea garden labourers, where these grant lands are still lying waste ?

(b) Will Government be pleased to state whether they propose to turn down all proposals for the extension of tea plantation ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

461. (a) & (b)—The extension of tea cultivation is controlled by the Indian Tea Control Act which however is not a permanent measure of Legislation. It was first passed for 5 years and has been extended for further periods since.

Since the Act intereferes with the settlement holders' right to use the land for tea cultivation only on a temporary basis Government do not propose to interfere with the settlement holders' attempt to keep any portion of the land available for tea cultivation and for purposes incidental or ancillary to tea cultivation.

Flood of the rivers Subansiri, Ranganadi, Dhal, Kakai and other Hill streams

Srijut HEM CHANDRA HAZARIKA asked :

462. (a) Are Government aware that the rivers Subansiri, Ranganadi, Dhal, Kakai and other hill streams have been causing damages to the agricultural

produce of large number of people every year and that a vast area of fertile land being flooded annually rendering unfit for human habitation and cultivation ?

(b) Do Government propose to take river training or other suitable measures to reclaim this vast area of land so that the lands under water may be made fit for cultivation ?

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

462. (a)—Government are aware of this damage.

(b)—Government have ordered collection of data to ascertain what works are necessary.

Wholesalers and retailers of Gur in the Province

Maulavi MD. NAZMAL HAQUE asked :

463. Will Government be pleased to state—

- (a) The quantity of Gur recently allotted for import into the province (to be shown district by district) ?
- (b) Who are the wholesale dealers selected by Government for importing the same (to be shown district by district and community by community) ?
- (c) What is the criterion for selection of wholesale and retail dealers in Gur ?
- (d) Whether it is a fact that most of the dealers in Gur in the subdivision of Goalpara have been selected from the Congressite non-business men in disregard of the claim of the bonafide business men ?
- (e) Whether it is a fact that some of the wholesale dealers in Gur have been chosen from outside the district disregarding the claim of the local business men ?
- (f) If the answers to questions (d) and (e) are in the affirmative, whether Government propose to cancel their licenses and grant the same to the bonafide local business men representing all the communities ?
- (g) Whether Government are aware that most of the selected wholesale dealers in Gur in the subdivision of Goalpara could not transact their business without the financial help of the bonafide business men ?

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

463. (a) & (b)—10,000 tons of Gur have been allotted to Assam by the United Provinces Government during 1946-47. Two statements showing the allotment for each district and the names of Procuring Agents who are to import and wholesalers with the quantity allotted to each are placed on the library table. The selection is not made on communal principle and the Procuring Agents are firms not individuals.

(c)—Business experience and financial stability. But retail dealers are appointed by Deputy Commissioners and Subdivisional Officers from local traders.

(d)—No.

(e)—No.

(f)—Does not arise.

(g)—Government have no information.

Maulavi MD. NAZMAL HAQUE: As regards No. 463 (c), Sir, is it not a fact that most of the retailers are appointed by Government and not by the Deputy Commissioners or Subdivisional Officers?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not think, Sir, that is a fact. That is all I know.

Distribution of breeding bulls and fowls in the Province

Srijut LAKSHESVAR BAROOAH asked :

464. Will the Hon'ble Minister-in-charge of Agriculture and Livestock be pleased to state—

- (a) How many breeding bulls from the Government Farms were distributed in the villages of each of the districts of Assam during the last 5 years?
- (b) How many owners of cows in villages in each district have been benefited from the service of such bulls during the period?
- (c) How many improved breed of fowls and ducks, if any, were sold or distributed to villagers in each district of Assam during the period?
- (d) How many villagers have been able to improve their local species from the improved breed in each district of Assam during the period?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

| | | | | |
|--------------------|-----|-----|-----|------------------------------|
| 464. (a)—Lakhimpur | ... | ... | 29 | } During 1941-42 to 1945-46. |
| Darrang | ... | ... | 13 | |
| Nowgong | ... | ... | 17 | |
| Kamrup | ... | ... | 25 | |
| Sibsagar | ... | ... | 32 | |
| Goalpara | ... | ... | 8 | |
| Sadiya | ... | ... | 1 | |
| Sylhet | ... | ... | 22 | |
| Cachar | ... | ... | 9 | |
| K. & J. Hills | ... | ... | 5 | |
| Total | | | 161 | |

(b)—Government have no information.

(c)—439 fowls and 35 ducks were issued to villagers during the period from 1941-42 to 1945-46. District figures are not available.

(d)—Government have no information.

Srijut LAKSHESVAR BAROOAH: May I take it, Sir, that the Government did not consider it necessary to keep themselves informed whether the breed of the cattle population of the rural areas had been improved as a result of the service of breeding bulls supplied by Government?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: No records are maintained, Sir, to this effect. It is difficult therefore to give figures on

that score. Government will however try to collect information to give the hon. Member an approximate idea.

***Srijut GAURI KANTA TALUKDAR:** Is it not desirable, Sir, that records should be maintained to know how far that problem has been met in the Province?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That will be considered, Sir.

Food-grain license to Messrs. Shewlal Sambhudayal of Dergaon

Srijut DANDESWAR HAZARIKA asked :

465. (a) Will Government be pleased to state what class of food-grain license has been granted to Messrs. Shewlal Sambhudayal of Dergaon in the Golaghat subdivision and the quantity of paddy they can keep in stock?

(b) Is it a fact that after the issue of the recent Rice and Paddy (Road and River Movement) Control Order, 1946, the above firm obtained a permission from the Supply Department to transport 12,000 maunds (twelve thousand maunds) of paddy from North Lakhimpur to Golaghat on the ground that they purchased the same before the above Control Order was promulgated?

(c) If so, will Government be pleased to state whether any verification was made by Government before passing the said order?

(d) Have Government received reports to the effect that no time limit or anything of the sort having been given in the order that 12,000 maunds of paddy have become a never ending business?

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

465 (a)—No food-grain license was issued in the name of Messrs. Shewlal Sambhudayal of Dergaon but two Agents cards for Dergaon and Golaghat were issued to the said Firm by the Deputy Commissioner concerned on behalf of Messrs. Brahmaputra Mills, Limited, Dergaon. No quantity was mentioned in the two cards.

(b)—Prior to promulgation of the Rice and Paddy (Road and River Movement) Control Order, 1946, Messrs. Steel Brothers, Government Food Grain Agent allowed Messrs. Brahmaputra Mills, Limited, Dergaon (not Messrs. Shewlal Sumbhudayal, Dergaon) to remove 12,000 maunds of paddy previously purchased and stocked at Kalabari to meet the rice contract placed at the Mills.

(c)—Usual verification of stocks of the Mill was made by the officers concerned.

(d)—No such reports have been received.

Revision of the scale of pay of the Veterinary Assistant Surgeons

Srijut HALADHAR BHUYAN asked :

466. (a) Is it a fact that ten out of sixty-three Veterinary Assistant Surgeons died and three had to retire as invalid while in service within the last few years in this Province?

(b) Whether there is any such record in other Departments under the Government of Assam?

**Speech not corrected*

(c) Do Government propose to revise the present scale of pay of Rs.55—4/1—135 and travelling allowance of Re 1-5-0 per day of the Veterinary Assistant Surgeons according to the recommendations of the Director of Veterinary Department of Assam?

467. (a) Will Government be pleased to state the reasons for not giving effect to the interim scale of salary of the Veterinary Assistant Surgeons which was, to start from Rs. 75 per mensem like that of the Sub-Assistant Surgeons as declared by the Hon'ble Minister-in-charge of Agriculture and Veterinary in the Assembly after receiving the deputation of Veterinary Assistant Surgeons on the 18th of August 1946, by the Hon'ble Minister-in-charge and the Hon'ble Finance Minister of the Province?

(b) Is it a fact that this delay in giving effect to this scale of pay is due to the objections raised by the Local Boards of Assam which contributed mainly for the upkeep of the Veterinary Department?

(c) If so, will Government be pleased to state why the Department is not provincialised like those of the Agriculture and Public Health Departments?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied:

466. (a)—No. During the last 4/5 years 4 Veterinary Assistant Surgeons died and 2 were invalided.

(b)—Government have no information.

(c)—Government have since revised the scale of pay of the Veterinary Assistant Surgeons to Rs.75—5—175 with effect from 1st April 1947 subject to such revision as may be made on the recommendation of the Provincial Pay Commission. The question of travelling allowance will receive due consideration on the recommendation of the Pay Commission.

47. (a)—The hon. Member is referred to the reply to Question No. 466(c).

(b)—No.

(c)—Does not arise.

Srijut HALADHAR BHUYAN: ১৯৪৬ চনৰ ১৮ আগষ্টত এটা deputation পঠিওৱা হৈছিল। সেই deputation অহাৰ ফলত অনাৰেবোল ফাইনান্স মিনিষ্টাৰ আৰু অনাৰেবোল এগ্ৰিকাল্চাৰ আৰু ভেটেনেৰী মিনিষ্টাৰ দুয়োজনে agree কৰিছিল যে proposal অহা মাত্ৰকে এই scale ৰ effect দিয়া হ'ব। আজিলৈকে এই scale ৰ effect দিয়া হোৱা নাই আৰু এই proposal আজিলৈকে কিয় D-----

Srijut HALADHAR BHUYAN: As a result of a petition submitted by me the Hon'ble Ministers for Finance and Agriculture were agreeable to give effect to the new scale of pay mentioned, but up till now that agreement has not been fulfilled, that is, the effect of the new scale of pay has not been given yet. That is my question, Sir.

The Hon'ble the SPEAKER: The hon. Member's point is why no effect to the agreement or pledge has been given by the Hon'ble Ministers.

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Effect has I think been given to the revised scale of pay from the 1st April 1947.

***Srijut GAURI KANTA TALUKDAR:** But those employees have not got their increased salary of scale yet ?

The Hon'ble Srijut GOPINATH BARDOLOI: I may enlighten the House in this respect. The position is that the scale has been sanctioned but, if the principle is applied to the Veterinary Assistant Surgeons who have long been in service, this increased pay will give them very little benefit in their salary. So, the matter is again under consideration of Government. If the present revised scale of pay is given effect to the new entrants the old entrants will get but little benefit.

Srijut HALADHAR BHUYAN: May I inform the Hon'ble Prime Minister that the Hon'ble Ministers for Finance and Agriculture had promised to give effect to the revised scale of pay to the new entrants from the 18th August, 1946 and to the old entrants according to the length of their service ?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already said that the matter is again under the consideration of Government and I have not anything to add.

***Srijut GAURI KANTA TALUKDAR:** Do we understand, Sir, that all the Veterinary Assistant Surgeons will get the benefit of the revised scale of pay ?

The Hon'ble Srijut GOPINATH BARDOLOI: I have made that clear, Sir.

The Hon'ble Srijut BISHNURAM MEDHI: As my Hon'ble Premier has just stated, the matter is under consideration how the old and new entrants of these employees will be given benefit of the new scale of pay. It is now to be considered whether those who have put in more than 10 years of service as Veterinary Assistant Surgeons will have to be given retrospective effect of the new scale.

The Hon'ble the SPEAKER: What I have not been able to follow is really whether the scale has been given effect to.

***The Hon'ble Srijut GOPINATH BARDOLOI:** So far as the new entrants are concerned it is perfectly clear that they will come under the scale. What remains is the fixing of the salary according to the time that some officers may have been in the service.

Srijut HALADHAR BHUYAN: Pay Commission ৰ কথা কোৱা হৈছে। Pay Commission মাত্ৰ সিদিনা হৈছে; তাৰ লগত এইটো কথা লগ লগাব নালাগে। এইটো এবছৰৰ আগৰ কথা।

The Hon'ble Srijut BISHNURAM MEDHI: The idea is that if the Pay Commission increases the pay they will get the benefit.

Srijut HALADHAR BHUYAN: সেইটো নকলেও হব। যদি Pay Commission এ কিবা benefit দিয়ে সেইটো automatically পাব। They will get it automatically.

The Hon'ble Srijut BISHNURAM MEDHI: They have been given the Sub-Assistant Surgeons' Scale. If the grade of the Sub-Assistant Surgeons is reduced or increased, they will get the same decrease or increase.

Srijut HALADHAR BHUYAN: Pay Commission ৰ কথাটো ইয়াত redundant, কাৰণ Pay Commissionৰ কথা হৈছে universal কথা—ই এটা isolated কথা হব নোৱাৰে। Pay Commission ৰ recommendation ভাল হলেও সকলোৱে পাব বেয়া হলেও সকলোৱে পাব। কিন্তু ইয়াত Pay Commission ৰ কথা নুঠে।

The Hon'ble the SPEAKER: আপুনি জানিব বিচাৰিছিল যে আপোনাক যি প্ৰতিশ্ৰুতি দিছিল সেইটো বক্ষা কৰাত পলম হৈছে আৰু সেইটো বক্ষা কৰা হবনে নহয়।

Srijut HALADHAR BHUYAN: সেইটো পলম হৈছে আৰু বক্ষা কৰাও হোৱা নাই। এতিয়া কৈছে যে কাৰোবাৰ যদি ১০ বছৰ service হৈছে সেই হিচাবে বিবেচনা কৰি increment দিয়া হব। অনাৰেবোল ফাইনান্স মিনিষ্টাৰে তেতিয়া কৈছিল যে Department ৰ পৰা proposal আহিলেই বিবেচনা কৰা হব। মই জানিব খোজেঁ যে Department ৰ পৰা কিয় এতিয়ালৈকে proposal অহা নাই। ১৯৩৭ চনৰে পৰা মই Veterinary Department ৰ ডাক্তৰ সকলৰ দুখ আৰু দুগতিৰ কথা জনাই আহিছোঁ। কোনো কোনো ডাক্তৰে ১,০০০ বৰ্গমাইল লৈকে কাম কৰিব লাগে। এইটো বৰ arduous বুলি স্বীকাৰ কৰা স্বত্বেও আৰু নতুন scale মতে দৰমহা দিবলৈ agree কৰিও আজিলৈকে সেই প্ৰতিশ্ৰুতি কিয় পালন কৰা নাই আৰু নকৰিবৰ কাৰণ কি?

The Hon'ble the SPEAKER: মাননীয় ৰাজহ মন্ত্ৰী ডাঙৰীয়াই কিবা কবলগীয়া আছে।

The Hon'ble Srijut BISHNURAM MEDHI: The idea is that the Veterinary Assistant Surgeons enjoyed a scale of pay beginning from Rs. 55. That was not considered reasonable. It was decided that they should be placed on the same scale as the Sub-Assistant Surgeons of the Medical Department. This is why the scale was given and it was given effect to from the 1st April 1947.

Srijut HALADHAR BHUYAN: অকল এইটোয়েই নহয়, আৰু আছে।

The Hon'ble the SPEAKER: অনুগ্ৰহ কৰি প্ৰশ্ন সোধক।

Srijut HALADHAR BHUYAN: প্ৰশ্ন হিচাবেই কৰা খুজিছে।। Department ৰ কথাৰ নিমিত্তে এই context দিব লগা হৈছে। তেখেতে ফাইনান্স ডিপাৰ্টমেন্টৰ Sub-Assistant Surgeon ৰ ক্ষেত্ৰটোক

বিনাকৈ ঘৰ ভাৰা পায়নে নাপায়। চেফ্ৰেটেৰীয়ে কলে যে তেওঁলোকে ঘৰ ভাৰা ২০ টকাটকৈ পায়। তেতিয়া তেখেতে ভেটেনেৰী ডাক্তৰকো ঘৰভাৰা দিবলৈ সন্মত হৈছিল কিন্তু আজিনৈকে সেই ঘৰভাৰাও দিয়া হোৱা নাই। মই জানিব খোজো কিয় আজিনৈকে ঘৰ ভাৰা আৰু scale of pay with length of service অৰ effect দিয়া হোৱা নাই ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, what I have done is that the scale starting from Rs. 75 to Rs. 175 has been given effect to from 1st April 1947. As to how the scale, I mean the starting pay, should affect the old entrants whose pay is already above Rs. 75, is under the consideration of the Government. That is the whole information about this. How and in what manner the old entrants will be affected by the scale is under the consideration of Government.

***Srijut GAURI KANTA TALUKDAR:** Will Government be pleased to expedite the matter and see that the scale is given effect to in reality and not in paper? Will Government be pleased to expedite the matter and close the enquiry and allow the old entrants of Government to enjoy the fruits of the revised scale?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Government is trying to expedite the matter. The question of how this new scale should affect old entrants is under consideration. As soon as this is settled they will get their pay according to the revised scale.

Draftsmen and Computers in the offices of the Chief Engineer, Superintending Engineers and Executive Engineers

Shri SATINDRA MOHAN DEV asked :

468. Is it a fact—

- (a) That the Draftsmen and Computers in the offices of the Chief Engineer, Superintending Engineer and Executive Engineer have to scrutinise the designs and estimates of the respective subordinate offices and have also themselves to prepare designs and estimates of higher magnitude and higher value?
- (b) That these scrutinies save Government a good deal of money?
- (c) That the outdoor staff of the Public Works Department with similar qualifications when employed in the aforesaid branch are either found reluctant to take up these duties or are not found up to the mark?
- (d) That these two sections are borne on separate scales of pay and while the indoor technical staff has no prospects of promotion to higher ranks, the outdoor staff can rise up to the ranks of Sub-divisional Officers, Assistant Engineers and Executive Engineers?
- (e) That there exist a grievance in this respect and representations and petitions were submitted to Government on several occasions, without any effect?
- (f) That in recent recruitment of the indoor technical staff of the Superintending Engineers, outsiders with no experience in most cases have been appointed and the claims of the existing experienced hands of the Executive Engineers' offices were not considered and the grounds amongst others were that the shifting of these men from their present posts weaken the respective office?

* Speech not corrected.

(g) That owing to unpopularity of service in the indoor technical line, scanty response was received by Government to advertisements for filling up appointments and in consequence Government had ultimately to recruit men as temporary Overseers (Outdoor line) and then attach them to offices for indoor work ?

469. (a) Do Government propose to revise the cadre of these posts giving more pay and affording reasonable facilities for promotion and advancement ?

(b) If so, when ?

(c) If not, why not ?

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

468. (a) & (b)—Yes. They have to work under the instructions and guidance of more experienced officers and naturally their scrutinies are meant to and do save Government any avoidable expenditure of money.

(c)—Government have not received any such complaint so far. It is not true to say that outdoor staff engaged in the technical branch is not found up to the mark.

(d)—The two sections are borne on separate scales. The indoor technical staff does not enjoy the same prospects of promotion as the outdoor staff who may, on merits, be promoted to higher ranks.

(e)—Government considered the grievances, and the scales of pay of Draftsmen and Computers have as a result been raised from 1st April 1945 from Rs. 50—5—120 to Rs. 80—90—100 (Conf.)—4—120 for Draftsmen and from Rs. 60—5—100—5—150 to Rs. 80—90—100 (Conf.)—4—140 (E. B.)—6—176 for Computers. There is a further proposal to introduce a scale for these men similar to that for the members of the Assam Subordinate Engineering Service which will be considered by the Pay Committee appointed by Government.

(f)—The hon. Member's information is not altogether correct. The personnel for the Drawing Establishment of Superintending Engineers' offices has been found out of the men already working in the Chief Engineer's Office, in addition to one transferred from the Divisional office.

(g)—It is reasonable to infer that owing to insufficient number of technically qualified people being available and the pay of staff for indoor technical work being lower than that for outdoor technical work, there is scanty response for the posts in the Drawing Branch.

469. (a) & (b)—As already stated in reply to Question 468(e) above the matter will be considered by the Pay Committee.

(c)—Does not arise.

Class III Officers of the Assam School Service

Shri SATINDRA MOHAN DEV asked :

470. (a) Is it a fact that Teachers and Sub-Inspectors both belong to Class III of the Assam School Service with same pay and prospect ?

(b) Is it a fact that the interchange of Officers between the Teaching and Inspecting branches of the said service is occasionally allowed ?

(c) If so, will Government be pleased to state the principle they follow in cases of such interchange of Officers ?

471. Will Government be pleased to state :—

(a) The total number of officers in Class III of the Assam School Service ?

- (b) How many of them are in the Teaching line and how many of them are in the Inspecting line ?
- (c) The number of officers in Class I of the Teaching and Inspecting branches ?
- (d) What percentage of teachers as well as of Sub-Inspectors in Class III of the Assam School Service gets chance of promotion to Class I of the same Service ?
- (e) Whether it is a fact that Sub-Inspectors of Schools get promotion direct from Class III to Class I superseding the claims of their senior brother officers in the teaching branch ?
- (f) Whether the total length of service in the Department or length of service in Class I only is considered as the criterion for promotion to the Selection Grade, to the posts of Superintendents of Normal Schools and those of the Assistant Inspectors of Schools ?
- (g) Whether it is a fact that of late Government propose to adopt a scheme of recruiting Deputy Inspectors of Schools from among the senior members of Class II of the Assam School Service and several officers on this ground offered their candidature for the same ?
- (h) Whether they have abandoned this scheme ?
- (i) If so, why ?
- (j) If not, why this has not been brought into operation as yet ?

472. (a) Will Government be pleased to state whether they have granted or contemplated to grant any compensatory allowances to those Officers whose rightful claims to promotion were superseded by their juniors on the ground of promotion on valley basis ?

(b) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

470. (a)—Yes.

(b)—Yes.

(c)—There was no fixed principle in the past but recently Government have decided to adopt the principle that there should be free interchange of appointments between the teaching and inspecting lines of the Class III, Assam School Service, so that every Class III officer must pass through Class II, Assam School Service, before he goes on to Class I of the same Service.

Srijut GAURI KANTA TALUKDAR : Will Government be pleased to let this House know after how many years of service approximately a Class III Officer of the teaching line obtains Class II Service ?

The Hon'ble Srijut GOPINATH BARDOLOI : It has never happened at less than twenty years. It is only towards the last stage of the teacher's existence that he actually comes to Class II. Often times a teacher has to retire without even getting to Class II.

Srijut GAURI KANTA TALUKDAR : Will Government enquire whether sedentary service for a pretty long time makes him unfit for active service in the inspecting line.

The Hon'ble Srijut GOPINATH BARDOLOI : That may be so in the beginning. But the arrangement is that till we have sufficient number of Sub-Inspectors, the policy adopted is that after 5 years service in the teaching line

he will be coming as Sub-Inspector. Thus the relationship between teaching and inspecting will be maintained without at the same time causing heart-burning to the teaching staff and without at the same time defeating the efficiency. It is quite likely that as my hon. Friend has just pointed out that in the beginning it may be difficult for some teachers having developed sedentary habits to come to the inspecting line. In this matter special arrangements are being made. It is quite clear that after some time that arrangement will be managed in such a way that efficiency will not be impaired.

Srijut GAURI KANTA TALUKDAR : Officers in the inspecting line after working for several years in the inspecting line will be cut off from the teaching line for a long time. So will they be fit for teaching in the High schools ?

The Hon'ble Srijut GOPINATH BARDOLOI : His experience in the inspecting line will only add to his knowledge of teaching.

Srijut GAURI KANTA TALUKDAR : He will be cut off from teaching for five or six years at least.

The Hon'ble Srijut GOPINATH BARDOLOI : That, I suppose, would not make much difference. As I said just now, when we have a sufficient number of Inspectors we will have a cadre of their own. The idea is that there should be one grade of service now.

Srijut GAURI KANTA TALUKDAR : My object in putting these questions is that this free interchange of officers of the two lines of service is bound to impair teaching in high schools as well as inspection in primary schools.

The Hon'ble Srijut GOPINATH BARDOLOI : That has not been found to be the case. We had all along been interchanging officers in the higher cadre, and I don't think that this practice in the lower cadre will impair the efficiency of teaching and inspecting.

Srijut GAURI KANTA TALUKDAR : Is it not the idea of Government to make this free interchange with a view to give the members of the teaching staff better prospect ?

The Hon'ble Srijut GOPINATH BARDOLOI : In order to remove the heart-burning and grievances which men of same qualification and in the same status naturally have, we have adopted this policy temporarily.

Srijut GAURI KANTA TALUKDAR : Is it not more desirable to remove this heart-burning by creating a number of posts in Classes I and II for the members of teaching staff and allowing them to enjoy the emolument of these classes without holding the posts of Assistant Head Master or Head Master, instead of impairing the members of the inspecting staff of their prospect ?

The Hon'ble Srijut GOPINATH BARDOLOI : I am afraid, Sir, the hon. Member has not been able to follow the whole thing. The point is that if there is a sufficient number of members of the inspecting staff for the purpose of creating a separate cadre, it will be done. What happens now is that a Class III officer of the inspecting staff is promoted immediately to Class I, and quite a good number of teachers with the same qualifications are deprived from getting into Class II even.

Srijut GAURI KANTA TALUKDAR : Will not the proposed system of interchange of officers from the teaching and the inspecting staff impair efficiency in both the lines ?

The Hon'ble Srijut GOPINATH BARDOLOI : I have already replied to this question, Sir.

Srijut GAURI KANTA TALUKDAR : My point is that this system is going to do away with the principle of utilising experience which a member of the teaching staff acquires after some years of service.

The Hon'ble Srijut GOPINATH BARDOLOI : Sir, this is a matter entirely of opinion. On the other hand, I have said that the relative knowledge of both teaching and inspecting lines is necessary for the purpose of efficiency.

Srijut GAURI KANTA TALUKDAR : Will it not be better if these two lines are made altogether independent of each other and the members are given separate scope for prospect in their own line as is the case in other departments ?

The Hon'ble Srijut GOPINATH BARDOLOI : We have been taking higher inspecting staff from the professorial line, and this has not impaired efficiency in either of the lines.

Srijut GAURI KANTA TALUKDAR : Do Government recognise that this practice has not fully proved a success ?

The Hon'ble Srijut GOPINATH BARDOLOI : No, Sir, Mr. Small was supposed to be a good Director of Public Instruction and late Mr. Sarat Chandra Goswami was found to be an efficient Inspector of Schools.

Srijut GAURI KANTA TALUKDAR : Sir, the late Srijut Sarat Chandra Goswami was a successful Deputy Inspector and he proved himself to be an efficient Inspector of Schools.

The Hon'ble Srijut GOPINATH BARDOLOI : He was. Everybody knows he was the principal of the Government Normal School.

Srijut GAURI KANTA TALUKDAR : When the Hon'ble Prime Minister has been pleased to raise this question of recruiting Inspectors and Assistant Inspectors from the professorial line, may I ask him whether it is not a fact that this practice has fully not served the purpose ?

The Hon'ble Srijut GOPINATH BARDOLOI : I have nothing more to add, Sir. The hon. Member is entitled to have his own opinion.

The Hon'ble the SPEAKER : Did hon. Mr. Talukdar seek an opinion ? What was his last question ?

Srijut GAURI KANTA TALUKDAR : My question was not about recruitment of Inspectors from the Professors. But that was kindly raised by the Hon'ble Prime Minister. When that question was raised I wanted to show that that practice has not proved a complete success and I request Government to take note of that.

The Hon'ble Srijut GOPINATH BARDOLOI: He did raise this question by saying that there was no such practice in other departments.

Srijut GAURI KANTA TALUKDAR: My questions related to the recruitment of members from the teaching staff in schools to the inspecting staff.

The Hon'ble Srijut GOPINATH BARDOLOI: I have already said, Sir, that if it is possible to evolve an independent inspecting organisation it will be done; but at present the system of promoting Class III service officers to Class I straightaway and thus depriving others of same qualifications and possibly the same or better capacity, did not lead to a healthy working of the teaching administration, at any rate.

Srijut GAURI KANTA TALUKDAR: I am not questioning the capacity of the respective officers. My point is that the inspecting line should be kept altogether independent of the teaching line. The cadres should be different and if the members of the teaching staff are given better prospect that will not create any heart-burning, as at the time when they enter service they will know what are their prospects. These Sub-Inspectors have been given an idea at the time of their entering service that they will be promoted to Class I of the Service in due course. Now, they are going to be deprived of this chance. I consider this as something which Government ought to take into consideration.

The Hon'ble the SPEAKER: Order, order. If the hon. Member wants I can allow him half an hour after 4 P. M., to discuss this matter, but, as the hon. Member knows, supplementary questions cannot be utilised for creating a discussion. They are meant only for eliciting information.

Srijut GAURI KANTA TALUKDAR: I quite agree and make a request to the Hon'ble Prime Minister to agree to such a discussion.

The Hon'ble the SPEAKER: The Hon'ble Prime Minister's agreement is not necessary. It is for the Chair to allow such a discussion. But is the hon. Member ready to sit after 4?

The Hon'ble Srijut GOPINATH BARDOLOI: There is another thing, Sir. It must also be a matter of public importance.
(Voices:—The hon. Member has already taken half an hour.)

***Dr. EMRAN HUSAIN CHAUDHURY:** The Hon'ble Prime Minister said that Mr. Small was supposed to be a good Director of Public Instruction. May I know from him—supposed by whom?

The Hon'ble Srijut GOPINATH BARDOLOI: That was the general supposition.

***Dr. EMRAN HUSAIN CHAUDHURY:** That is not correct, Sir.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

471. (a)—495 on 31st March 1947.

(b)—63 in the inspecting and 432 in the teaching line.

(c)—54.

(d)—Sub-Inspectors 3 to 1, Teachers 15 to 1.

*Speech not corrected.

(e)—Yes this principle was followed in the past but since the present Government decided to adopt the principle mentioned in the reply to Question No.470 (c) above every Class III officer must pass through Class II before he goes on to Class I, Assam School Service.

(f)—Seniority in Class I, Assam School Service, and merit.

(g)—Yes.

(h)—No.

(i)—Does not arise.

(j)—Recently a post of Deputy Inspector has been filled by a Senior officer in Class II.

472. (a)—Personal pay was granted to certain officers as compensation for the loss of promotion blocked by the policy of promotion on valley basis.

(b)—Does not arise.

Number of gun licenses in 1946 in the districts of Sibsagar, Nowgong, Kamrup, Darrang and Goalpara

Maulavi ABUAL MAJID ZIAOSH SHAMS asked :

473. Will Government be pleased to state—

(a) The total number of gun licenses both breech loading and muzzle loading and rifles in 1946 in each of the districts of Sibsagar, Kamrup, Nowgong, Darrang and Goalpara ?

(b) The total number of licenses of guns breech loading, muzzle loading and rifles issued to Muslims in the year 1946 in each of the above districts ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

473. (a) & (b)—A Statement is given below :—

(1) Sibsagar District

| | | | | | |
|-------------------------|-----|-----|-----|-----|-------|
| (a) Breech loading guns | ... | ... | ... | ... | 1,283 |
| Muzzle loading guns | ... | ... | ... | ... | 1,317 |
| Rifles | ... | ... | ... | ... | 175 |
| (b) Breech loading guns | ... | ... | ... | ... | 3 |
| Muzzle loading guns | ... | ... | ... | ... | Nil. |
| Rifles | ... | ... | ... | ... | Nil. |

(2) Kamrup District

| | | | | | |
|-------------------------|-----|-----|-----|-----|------|
| (a) Breech loading guns | ... | ... | ... | ... | 33 |
| Muzzle loading guns | ... | ... | ... | ... | 2 |
| Rifles | ... | ... | ... | ... | Nil. |
| (b) Breech loading guns | ... | ... | ... | ... | 7 |
| Others | ... | ... | ... | ... | Nil. |

(3) Nowgong District

| | | | | | |
|-------------------------|-----|-----|-----|-----|-------|
| (a) Breech loading guns | ... | ... | ... | ... | 790 |
| Muzzle loading guns | ... | ... | ... | ... | 1,426 |
| Rifles | ... | ... | ... | ... | 48 |
| (b) Breech loading guns | ... | ... | ... | ... | 5 |
| Muzzle loading guns | ... | ... | ... | ... | 4 |
| Rifles | ... | ... | ... | ... | 1 |

(4) Darrang District

| | | | | | |
|-------------------------|-----|-----|-----|-----|-------|
| (a) Breech loading guns | ... | ... | ... | ... | 729 |
| Muzzle loading guns | ... | ... | ... | ... | 1,098 |
| Rifles | ... | ... | ... | ... | 128 |
| (b) Breech loading guns | ... | ... | ... | ... | 4 |
| Muzzle loading guns | ... | ... | ... | ... | Nil. |
| Rifles | ... | ... | ... | ... | Nil. |

(5) Goalpara District

| | | | | | |
|-------------------------|-----|-----|-----|-----|------|
| (a) Breech loading guns | ... | ... | ... | ... | 807 |
| Muzzle loading guns | ... | ... | ... | ... | 939 |
| Rifles | ... | ... | ... | ... | 55 |
| (b) Breech loading guns | ... | ... | ... | ... | 4 |
| Muzzle loading guns | ... | ... | ... | ... | Nil. |
| Rifles | ... | ... | ... | ... | Nil. |

Maulavi ABUAL MAJID ZIAOSH SHAMS: I did not frame question (b) like this, Sir. My question was with regard to the total number of guns etc. held by the Muslims in 1946, and not issued to Muslims.

The Hon'ble the SPEAKER: Did not the hon. Member receive admitted copy of his Questions ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: I do not remember, Sir, whether I got the admitted copy or not.

The Hon'ble the SPEAKER: Certainly copies of admitted Questions were sent to hon. Members.

Maulavi ABUAL MAJID ZIAOSH SHAMS: They are generally sent, Sir.

The Hon'ble the SPEAKER: Did the hon. Member object to the form of admitted Questions.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Probably I was absent from Dhubri when the admitted copy reached there.

The Hon'ble the SPEAKER: May I invite the attention of the hon. Member, who is a seasoned Parliamentarian, that it is not strictly proper to say that he did not put the Question in this form ? The copy of the admitted Question was sent to him, and he did not protest against the form in which the Question was admitted. It is not proper now to say that he did not put the Question in the form in which it has been put down in the Question paper.

Maulavi ABUAL MAJID ZIAOSH SHAMS: I might have missed the admitted copy, Sir. I would be glad to know whether Government would be pleased to reply to this Question in the form in which I originally put the Question.

The Hon'ble the SPEAKER: What is the form ?

Maulavi ABUAL MAJID ZIAOSH SHAMS: The total number of licences granted including rifles held by Muslims in 1946.

The Hon'ble the SPEAKER: That will require notice.

Maulavi ABUAL MAJID ZIAOSH SHAMS: It may be replied later, Sir.

The Hon'ble the SPEAKER: My position is clear. At any rate, we want to create healthy convention in the House. The hon. Members will pay due attention in their capacity as Members of the Legislature to copies of admitted Questions sent to them. I am taking up this matter with a very senior Member of the House and it is expected of him to know the rules and act accordingly.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, the Government is in a position.....

The Hon'ble the SPEAKER: The Government may or may not be in a position to reply but I do not propose to allow to give reply in such cases—not that I want to shut out information but I want to stick to a healthy principle.

Maulavi MAHAMMAD ROUFIQUE: Sir, this Question may stand over for the next day.

The Hon'ble the SPEAKER: Yes.

Statement *re* Shooting incident at Silchar

Maulavi MAKABBIR ALI MOZUMDAR: Sir, I received a telegram on the 7th from Mr. Moinul Haque Choudhury, one of the leading members of the Muslim League about a shooting incident at Silchar resulting in the death of 2 persons. I submitted a note to the Hon'ble Prime Minister requesting him to make a statement on the floor of the House.....

The Hon'ble the SPEAKER: When did that take place?

Maulavi MAKABBIR ALI MOZUMDAR: On the 7th instant, Sir. In that note I requested the Hon'ble Prime Minister to make a statement. Sir, may we hear him now?

The Hon'ble Srijut GOPINATH BARDOLOI: I thank the hon. Member for giving me the opportunity of letting the House know about the matter he has mentioned. I myself received an information from the Police Department about the incident and I of course expected further information on the subject. But what we have got up till now, I am going to place before the House.

"On the night of the 5th September Police were reported to have been compelled in self-defence to open fire on a body of smugglers. Two were killed and three were injured. A Judicial enquiry was held" and beyond that I have no further information to give to the House. The details of shooting and all about the incident have not yet been sent to us and the result of the Judicial enquiry is not available till now. If I get these in the meanwhile, I shall surely let the House know about it—I mean, before the House adjourns.

Maulavi Saiyid MUHAMMAD SAADULLA: Sir, we are obliged to the Hon'ble Prime Minister. I also received a telegram to the same effect and I wanted to move an Adjournment Motion. But thinking that the Hon'ble Prime Minister may not have got details, I did not move any Adjournment

Motion. What I will request the Hon'ble Prime Minister is to get full details, especially about the locality where the shooting took place because he stated from his reply just now that the case was with regard to the smuggling of paddy. From the telegram it was inferred that the shooting took place in Silchar itself. Silchar is not the boundary of the Cachar District. Therefore, one cannot say that these are smugglers. So I will request the Hon'ble Prime Minister to get the information over the 'phone from Silchar, particularly about the locality where the shooting took place.

Resolution re: Establishment of a High Court for the Province of Assam

The Hon'ble the SPEAKER: We now pass on to item No.2—Government Resolution regarding the establishment of a High Court in Assam.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to move the following Resolution:—

"That a High Court be established for the Province of Assam, as early as possible and the *scheme outlined below be taken into consideration.

***APPENDIX**

Estimate of cost of the proposed High Court

A. Judges—

| | | | | | Annual |
|--|----|----|----|----|-----------------|
| | | | | | Rs. |
| 1. Chief Justice at Rs. 3,500 per mensem | .. | .. | .. | .. | 42,000 |
| 2. Two Puisne Judges at Rs. 3,000 per mensem | .. | .. | .. | .. | 72,000 |
| | | | | | <u>1,14,000</u> |

| | | | | | Minimum | Maximum. |
|------------------------------------|----|----|----|----|---------|----------|
| | | | | | Rs. | Rs. |
| B. Registrar at Rs. 1,200—50—1,500 | .. | .. | .. | .. | 14,400 | 18,000 |

C. Judicial Department—

(a) Civil Section

| | | | | | Minimum | Maximum. |
|--|----|----|----|----|---------------|---------------|
| | | | | | Rs. | Rs. |
| 1. Deputy Registrar at Rs. 750—50/2—850 | .. | .. | .. | .. | 9,000 | 10,200 |
| 2. Superintendent at Rs. 300—10—350 | .. | .. | .. | .. | 3,600 | 4,200 |
| 3. Senior Assistant at Rs. 150—10—250 | .. | .. | .. | .. | 1,800 | 3,000 |
| 4. Four Lower Assistants at Rs. 60—5—120 | .. | .. | .. | .. | 2,880 | 5,760 |
| | | | | | <u>16,280</u> | <u>23,160</u> |

(b) Criminal Section

| | | | | | |
|--|----|----|----|--------------|---------------|
| 1. Assistant Registrar at Rs. 400—50/2—750 | .. | .. | .. | 4,800 | 9,000 |
| 2. Senior Assistant at Rs. 150—10—250 | .. | .. | .. | 1,800 | 3,000 |
| 3. Four Lower Assistants at Rs. 60—5—120 | .. | .. | .. | 2,880 | 5,760 |
| | | | | <u>9,480</u> | <u>17,760</u> |

A printed copy of this Resolution as well as the Appendix which contains the scheme is before the House.

The Hon'ble the SPEAKER: Does this Appendix also form a part of the Resolution? Does it also include the *N. B.* below.

(c) *Paper Book, Translation and Stamp Report Sections*

| | Minimum Rs. | Maximum Rs. |
|---|----------------|----------------|
| 1. Assistant Registrar at Rs. 400—50/2—750 | 4,800 | 9,000 |
| 2. Editor and Taxing Officer at Rs. 150—10—250 | 1,800 | 3,000 |
| 3. Estimator, Compositor and Examiner at Rs. 60—5—120 | 720 | 1,440 |
| 4. Translator at Rs. 150—10—250 | 1,800 | 3,000 |
| 5. Stamp Reporter at Rs. 200—10—300 | 2,400 | 3,600 |
| 6. Four Lower Assistants at Rs. 60—5—120 | 2,880 | 5,760 |
| | <hr/> 14,400 | <hr/> 25,800 |

(d) *General Department (Appointment and Transfer)*

| | | |
|---|-------------|--------------|
| 1. Deputy Registrar in addition to his charge of Civil Section .. | .. | .. |
| 2. Superintendent at Rs. 300—0—350 | 3,600 | 4,200 |
| 3. Two Senior Assistants at Rs. 150—10—250 | 3,600 | 6,000 |
| 4. Three Lower Assistants at Rs. 60—5—120 | 2,160 | 4,320 |
| | <hr/> 9,360 | <hr/> 14,520 |

(e) *Accounts Department*

| | | |
|---|-------------|-------------|
| 1. Accountant and Cashier at Rs. 150—10—250 | 1,800 | 3,000 |
| 2. Four Lower Assistants at Rs. 60—5—120 | 2,880 | 5,760 |
| | <hr/> 4,680 | <hr/> 8,760 |

(f) *Bench Section*

| | | |
|--|-------------|--------------|
| 1. Senior Assistant at Rs. 150—10—250 | 1,800 | 3,000 |
| 2. Bench Clerk Stenographer for Chief Justice at Rs. 150—5—250. | 1,800 | 3,000 |
| 3. Two Bench Clerk Stenographers for two Puisne Judges at Rs. 100—5—200. | 2,400 | 4,800 |
| 4. Three Lower Assistants at Rs. 60—5—120 | 2,160 | 4,320 |
| | <hr/> 8,160 | <hr/> 15,120 |

(g) *Statement section including administrative report*

| | | |
|--|-------------|-------------|
| 1. Senior Assistants at Rs. 150—10—250 | 1,800 | 3,000 |
| 2. One Lower Assistant at Rs. 60—5—120 | 720 | 1,440 |
| | <hr/> 2,520 | <hr/> 4,440 |

(h) *Record, Library, Forms, Stationery Receipt and Disposal Sections*

| | | |
|--|--------------|--------------|
| 1. Keeper of Records at Rs. 150—10—250 | 1,800 | 3,000 |
| 2. Librarian at Rs. 150—10—250 | 1,800 | 3,000 |
| 3. Law Reporter at Rs. 300 | 3,600 | 3,600 |
| 4. Senior Assistant at Rs. 150—10—250 | 1,800 | 3,000 |
| 5. Five Lower Assistants at Rs. 60—5—120 | 3,600 | 7,200 |
| | <hr/> 12,600 | <hr/> 19,800 |

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, it does. As a matter of fact, the idea is that the House will commit itself to Government incurring expenditure upto the amount shown here. That is the main object of the Resolution. The details are yet left to be worked out. The idea of the Government in putting this matter before the House apart from the general sanction of the scheme is that this House commits itself to both recurring and non-recurring expenditure that is proposed in the scheme.

(i) Copying Section

| | Minimum | Maximum |
|--|--------------|--------------|
| 1. Four Typists on fixed pay at Rs. 60—5—100 | 2,880 | 4,800 |
| 2. Typists on fee basis | .. | .. |
| 3. Two Examiners at Rs. 60—5—160 | 1,440 | 2,400 |
| | <u>4,320</u> | <u>7,200</u> |

(j) Stenographers

| | Rs. | Rs. |
|---|--------------|--------------|
| 1. Stenographer for Registrar at Rs. 100—5—200 | 1,200 | 2,400 |
| 2. Three Stenographers for Deputy Registrar and 2 Assistant Registrars at Rs. 60—5—120. | 2,160 | 4,320 |
| 3. R. Dufry at Rs. 30—3—60 (two) | 720 | 1,440 |
| | <u>4,080</u> | <u>8,160</u> |

D. Menials

| | | |
|---------------------------------|-------|-------|
| Jamadars, Chaprasis. etc. | 5,000 | 7,000 |
|---------------------------------|-------|-------|

E. Contingencies

| | | |
|---------------------|--------|----|
| Approximately | 15,000 | .. |
|---------------------|--------|----|

F. Law Officers

| | | |
|---|---------------|-----------|
| 1. Advocate General at Rs. 1,500 per mensem | 18,000 | .. |
| 2. Standing Counsel at Rs. 1,000 | 12,000 | .. |
| 3. Government Advocate at Rs. 750 | 9,000 | .. |
| 4. Establishment | 5,500 | 8,880 |
| 5. Contingencies | 500 | .. |
| | <u>45,000</u> | <u>..</u> |

SUMMARY

| | | | | | | | |
|----|-----|----|----|----|----|-----------------|-----------------|
| A. | .. | .. | .. | .. | .. | 1,14,000 | 1,14,000 |
| B. | .. | .. | .. | .. | .. | 11,400 | 18,000 |
| C. | (a) | .. | .. | .. | .. | 16,280 | 23,160 |
| | (b) | .. | .. | .. | .. | 9,480 | 17,760 |
| | (c) | .. | .. | .. | .. | 11,400 | 25,200 |
| | (d) | .. | .. | .. | .. | 9,360 | 14,520 |
| | (e) | .. | .. | .. | .. | 4,680 | 8,760 |
| | (f) | .. | .. | .. | .. | 8,160 | 15,120 |
| | (g) | .. | .. | .. | .. | 2,520 | 4,440 |
| | (h) | .. | .. | .. | .. | 12,600 | 19,800 |
| | (i) | .. | .. | .. | .. | 4,320 | 7,200 |
| | (j) | .. | .. | .. | .. | 4,080 | 8,160 |
| D. | .. | .. | .. | .. | .. | 5,000 | 7,000 |
| E. | .. | .. | .. | .. | .. | 15,000 | 15,000 |
| F. | .. | .. | .. | .. | .. | 45,000 | 48,880 |
| | | | | | | <u>2,79,280</u> | <u>3,47,100</u> |
| | | | | | | | |

Grand total

N.B.—A provisional estimate for non-recurring expenditure which will be necessary for the purpose of the library and the building of the High Court is about 5 lakhs.

But before this is taken up Sir, it is necessary for me to inform the House the steps that we have taken in the meanwhile towards the establishment of a High Court. Before we brought this matter before this House we discussed the matter with the hon. Leader of the Opposition both in reference to this scheme itself and the procedure to be adopted by Government for bringing it to fulfilment; and the House will be glad to have the hon. the Leader of Opposition's view in this matter directly. I need not, I think, take any time of the House in stressing the necessity of a High Court for this Province. This venture is not a new one. Once, this House presented an Address for the purpose of establishing a High Court under the Letters Patent of His Majesty the King, but for some reasons, I do not know them very clearly, the proposal contained in the Address was not given effect to. But we have all along been feeling the want of a High Court all these while and the poor litigants are being deprived of cheap and expeditious justice all these years. In the meantime, sometime about 6 months ago we were informed by the Calcutta High Court that beyond 31st March 1948 the Government of Bengal, for the matters so far the Calcutta High Court administration within the Province of Assam is concerned, could not continue the responsibility of such administration. The question, therefore, for establishing a High Court, as early as possible had to be taken up and we lost no time in doing so. We approached the Government of India on the subject and the Constitutional Adviser to the Constituent Assembly, the Reforms Department of the Government of India and the Hon'ble Member of the Dominion Government through our Advocate General.

As a result of those discussions which were mainly carried on by me and my hon. friend the Advocate General, we are in a position to tell the House that could the House agree to a sort of a Motion —(and in this regard I am only placing before the House the views of the Constitutional Adviser)—which will give the authorities concerned the opportunity to see to the setting-up of this important Institution, Dominion Government may take this matter into consideration. Sir, we had seen the Constitutional Adviser on this question as also the Reforms Secretary of the Government of India. We all know that under the new set-up the Parliament does not function and it is the Governor-General who will be the final authority in disposing of matters like this. Section 9 of the Indian Independence Act and the sections thereunder have made provision for varying the Constitution as also for establishing institutions like the judiciary and things of that kind. As I said Sir, we thought it necessary to consult the Constitutional Adviser and the Reforms Secretary of the Government of India as to how we should move in this matter. It was decided by this Government that the Advocate-General of Assam would further meet Sir B. N. Rau while he was on his way to Rangoon in his capacity as temporary Adviser to Burmese Constituent Assembly and discuss this matter with him. Unfortunately the Advocate-General could not meet him but the Constitutional Adviser, Sir B. N. Rau, was kind enough to look into this Scheme which was already given to him by me in New Delhi, and he sent his views in a letter that I am putting before the House for the purpose of understanding the procedure that we have got to follow in setting up this Institution. I am reading that letter just now:—

“I understand that the Advocate-General of Assam passed through Calcutta on the 21st August, a day before my arrival. Apparently he had urgent business in Delhi and could not wait; but he has left a message to the effect that he would see me in Calcutta on my way back from Rangoon”.

Now I could give this information to the House that he will arrive at Calcutta tomorrow afternoon and that he has asked me again to send the Advocate-General to meet him there. The Advocate-General will leave for Calcutta this afternoon and if he is armed with the opinion of this House he would be in a better position to discuss the matter in detail.

"The main question is as to the precise procedure to be adopted in getting the Scheme through. The Memorandum proposes that the new High Court should be established by an Order of the Governor-General to be made under section 9(1) (i) of the Indian Independence Act. Such an Order can be made at any time before 31st March 1948. I myself consider that these provisions can be utilised for the purpose, particularly in view of section 9(6) of the Act, which places Assam on the footing of a new Province like East Bengal or West Punjab. It has, however, been suggested in certain quarters that the better course would be to proceed under section 229 of the Government of India Act, 1935, as adopted. This would require the Scheme to be placed before the Assam Legislative Assembly and an Address to be submitted by the Assembly praying for the establishment of the proposed High Court. The Court then be constituted by His Majesty by Letters Patent, and would have the same status as the other chartered High Court in Calcutta and elsewhere".

"Even if section 9(1)(i) of the Indian Independence Act were utilised, the Central or Dominion Ministry would have to be convinced of the necessity for the proposed High Court before they could be expected to advise the Governor-General to make the Order required. An Address from the Assam Legislative Assembly would make it easier for the Ministry of the Dominion to accept the recommendation for the new High Court; and once the Dominion Ministry is convinced, it should be almost as easy to obtain Royal Letters Patent as an Order from the Governor-General. Thus, the procedure by Letters Patent should be no more difficult than the procedure contemplated in the Memorandum, and might give the new High Court a higher status. The best course in these circumstances would appear to be—

(1) to place the Scheme before the next Session of the Assam Legislative Assembly—

(2) to get that Assembly to present an Address in terms of section 229 of the Government of India Act, 1935 for the establishment of a High Court by Royal Letters Patent in accordance with the Scheme and also to authorise the Governor to move the Governor-General for the establishment of such a Court by an Order under section 9(1) (i) of the Indian Independence Act if its establishment by Letters Patent is not possible. This might save time.

If the new High Court is to take over the work of the Revenue Tribunal, an Act of the Assam Legislature would be required in view of section 226 of the Government of India Act, 1935. Certain other matters also require attention. These I should like to discuss with the Advocate-General as soon as the two of us can meet. I hope to be back in Calcutta on my return journey by about the 10th of September, but shall confirm this date in due course".

So he has done it now and actually he is arriving Calcutta on the 10th. We have already advised the Advocate-General to go to-day after hearing the debate.

Now with regard to the position the House has to accept in this respect: It is to be decided whether we should proceed under section 229 of the Government of India Act, 1935, as adopted or under section 9(1) (i) of the Indian Independence Act. On this point also we had further discussion with persons concerned in New Delhi. After that letter was received in New Delhi, the Advocate-General consulted both the Reforms Commissioner in-charge and the Hon'ble Member of the Dominion Government in-charge of these subjects. As a result of that discussion it was obtained that the quicker procedure, viz. by

section 9 (1) (i) of the Indian Independence Act could be acceptable to the Dominion Government and that there will be no difficulty for the establishment of a High Court even if this procedure was adopted. Before the scheme was actually printed, we thought it necessary to take into confidence the opinion of the Leader of the Opposition. He was also convinced that the better procedure would be to take action under the Independence of India Act and according to which the scheme has got to be presented before the House and for this a Resolution of the House is necessary.

Now, with regard to the question of status, it may be pointed out that there can hardly be any difference in the status on account of the fact that we propose to proceed under section 9 (1) (i) of the Indian Independence Act. Since after the entire powers have been made over to India by the Independence of India Act, we see little difference between the High Court that will be established by the Letters Patent or by the procedure that we are proposing you to adopt. The main question is that in each case it is an assent of the Governor-General, which under the present constitution is nothing but an assent of the Dominion Ministry, on which the function of a High Court will depend. Whether it is to be an Institution by Letters Patent or by the Procedure of the Section 9(1) (i) of the Indian Independence Act, the defining authority is the Dominion Government and therefore one really does not see any distinction of status. I hope, the hon. Leader of the Opposition will make this point clear in his speech. But that is the opinion of this Government from advices received from all quarters including the Leader of the Opposition. Therefore, we have chosen to follow this Procedure. I shall now read the appropriate sections on this behalf. On the question of Procedure that has been laid down in this Section—Section 9(1) which runs as follows:—

“9. Orders for bringing this Act into force—

(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—

(a) for bringing the provisions of this Act into effective operation” ;

There are other sections (b), (c), (d), (e), (f), (g) and (h), which need not be quoted here, as they do not concern this matter, but sub-section (i) requires mention, as it is to the point, it runs as follows:—

“(i) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein”.

By virtue of this power the Legislative Council of this Province was removed. Therefore, the Governor General is in a position by virtue of this power given under Section 9(1) (i) to establish or create a new Legislature or Court. So it is quite clear that according to this Section the Governor-General can give his assent to the creation of this Court.

Sub-section (6) of the Section states—

“If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province”.

It is by virtue of this clause the Governor-General is given power to establish a High Court in Assam, which after the Referendum in Sylhet has become a new Province.

*Maulavi ABUAL MAJID ZIAOSH SHAMS : May I know whether the East Bengal Government could create a High Court under the Letters Patent or under Section 9(1) ?

The Hon'ble Srijut GOPINATH BARDOLOI : By virtue of Section 9(1) the East Bengal Government have already created a High Court, to my knowledge.

There is another Section which is relevant to us. "9(5)—No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion".

Therefore, it is clear that this authority will remain in the Governor-General only till 31st March, 1948 and that is the reason for this expedition on the part of this Government for bringing up this Scheme before the House.

Now, regarding the scheme that I have submitted before the House it is one from the Advocate General. In the meantime the Scheme was examined by the Leader of the Opposition. He had shown it in his note, which I think it would be better for him to explain to the House, that the demand which the Government proposes in respect of expenditure will be very much lesser than what it is. He has further given some advice regarding economy. I hope, he will place these facts in his speech before the house. I am sure, he has got a copy of his note with him.

In asking you to accept the Government Resolution, it is nothing more than asking the House to commit itself to an expenditure which under some circumstances it may be necessary for the Province to incur. But it is not only of finance that I thought of during these days; we have to think of the Schemes in which we shall be able to function properly. That is the reason why we have placed this Scheme before the House; the outlines of the Scheme are there; I do not propose to discuss it. They are more or less matters to be worked out by the people who have given closer examination of the subject. What is proposed to be done in this Motion before you is that the House commit itself to a recurring expenditure of fifty thousand rupees and non-recurring five lakhs, which will include buildings as well as libraries under the Scheme. We know almost definitely that the expenditure side might decrease and the revenue side may slightly increase. I think for the purposes of putting the Scheme before the Government of India, we have to think of various factors; I think the financial reason is one. All people know that we are in deficit, but some thought it is better to say we are not so. But in the matter of this fifty thousand rupees we feel the House will not suffer very much on account of passing that fifty thousand extra. Accordingly this assent is sought from you, Sir.

Maulavi SAYIDUR RAHMAN : Does this principle involve the abolition of the existing conditions?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, Sir, but that of course has been mentioned in what I said just now. I need not perhaps read the whole proposal which has been prepared by the Advocate-General. However, there are certain matters which have not yet been decided and I think it will be necessary to place that before the House. The proposal says "Our actions proceed from a widely expressed desire among the people whom we represent to manage their own affairs in all spheres including the sphere of administration of justice."

As it is known to the House, except for a small portion of Shillong, the rest of the Hills are not under the jurisdiction of the present High Court which administers our Justice. But on the other hand, it was found during the course of enquiry in the Hills that there may be certain matters which may have to be taken up by the High Court of the Province—certain matters in relation to which

there may be litigation between the peoples of the Plains and those of the Hills and those cases which require the highest justice, for example, criminal cases which involve hanging and other higher sentences in imprisonment. So it is quite possible that with the consent of the Hills people, the jurisdiction of the Court may have to extend to those areas. Provision has therefore been made in such a way by which this jurisdiction can be assumed by the new High Court.

Then regarding the Revenue Tribunal which acts as the highest judiciary in the Province in reference to Land and Revenue Regulation, it is proposed that some legislation be made to abolish this Tribunal and confer the jurisdiction now exercised by the Revenue Tribunal on the jurisdiction of the new High Court.

Maulavi ABUAL MAJID ZIOASH SHAMS: Mr. Speaker, Sir, I want to know.....

The Hon'ble the SPEAKER: I shall soon put the Resolution and the hon. Member may then take part in discussion.

The Hon'ble the SPEAKER: Resolution moved :

"Resolved that a High Court be established in the Province of Assam as early as possible and the Scheme outlined below be taken into consideration".

Hon Members have got printed copies before them. The Resolution includes an Appendix together with an explanatory note below.

***Maulavi ABUAL MAJID ZIOASH SHAMS:** Mr. Speaker, Sir, I just want to know from the Hon'ble Premier whether this High Court is proposed to be sited at Shillong or Gauhati ?

The Hon'ble Srijut GOPINATH BARDOLOI: Well, that is, of course, a question which is not related to the Scheme, but I may as well inform the hon Member that it is proposed to be in the plains and it will be at Gauhati.

Srijut SIDDHI NATH SARMA: মাননীয় সভাপতি ডাঙৰীয়া, প্রধানমন্ত্রী ডাঙৰীয়াই যি প্রস্তাবটো আজি এই সভাৰ আগত দাখি ধৰিছে মই সেই প্রস্তাবৰ বিৰোধিতা কৰিবলৈ উঠা নাই। মই সেই প্রস্তাবৰ গৰ্ব্বাস্থংকৰণে সমখন কৰোঁ আৰু কৰিছোঁ। কিন্তু, মোৰ মনত কিছুমান আশোঁৱাহ থকাত মই সেই আশোঁৱাহ বিলাকহে আঙুলিয়াই দিব খুজিছোঁ।

বিৰোধী দলৰ নেতা আৰু আসামৰ Advocate-General ৰ সহযোগীতাত এই scheme টো প্রধানমন্ত্রী ডাঙৰীয়াই দাখি ধৰিছে। এই সম্পৰ্কে মোৰ মনত প্রথমতে খেলাইছে যে বৃটিছ শাসনৰ তলত যি বিচাৰ বিভাগৰ সৃষ্টি হৈছিল সি ভাৰতত জাতীয় বা সামাজিক বা আৰ্থিক কোনো উন্নতি কৰিব পৰা নাই বৰং নৈতিক অৱস্থাৰ অৱনতিহে কৰিছে। ভাৰতত বৃটিছ শাসনৰ পূৰ্বে ভাৰতৰ প্রাথমিক বিচাৰ বিভাগ আছিল গাঁৱত। কি ফৌজদাৰী কি দেওয়ানি সকলো বিচাৰ গাঁৱতে হৈছিল। ন্যায় বিচাৰ হৈছিল আৰু তাৰ খৰচো অতি কম হৈছিল আৰু সোনকালে হৈছিল; কিন্তু, বৃটিছ শাসনৰ তলত যি বিচাৰ বিভাগৰ সৃষ্টি হল সেই বিচাৰ বিভাগৰ খৰচো অপৰিহাৰ্য্যকপে বৃদ্ধি হল আৰু গাঁৱৰ গাঁৱলীয়া মানুহে সেই বিচাৰ পাবলৈ টান হল। যাৰ ধন নাই তেওঁ ন্যায় বিচাৰ পাবলৈ আশা কৰা কঠিন। সেই কাৰণে আমাৰ উচ্চ বিচাৰ বিভাগৰ যিটো ৰূপ আমাৰ মনত খেলাইছে সি আমাক বৰ বেচি আনন্দ দিব পৰা নাই। যদি ও আমাৰ নতুন হাইকোর্ট হ'ব বুলি আনন্দ পাইছো, কিন্তু তাৰ ৰূপলৈ মনত পৰি আমাৰ মনলৈ আনন্দ অহা নাই।

বিচাৰ বিভাগত যি বিলাক দোষ বৰ্ত্তমানে চলিত আছে সেই দোষ বিলাক যদি চলি থাকে তেনেহলে ই আমাৰ গাঁৱলীয়া বাইজক শোষণহে কৰিব। আজি আমি বিচাৰ বিভাগত কি দেখিছো? যি সকল ধনী নহয় তেওঁলোকে ওপৰ আদালতলৈ গৈ ন্যায় বিচাৰ পাব নোৱাৰে আৰু কেতিয়াবা গলেও যেতিয়া বিচাৰ শেষ হয় তেতিয়া তেওঁলোক সৰ্ব্বস্বান্ত হয় আৰু যি কাৰণে তেওঁলোকে উচ্চ আদালতলৈ যায় তাৰ সলনি পথত থিয় দিব লগা হয়। গতিকে এই বিচাৰ বিভাগ সম্পূৰ্ণ ৰূপে সাল সলনি হোৱা উচিত। যাতে যি বিচাৰৰ কাৰণে যায় সেই বিচাৰ ন্যায় মতে আৰু সোনকালে হব পাৰে আৰু কম খৰচতে হয় তালৈ আমি চাব লাগিব। যাতে মানুহে সততে ন্যায় বিচাৰ পাব পাৰে তালৈ আমি চকু ৰাখিব লাগিব।

এই প্ৰস্তাৱ দাখিল ধৰোতে যি ধিনি কথা উল্লেখ কৰা হৈছে তাৰ পৰা আমাৰ মনত নানা সন্দেহ উপস্থিত হৈছে। বৃটিছ শাসনে যি বিচাৰ বিভাগ কৰিছে গৈছে সেই বিচাৰ বিভাগকে আমি খামোচ মাৰি ধৰি আছে আৰু সেই মতেই এই আদালত সৃষ্টি কৰিবলৈ বিচাৰ হৈছে আৰু ইয়াৰ খৰচো সেই দৰে বৃদ্ধিহাৰত ধৰা হৈছে। হাইকোৰ্টৰ যি সকল জজ হব বোধকৰো Government of India Act মতেই হব। Government of India Act ৰ ২২০ ধাৰাৰ তৃতীয় দফাত যি দৰে উল্লেখ আছে বোধকৰো সেই ৰকমেই হাইকোৰ্টৰ জজ সকলক নিয়োগ কৰা হব। এই দফাত আছে :—

“A person shall not be qualified for appointment as a judge of a High Court unless he—

(a) is a barrister of England or Northern Ireland, of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing, or

(b) is a member of the Indian Civil Service of at least ten years standing, who has for at least three years served as, or exercised the powers of, a district judge; or

(c) has for at least five years held a judicial office in British India not inferior to that of a subordinate judge, or judge of a small cause court; or

(d) has for at least ten years been a pleader of any High Court, or of two or more such courts in succession.”

এই ধাৰাটো এতিয়াও বলবৎ আছে নে নাই কব নোৱাৰো আৰু Indian Civil Service থাকিব নে নাথাকিব তাকো কব নোৱাৰোঁ। আসামত হাইকোৰ্ট নাই। গতিকে ১০ বছৰ হাইকোৰ্টত practice কৰা বা তেনেকুৱা qualification থকা মানুহ আসামত হয়তো বেচি নোলাব।

The Hon'ble the SPEAKER: Is there any other submission?

Srijut SIDDHI NATH SARMA: মোৰ আৰু submission আছে। যদি আমাৰ প্ৰদেশৰ Chief Justice বা Puisne জজ সকল হল হেতেন তেনেহলে তেওঁলোকৰ দৰমহা ৩,৫০০ বা ৩,০০০ টকা নহলেও হলহেতেন। বৃটিছ শাসনৰ চিন্তাধাৰা এতিয়াও আমাৰ মনত চলি আছে বুলিহে Chief Justice ৰ দৰমহা ৩,৫০০ টকা আৰু Puisne জজ সকলৰ দৰমহা ৩,০০০ টকাকৈ ধৰা হৈছে। আমাৰ প্ৰদেশৰে জজ হোৱাহেতেন তেওঁলোকক ইমান দৰমহা দিয়াৰ কোনো কাৰণ নাথাকিল হেতেন। এটা কাৰণ দেখুৱা হৈছে যে Income tax ৰ কাৰণে এই দৰমহাৰ পৰা তেওঁলোকৰ ৪০০ বা ৫০০ টকা বাদ যাব। মোৰ মনেৰে Income tax বাদ দি তেওঁলোকৰ নিমিত্তে এটা ন্যায্য দৰমহা ধৰিলে ভাল হব। কংগ্ৰেছে আগেয়ে উচ্চতম সাধাৰণ দৰমহা ৫০০ টকা আৰু expert ৰ নিমিত্তে ১,০০০ টকা দৰমহা ধাৰ্য্য কৰিছিল। এতিয়া বস্তৱ দাম বহুতখিনি বাঢ়িছে সেই কাৰণে দৰমহাৰ নিৰিখো বঢ়াব লগা হৈছে। সেই হিচাবে ধৰিলেও Chief Justice ৰ দৰমহা ২,০০০ টকাতকৈ

কোনোবকমে বেচি হোৱা উচিত নহয় আৰু তাকো বেচি বুলিহে কম। Puisne জজ বিলাকৰো দৰমহা কোনোপ্ৰকাৰে ১,৫০০ টকাতকৈ বেচি হোৱা উচিত নহয়। ইফালে তললৈ যদি চোৱা যায় দেখা যাব যে তলতীয়া কৰ্মচাৰীৰ নিমিত্তে ধৰা হৈছে মাত্ৰ ৬০ টকা। আমি ৰাইজৰ তৰফৰ পৰা সদায় কৈ আহিছো যে তলতীয়া কৰ্মচাৰী সকলৰ দৰমহা বঢ়াব লাগে, অৰ্থাৎ তলতীয়া কৰ্মচাৰী সকলৰ দৰমহাৰ নিৰিখ প্ৰায় একেই আছে। জজ সকলৰ কাৰণে দৰমহা বেচিকৈ আৰু তলতীয়া কৰ্মচাৰীৰ দৰমহা কমকৈ ধৰা হৈছে বুলি মই বিবেচনা কৰোঁ। সেই কাৰণে জজ সকলৰ দৰমহা কমাব লাগে আৰু তলতীয়া কৰ্মচাৰীৰ দৰমহাৰ হাৰ বৃদ্ধি কৰিব লাগে। বিৰুদ্ধ পাৰ্টিৰ দলপতিয়েও যেতিয়া ইয়াত সহযোগ কৰিছে, তেখেত সকলেও এই বিষয়ে ভালকৈ বিবেচনা কৰি জজ সকলৰ দৰমহা কম হাবত আৰু তলতীয়া কৰ্মচাৰী সকলৰ দৰমহা বৃদ্ধি হাবত ধাৰ্য্য কৰিবলৈ যত্ন কৰিব বুলি আশা কৰিলে।

আৰু এটা কথা হৈছে জজ সকলৰ qualification সম্বন্ধে। Government of India Act ৰ ২২০ ধাৰা মতে qualification ধৰা হলেও মোৰ মতে দফাটো এই দৰে সংশোধিত হব লাগে “A person shall not be qualified for appointment as a Judge of a High Court unless he has for at least ten years been a pleader in a High Court or in a Sessions Court or in a Judge's Court”. এই দফা এই দৰে সংশোধিত হলে বোধকৰো ভাল হব আৰু তেনেকুৱা ওপৰ (qualification) উপযুক্ত মানুহ আগামতো পোৱা যাব। নহলে অন্য প্ৰদেশৰ পৰা বা আইন ঠাইৰ পৰা হয়তো মানুহ আনিব লগীয়া হব পাৰে।

তলতীয়া কৰ্মচাৰীৰ দৰমহা বঢ়োৱা সম্বন্ধে মই কব খোজোঁ যে ওপৰৰ জজ সকলৰ দৰমহা কমালে যি ৫ লাখ টকা ধৰা হৈছে সম্ভৱতঃ সেই টকাৰেই তেওঁলোকৰ দৰমহাৰ হাৰ বৃদ্ধি কৰিব পৰা যাব।

The Hon'ble the SPEAKER: ওপৰৰ খিনিৰ দৰমহা নকমালে তলতীয়া কৰ্মচাৰী সকলৰ দৰমহা বঢ়াব নালাগেনেকি ?

Srijut SIDDHI NATH SARMA: মই কৈছোঁ ওপৰৰ দৰমহা কমাবই লাগে.....

The Hon'ble the SPEAKER: আপুনি কৈছে যে ওপৰৰ খিনিৰ দৰমহা কমাব লাগে। তলৰ খিনিৰ দৰমহা বঢ়াব লাগে। এনেয়ে বঢ়াব লাগেনে ওপৰৰ দৰমহা কমালেহে তলৰ খিনিৰ বঢ়াব লাগে ?

Srijut SIDDHI NATH SARMA: তলৰ খিনিৰ দৰমহা এনেয়ে বৃদ্ধি হবই লাগে। মই কৈছো তলৰ কৰাত কোনো অসুবিধাই নাই ; তেখেত সকলে যি scheme দিছে তাৰ ভিতৰতে হব পাৰে। ওপৰৰ পৰা যি কমোৱা হব সেই উদ্ভূত টকাৰে হয়তো তলতীয়া কৰ্মচাৰী সকলৰ দৰমহা বৃদ্ধি কৰিব পৰা যাব ; তাৰ নিমিত্তে আৰু আইন টকা নিদিলেও হব পাৰে। যদি তাৰে অকুলন হয় তেনেহলে নতুন ব্যৱস্থা কৰিব লাগিব।

The Hon'ble the SPEAKER: এইটো amendment হিচাবে বিবেচনা কৰা হবনে কি ?

Maulavi Saiyid MUHAMMAD SAADULLA: তেখেতে এইটো এটা suggestion হৈ দিছে।

The Hon'ble the SPEAKER: Then how the hon. Member's statement will be accepted, as amendment or suggestion ?

Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Prime Minister please let us know whether the scales of pay or salary given here in the Resolution are permanently fixed or they are flexible and can be lowered or increased at the discretion of the Government even after the passing of this Resolution ?

The Hon'ble Srijut GOPINATH BARDOLOI: The hon. Member knows that it is a scheme and therefore the present scales of salary put in the scheme might have variations according to circumstances. If the scheme, as it is formulated, is found unacceptable by the House, the Government shall have to look at the matter differently. Government will examine how to fix the expenditure on the basis of income and certain other facts that might vary from time to time. I am quite sure that expenditure may vary in the working of the scheme. The hon. Leader of the Opposition has sent a criticism of the scheme by which Government in working the details of the scheme may reduce the expenditure. Government scheme gives you only some data on the basis of which we are committed ourselves to the expenditure.

Srijut GAURI KANTA TALUKDAR: I am very glad to know from the Hon'ble Premier that he is only coming here with the Resolution to get approval of the House for the expenditure which may come to the extent as has been shown in the Resolution. In this connection I fully endorse the view that has been expressed by my hon Friend Mr. Siddhi Nath Sarma that the object of this Government ought to be to remove the top-heaviness of the Administration. We have been crying hoarse from the very beginning that the top-heaviness of the Government administration is one of the most important causes for a lot of hardship to our people. By making our administration top-heavy we are depriving the lower order of Government servants from their due shares and this is also one of the causes why we have not been able to serve our people in the villages as we ought to have done. So, Sir, in fixing the salary of officers of one Department, Government must also think of what will be its effect in other Departments. Sir, if in one Department we fix the salary of certain officer at a very high rate, the officers of the other Departments holding equally responsible position will certainly be dissatisfied and that will not be desirable in the administration of a country. So I will request the Government to see that in the administration of this Institution, namely, the High Court, no top-heaviness is to be found and that the lower order of Government officers get their due share. I am certain the public will be very much disappointed when they will find in the Resolution that Lower Assistants are going to be appointed at Rs.60 to reach the highest amount of Rs.120 at the fag end of their services and may accuse us by saying that we are not mindful to the hard lot of the lower order of our Government servants. This is a sad statement in the Resolution. However I am glad to hear the Hon'ble Premier giving us an assurance that this will not be the case and that they will get their due share when appointments will be made. I am satisfied with this explanation and I hope our Government will not stick to the scales of pay shown in this scheme placed before us, but will see that justice is done to the lower order of our Government servants at the time of appointment. With these few words, Sir, I support the Resolution moved by the Hon'ble Premier.

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, it may be remembered by many hon. Members of the House that in 1937 or 1938, the Ministry of Maulavi Muhammad Saadulla brought in a Resolution recommending the establishment of a High Court at Shillong, and my humble self representing the Opposition, tabled an amendment recommending the establishment of a High Court at Gauhati and as such I cannot check the temptation of speaking a few words on

this Resolution. I congratulate the Ministry on their coming to the House with this Resolution and I hope this Resolution will receive unanimous approval of the hon. Members of this House, and thereby give a chance to the people of Assam of realising their cherished desire and also remove a void that has been long felt by the people of Assam.

Sir, the establishment of a High Court will remove the inconvenience commonly felt by the litigant public of Assam and will also give a chance to the litigant public of Assam to have their matters settled in the supreme Tribunal of the Province at a cost which they are capable of bearing. Sir, the establishment of a High Court will open avenues to the intelligentsia namely, members of the Bench and the Bar to apply themselves to higher legal studies including research and along with that it will remove the unemployment problem that is commonly witnessed among the University men and graduates also. Sir, before I conclude I cannot but endorse the remarks that have been thrown by my hon. Friends Srijut Sarma and Mr. Talukdar. The disparity now noticeable in the scheme between higher grades and the lower grades of service should be removed. I also endorse that the scale in the higher services should be reduced. With these words thanking the Ministry I wholeheartedly support the Resolution.

Adjournment

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

(After lunch)

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, the Hon'ble Prime Minister laid down a very healthy precedent in taking me into his confidence in drawing up this scheme for a High Court in Assam. Probably he took this step for three different reasons; firstly, that I am the Leader of the Opposition and in such an important matter it is better to seek the co-operation of all sections of the House; secondly, I am the only Member of this House who, having practised in the Calcutta High Court for more than seven years, have got an insight and intimate knowledge of working of a High Court, and lastly, because during my first Premiership in the year 1937-38 I had taken recourse of the provisions in the Constitution Act of 1935 of an Address to His Majesty for the establishment of a High Court in the Province. I have left considerable notes in the files and those hon. Members who are in the habit of looking into previous proceedings will find the Address and my exhaustive speech printed in Volume I of the Debates of 1938. They will find that the House by a big majority passed the Resolution that I placed before the House and an Address was sent to the higher authorities for transmission. At this distant date I do not remember for what particular reasons there was an objection from the Central Government, and as my Ministry resigned in May 1938 I do not recollect to have seen the papers after that. Any way, I am glad that I will be able to explain to the House the implication of the scheme. In my opinion, the scheme that has been printed and placed before the House by my learned Friend the Hon'ble Prime Minister does not give a complete picture. I thought he would place before the House certain figures which would convince the House that not only a High Court is necessary for Assam but such a High Court can be run without any expenditure from the provincial coffers; moreover, I am perfectly sure, it will bring in an additional income to this sorely-needed province. The hon. Members may remember that since 1921, when the new principle of contribution for services rendered was introduced in the Constitution of India, we have been compelled to pay the Bengal Government for the services of the Calcutta High Court a sum which at the present moment stands at Rs.1,40,000 annually. The learned Advocate-General had drafted a very elaborate and comprehensive note on the

scheme of the High Court, which, under the advice of the Hon'ble Prime Minister, was discussed between me, the Advocate-General and the Hon'ble Prime Minister. From my experience I placed before them certain further materials which the Hon'ble Prime Minister wanted to be put in writing, and, accordingly, I submitted my note to them. The learned Advocate-General in his note had suggested that with the establishment of a High Court in Assam, the Revenue Tribunal should be abolished and one of the Judges might be invested with the duties of the Revenue Tribunal. I say, Sir, that this is a very sound suggestion and this will save Assam a further sum of very nearly Rs.45,000 annually. I had looked up the provision that has been made in the Budget for the Revenue Tribunal and it stands for the current year at the sum of Rs 42,925, while the actuals for 1945-46 were Rs.50,521. Now, with these two savings, the saving of Rs.1,40,000 to the Bengal Government and the saving in the Revenue Tribunal, we very nearly save a sum of Rs.1,85,000 annually. Under the present agreement with the Bengal Government, all the court-fees paid in Assam cases are credited to Bengal, but they allow us a credit of only Rs.16,000 per annum. I am perfectly sure that if a High Court is established in Assam, and, as my hon. Friend Srijut Lakshesvar Borooah has indicated, the Assam litigants will take greater advantage of their own High Court, and so income from court fees will be double than what we are credited for by the Bengal Government.

I remember, Sir, while I was practising in the Calcutta High Court that all the probate fees of cases arising out of estates in Assam but decided in the Calcutta High Court, used to be credited to Bengal Government without any proportionate share being credited to Assam. I remember that in the case of late B. Borooah alone, I just forget the exact amount, approximately a fee of 10 lakhs had to be paid as probate fee. I have also seen cases of rich planters of Assam whose estates had to be probated by the Calcutta High Court paying as much as a lakh of rupees as fees. Well, such big cases are few and far between, but it will be no exaggeration if we say that we will be able to get from probate fees, a sum of 10 to 20 thousand rupees a year.

Then there is another big source which is now taken by Bengal—I refer to the licence fee of legal practitioners practising in Assam. Every lawyer knows that a pleader has to renew his licence every year on payment of Rs.25. Charges for Muktears are less. If I remember aright, it ranges from Rs.5 to 15. Every one who knows the Courts of Assam will agree with me that we have in Assam as at present constituted very nearly a thousand legal practitioners practising in the courts. At the average rate of Rs.25 per year we can expect to get another Rs 25,000. Thus taking all these sources—savings and income—we can start the High Court with a credit side of more than Rs.2,25,000.

My hon. friend the learned Advocate General in the scheme which has been printed and placed before the House has calculated on the expenditure side that at the utmost Assam can have her High Court with an expenditure of Rs.50,000 annually but in his note he had not taken into consideration the items as I have laid before you but has calculated a lumpsum of Rs.60,000. I will just now place certain facts and figures for your consideration regarding the expenditure side and that will convince the hon. Members that the expenditure which he has shown will not be wanted.

Some hon. Members have criticised the scheme that the office establishment starts at a salary of Rs.60 per mensem, whereas the office establishment Judicial Court in the Province has been proposed to be given Rs.3,500 for the Chief Justice and Rs.3,000 for the Puisne Judges. As the learned Prime Minister has already explained that these are the utmost figures to which the House is asked to commit. The scheme does not say that this will be the exact figure for payment but these are the maximum figures upto which approval of the House is

requested and I think, Sir, taking all circumstances into consideration the salary which has been adumbrated in the scheme is not on the heavy side.

One hon. Member probably my Friend Srijut Siddhinath Sarma said that the salary is much too high. The Congress, many years ago, started a theory that the maximum salary of a public servant in India should not exceed Rs.500 per mensem. That theory they have themselves given up. At the present moment we find that all the Congress Ministers in the Dominion Parliament are taking a salary, if I remember aright, of Rs.4,000 per mensem. Even the Congress Governors in different provinces have been given a salary of over Rs.6,000 per mensem. Even poor Assam has got its same old salary of Rs.66,000 per annum for her Governor. The High Court will be the highest Judicial Tribunal and if you want to keep justice unpoluted, uncorrupted, you must give these people a sufficient and attractive remuneration to attract suitable men. It is curious to see that hon. Members suggest that the lowest clerk and the highest officer in this Judicial Tribunal should have some co-relation in the scheme such as if a clerk gets Rs.60, the Chief Justice should get Rs.600.

The Hon'ble the SPEAKER: He did not say that.

Maulavi Saiyid MUHAMMAD SAADULLA: But the trend was that, Sir. If you want a man with proper experience to work with honesty and integrity, then you will have to pay him accordingly. Sir, as I have already stated the scheme gives you just an idea of the expenditure that you may have to incur. The salary of Assistants have been laid down on the present scale by the learned Advocate General but since his scheme was drawn up we had the report of the Pay Commission and I understand my hon. Friend the Finance Minister is convening a small committee to look into the conditions in Assam and outside and see how far they could accept the recommendations of the Pay Commission. He was kind enough to request me to join that Committee and his Secretary was good enough to write to me that in the absence of the Finance Minister I have been given the honour of presiding over the deliberations of that Committee. But I had to reply to him that probably my services in Delhi will be required very soon and therefore I could not attend this Committee. Any way, I place these facts before the House so that the Members may rest assured that the salary of the Assistants of the proposed High Court will not remain at Rs.60 but it may go higher up.

Now as regards the scheme itself, I believe, to start with, three Judges—one Chief Justice and two other Judges will be ample to do the work. My hon. Friend has drawn up his Scheme on the model of the Calcutta High Court—the Premier High Court of India. But to start with, I think, we need not so closely follow the ideal of the Calcutta High Court. In the Scheme, hon. Members will find that he has divided the office establishment into different sections. For example, in item 3—the Judicial Department has been divided into Civil Section, Criminal Section, Paper Book, Translation and Stamp Report Sections, etc., etc. During my discussion I expressed my opinion that to start with we need not have all these different Sections, for our work will not be so heavy as that of the Calcutta High Court to need the whole time service of a Registrar and a Deputy Registrar or an Assistant Registrar. If my suggestions are carried into effect, there will be some saving in the expenditure side. In my opinion, we do not need a Paper Book Section at all. Those who have practised in the High Court will remember that it is the practice in the Calcutta High Court to print the Memorandum of the Appeal and the two judgments of the original court and the first appellate court for a second appeal in the High Court. But for the first appeal all the papers, namely, the plaint, the written statement and all the exhibits are translated into English and then printed into Paper Book. I

have known of many cases where the cost of Paper Book has come to something like Rs.12,000. Of course in a case like the Bhowal Sanayasi Case, we may need many lakhs for the preparation of Paper Book. This Paper Book system, in my opinion, originated when all the Judges of the High Court were Englishmen and they did not know the vernacular of the Province or India and therefore to understand what was in the records all these documents had to be translated into English and then printed. The present trend is to avoid use of the English language as far as possible in all provincial matters. Some of my hon. Friends who have preceded me had already shown that if possible they would like to see our High Court manned by the men of the Province. If that desideratum comes to fulfilment there will be no need for translating these vernacular documents into English and then to print them. If the men of the Province are not available at the first instance and some of these papers have to be translated, well, we can have a Roneo machine and type as many copies as may be necessary, but we need not have the entire paraphernalia of Paper Book Section as we have in the Calcutta High Court. In my opinion, therefore, the Paper Book Section consisting of the Translation Bureau may well come out of the expenditure side.

The post of the Stamp Reporter is very onerous and very difficult and at the same time extremely necessary to see that proper court-fees and stamp duties are paid on the Memorandum of the Appeals. My friend the learned Advocate-General has realised the necessity of a Stamp Reporter but he has proposed for him a scale of Rs. 200—10—300 only. In my opinion, as this officer will more than pay his own way, in order to attract suitable men this scale should be a little higher than proposed. In my proposal to the Hon'ble Prime Minister I suggested that he should be a man of either the Assistant Registrar or the Deputy Registrar's grade, *i. e.*, his salary should be started at Rs. 400. Similarly I find that in the General Department the scale proposed for the Accountant and Cashier of Rs. 150—250 is rather on the low side. An Accountant and Cashier of a High Court shall have to be of the status of a man of the grade of Superintendent in the Comptroller's office and his pay as in the case of the Superintendent should be started at Rs. 400. This is my personal view.

Then I find that he has made elaborate arrangement for Stenographers. Each Judge shall have a Stenographer-Bench Clerk. The Registrar will have a Stenographer and, in addition, I suggest that one more Stenographer will help the Deputy Registrar or Assistant Registrar or work as a substitute if any other Stenographer-Bench Clerk falls ill or takes temporary leave. This should be more than enough and by this arrangement we can save a little, as three more Stenographers have been provided in the Scheme.

Then as regards Law Officers. His Scheme contemplates the entertainment of an Advocate-General at Rs. 1,500 per mensem, a Standing Counsel at Rs. 1,000 and a Government Advocate at Rs. 750. Here also, in my opinion, we can very well do away with this provision for a Standing Counsel for, to begin with, our cases will not be so heavy or so numerous that we require three Law Officers on the side of the Government. We have Government Advocate who will act for Criminal as well as Civil sides. So far as Assam is concerned, there will be very little civil work on behalf of Government and, therefore, we can safely do away with one of the posts. I prefer to retain the Government Advocate and take away the Standing Counsel. I have also made a general suggestion. So far as I remember, for the Calcutta High Court for twenty Judges, they entertain about 200 establishment in all the departments. That is, there are 10 of office strength for a Judge. For Assam if we give up the Paper Book Department, I suggested 7 assistants per Judge or 21 in all, of course, barring the typists and the stenographers, this office strength will meet the requirements of our High Court. If these economies are made in the estimate that has been placed before the House, I

am perfectly sure, that Assam will have a High Court of her own without making any further commitments from her very poor Exchequer.

The question of capital expenditure or buildings will, of course, arise later. We are very hard-pressed for time for if we are to take the advantage of Section 9 of the Indian Independence Act, 1947, we must establish our own High Court before the 31st March, 1948. There is one more reason for the urgency because the Calcutta High Court or the Bengal Government, as has been mentioned by the Hon'ble Prime Minister, has already notified that they will not be responsible for the administration of justice by the Calcutta High Court for Assam after the 31st March, 1948. Therefore, very early start shall have to be made for the establishment of a High Court in Assam. There have been two alternative suggestions during the discussion. One suggestion was that we can immediately start a High Court by making temporary changes in the buildings of the Assam Legislative Council which is now defunct, that means, we can start it at Shillong in a building which is available immediately. There has been a similar suggestion that as the post of the Commissioner of Divisions has been abolished or is going to be abolished very soon, we will have the Commissioner's Office or Commissioner's Court at Gauhati vacant to be utilised for the proposed High Court. The advantages of having the High Court at Gauhati or Shillong according to me are evenly balanced. At Gauhati the new High Court will get the advantage of the Library of the Law College; similarly, at Shillong the proposed High Court, to start with, can utilise the Library of the Learned Advocate General and the Legal Remembrancer. Siting is a very ticklish problem, but we should judge the matter not from a sentimental point but from the exigencies of the situation. I again find that there is another advantage in Gauhati. Gauhati has got a much superior Bar than at Shillong. Advocates who want to have the High Court at Shillong say that those who want to practise in the highest tribunal will come and settle in Shillong. The question of location rests with the Government who, I am sure, will consult either the House or their own Party which is in a vast majority in the House.

I need add one more matter and I will finish. My hon. Friend, the Prime Minister, requested me to give my opinion as to the alternative method of procedure which we should adopt for establishment of High Court. As hon. Members are already aware, two courses are open to us—one to follow the old procedure of an Address to His Majesty the King under the provision of the Government of India Act, 1935, a procedure which will cease to exist after March, 1948. Or should we take advantage of the powers that are now given to the Governor-General of the Dominion of India under Section 9, Sub-section (1), item (i) of the Indian Independence Act, 1947? This matter was discussed with the Prime Minister and the Advocate General by me and my opinion is that we may not have enough time before the 31st March, 1948 to have our own High Court running if we take the former procedure of presenting an Address to His Majesty. Every hon. Member knows that the Address of this House shall have to be forwarded to the Dominion Government of India, they will have to send our Address to the High Commissioner for India at London, as the post of the Secretary of State for India has been abolished. Now, our own High Commissioner shall have to contact the proper parliamentary authority who will be able to submit our Address for the formal approval of His Majesty. All this procedure will take time. And I am afraid, we cannot start the High Court before the 31st March, 1948. Whereas, the other procedure, all the high constitutional advisers at Delhi agree, can be invoked and it will not take even two weeks. If we passed to-day the Scheme of a High Court then it will be forwarded immediately to the Dominion Minister in-charge whom my Hon'ble Friend, the Prime Minister, on behalf of Assam has already seen and

who has given him the assurance that if the House accepts this Scheme, there will be no objection from his side ; so he can immediately place our scheme before the Governor-General, His Excellency Lord Mountbatten and get his sanction. By this procedure we can get necessary sanction for the establishment of a High Court within this very month of September. The learned Advocate General was so confident that he suggested that we should start our High Court on the reopening of the Puja Vacation. I suggested to him that we should send some men from Assam to the Calcutta High Court to get acquainted with the nature of the work there. We will have to search for suitable Judges, therefore it will be better if we start the High Court from the new year 1948.

As to the objection raised by my hon. Friend Mr. Siddhi Nath Sarma, who raised the point that if we follow the qualification of a Judge that is in the 1935 Act, then probably we won't get men from Assam to man the High Court. Therefore, he suggests that we should lower the qualification and make even those lawyers who have practised before a District and Sessions Judge for ten years to be qualified for appointment as Judges. But this unfortunately will give advantage in the Assam Valley to two places, Gauhati and Jorhat. In other places we haven't got permanent Judges or Additional Judges although some Judges hold their Courts by circuit sometime in Dhubri, sometime in Nowgong and sometime in Dibrugarh. Practitioners in the other Courts will therefore start with a handicap. One may say the same argument applies to those who are Advocates of the High Court, and we haven't many Advocates from the Calcutta High Court with practice of ten years which entitles one as eligible to be a High Court Judge. But those practitioners who have got experience of the High Court have shown initiative, have shown a spirit of adventure—not merely a reckless adventure, but an adventure based on the confidence that he has sufficient mastery of the law that will enable him to make his own way in the general competition among some five hundred brilliant lawyers in practice in the Calcutta High Court. But this question of qualification of a Judge has not been really discussed in the Scheme. I believe the Hon'ble Prime Minister when he next visits Delhi, will take this matter up with appropriate authorities and also study their reaction to the suggestion made to-day as to the qualifications and what salary should be paid to our High Court Judges if we can establish a High Court of our own.

Then, I know our Advocate General has prepared a scheme for the separation of the Judiciary from the Executive. This form of dual administration, which is in vogue in Assam, has been really the root cause of the malady which has been hinted at by my Friend Mr. Siddhi Nath Sarma ; but if we can start separation of the Judiciary from the Executive, I believe, we will be rooting out the evils of that practice of which he has spoken, and I join with him in this.

I believe, Sir, I have been able to place before the House a complete picture of the income and expenditure of the proposed High Court and I have also been able to meet some of the objections that were raised and also I have been able to explain the nature and urgency of the procedure which we should adopt. I congratulate the Ministry for having taken up this matter, and which as soon as we have established our own High Court we will function as a separate Federating unit of the free Dominion of India.

One word more, Sir. I forgot to mention that in the letter of Sir B. N. Rau which was read here, he mentions that the Legislature would have to pass a law if we want to abolish the Revenue Tribunal. The relevant section of the Government of India Act in this connection is section 296, sub-section (2) which reads: "If in any Province any such jurisdiction

as aforesaid was, immediately before the commencement of Part III of this Act, vested in the Local Government, the Governor shall constitute a tribunal consisting of such person or persons as he, exercising his individual judgment, may think fit, to exercise the same jurisdiction until other provision in that behalf is made by Act of the Provincial Legislature". The Provincial Legislature will have ample authority and complete jurisdiction to pass a law for abolishing the Revenue Tribunal and vest the High Court with its power and jurisdiction.

Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I endorse every word that has been said by our Leader just now. I do not want to take up the time of the House but I want to raise two points about the qualifications of a High Court Judge and his salary. The Government of India Act Section 221 lays down that "The judges of the several High Courts shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time, be fixed by his Majesty in Council: Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment". My first point is whether we can fix the salary of High Court Judges in view of this provision in the Government of India Act. We know that the present Government of India has adapted this Government of India Act, but I don't think that this section 221 has been repealed in the Adaptation Order.

Then my second point is with regard to the fixation of qualifications. There also the qualification is laid down in section 220, and unless this section of the Government of India Act is repealed, I don't think we can alter the qualifications of the High Court Judges.

The Hon'ble the SPEAKER: How does this affect the Resolution?

Maulavi SAYIDUR RAHMAN: I don't think this section has been repealed.

The Hon'ble the SPEAKER: What about other Provinces?

Maulavi SAYIDUR RAHMAN: I do not speak of other Provinces, but I want clarification from the Hon'ble Prime Minister whether this Section stands and is still in force or not.

The Hon'ble Srijiit GOPINATH BARDOLOI: We are coming to the Adaptation Order just now.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, I have very little to say on this matter after hearing from the Hon'ble Premier and the hon. Leader of the Opposition. But in respect of qualifications of the High Court Judges I want to speak a little. Of course Sections 220 and 221 of the Government of India Act stand in the way and if the Adaptation Orders which have recently been made have not omitted these two sections, even then the Governor General can be approached in this respect. (*A voice:* How?) I think before 31st March 1948 he has got powers, so far as Assam is concerned to make them inapplicable to Assam and instead if he does away with these two sections he can himself lay down the qualifications of the High Court Judges of Assam. The power of the Governor of Assam in this matter has gone after the 15th August, but the Governor General still retains that power.

So, if he is approached, he can make the necessary amendments or changes or so as far as we want them. The point that has been raised by our Leader of the Opposition regarding the qualifications of the Judges is that no exception should be made in the case of other District headquarters station such as Dhubri, Dibrugarh, Nowgong, etc., and on this point I am at one with him. I am not boasting of our Dhubri Bar but I can say without hesitation that so far as civil side is concerned it has been stated by eminent judges of Assam.....

The Hon'ble the SPEAKER: What is the relevancy here of the Dhubri Bar?

Maulavi ABUAL MAJID ZIAOSH SHAMS: Leaving aside Dhubri Bar, Sir, besides in Gauhati and Jorhat there are qualified and good lawyers also in other Districts or sub-divisional headquarters. So, recruitment should not be made from Gauhati or Jorhat Bars alone (*laughter*) if the qualifications of lawyers other than the advocates of the High Court are to be regarded competent. With these few comments, Sir, I resume my seat.

Maulavi MAKABBIR ALI MAZUMDAR: Mr. Speaker, Sir, we have heard with rapt attention the valuable suggestions given by various hon. Members and the hon. Leader of our Party in connection with the establishment of a High Court in Assam. But he has not given us his definite opinion as to where the High Court should be established. He has shown the advantages and disadvantages if such a High Court is established either at Shillong or Gauhati. To me it seems Shillong will be the most suitable place for a High Court as this place will connect both Assam Valley as well as Cachar District and some portion of the District of Sylhet. Cachar now forms a part of Assam and so we should not neglect the interests of this District. Therefore, Sir, the Government should take into consideration the advantages and disadvantages of the people of Cachar. Shillong will be nearer and advantageous for the people of this district to come to the High Court. I request the Hon'ble Prime Minister for this reason to consider the case of Cachar in connection with selection of a place for the establishment of the High Court. If the High Court is established in Gauhati people from Cachar will not be able to come to Gauhati during the rains when land-slips often block the Hill section of the railway.

The Hon'ble the SPEAKER: Supposing pickpocket takes away the briefs of cases from the person concerned while coming to the High Court, what will happen (*laughter*)?

Maulavi MAKABBIR ALI MAZUMDAR: That is of course for the Government to protect them

Srijiu MATI RAM BORA: মাননীয় সভাপতি ডাঙৰীয়া, প্ৰধান মন্ত্ৰী মহোদয়ে হাই কোৰ্টৰ বিষয়ে যি প্ৰস্তাৱ আমাৰ আগত দাঙি ধৰিছে সেই বাবে মই কয়ি আসামবাসী সকলোৱেই এই কাৰণে গৰণ মেন্টৰ শলাগ লব; কিয়নো অসমৰ এটা অতি লগতিয়াল অতি দৰ্কাৰী অভাৱ অতি সোনকালে দূৰ কৰিবৰ কাৰণে তেখেত সকলে চেষ্টা কৰিছে।

আসামত হাইকোৰ্টৰ অভাৱ আমি আসামবাসী সকলোৱেই আজি বহু দিনৰে পৰা অনুভৱ কৰি আহিছোঁ। আজি বহুকালৰে পৰা আসামৰ নানাঠাইত নানা অনুষ্ঠানে নানা বকম সভাসমিতি কৰি এই বিষয়ে অনেক প্ৰকাৰ আলোচনা আৰু আন্দোলন কৰি আহিছে। সিদিনাখনো

যোৰহাটত অসমৰ উকিল সকলৰ সভাৰ যি অধিবেশন হৈছিল সেই সভাতো এই বিষয়ে এটা প্ৰস্তাৱ গৃহীত হৈছে। এই সভাগৃহত হাইকোর্টৰ বিষয়ে অনেক বাৰ আলোচনা হৈ গৈছে। কিন্তু আজিলৈকে আসামত হাইকোর্ট প্ৰতিষ্ঠিত নোহোৱাত আগামবাগীৰ মনত এটা বিক্ষোভ আৰু এটা পৰিতাপৰ ভাব চলি আহিছে। সেই ভাৱতো আজি দূৰ হবৰ আগন্তুক দেখি আমি সকলোৱে বৰ আনন্দ পাইছোঁ। আসামত হাইকোর্ট নোহোৱাত আগামবাগীৰ মনত যে এটা পৰিতাপেই আছিল এনে নহয় ই আমাৰ আত্মসন্মানতো মাৰ্জে মাৰ্জে আঘাত দিছিল।

আসামত যদি এটা হাইকোর্ট স্থাপন হয় তেতিয়া অসমীয়া মানুহে কম খৰচতে আৰু কম আয়াসতে প্ৰদেশৰ অতি উচ্চতম বিচাৰালয়ৰ পৰা ন্যায় বিচাৰ পোৱাত অনেক সুযোগ থাকিব। কলিকতাত গৈ appeal বা motion কৰা যে কিমান কষ্টসাধ্য আৰু ব্যয়সাধ্য কথা তাক আপোনালোক সকলোৱেই জানে। সেই কাৰণে আসামত হাইকোর্ট প্ৰতিষ্ঠিত হোৱা অতি দৰকাৰ। তাৰ বাহিৰেও হাইকোর্ট, বিশ্ববিদ্যালয় আদি অনুষ্ঠান আসামত হৈ নুঠাত আমাৰ অসমীয়া মানুহে যে কি বৰ কম অসুবিধা ভোগ কৰিছে তাক আপোনালোক সকলোৱেই জানে। উপযুক্ত ক্ষেত্ৰ নোহোৱাৰ কাৰণে অসমীয়া ডেকা বিলাকে নিজৰ বিদ্যাবুদ্ধিৰ পৰিচয় দিবলৈ অনেক সময়ত সুযোগ নাপায়। হাইকোর্ট আৰু বিশ্ববিদ্যালয় যদি স্থাপিত হয় তেনেহলে অদূৰ ভৱিষ্যতে অসমীয়া ডেকাসকলে নিজৰ বিদ্যাবুদ্ধিৰ পৰিচয় বা বিকাশৰ সুযোগ পাই দেশৰ নাম জলানলৈ সুবিধা পাব। ভাৰতৰ বিভিন্ন ক্ষেত্ৰত আজি অসমীয়া ডেকাসকলে উপযুক্ত স্থান অধিকাৰ কৰিবলৈ পোৱা নাই—সুযোগৰ অভাৱত। হাইকোর্ট এটা যদি প্ৰতিষ্ঠিত হয় আৰু লগে লগে ইউনিভাৰ্ছিটি এটাও প্ৰতিষ্ঠিত হৈ যায় তেনেহলে আমি আশাকৰোঁ। আসামৰ ডেকাসকলে অদূৰ ভৱিষ্যতে ভাৰতৰ বিভিন্ন স্থানত ভাৰতৰ আন আন কীৰ্ত্তিমন্ত সন্তান সকলৰ লগত সমান আসন অধিকাৰ কৰি অসম জননীৰ মুখ উজ্জ্বল কৰিবলৈ সুবিধা পাব। সেই ফালৰ পৰা আলোচনা কৰিলেও হাইকোর্ট আৰু ইউনিভাৰ্ছিটি এই দুটা অনুষ্ঠান অতি সোনকালে হব লাগে আৰু গৱণ মেণ্টে তাৰ নিমিত্তে চেষ্টা কৰাত আমি বৰ আনন্দ পাইছোঁ। হাইকোর্ট স্থাপন সম্বন্ধে মই ইয়াকে কুলোঁ। তাৰ পিচত scheme সম্বন্ধে দুই চাৰি আমাৰ কৈ সামৰণি মাৰিম।

Scheme সম্বন্ধে বিপক্ষ দলৰ নেতা শ্ৰদ্ধেয় চাদুল্লা চাহাবে পুৰ্ণানুপুৰ্ণৰূপে কৈ গৈছে। এই বিষয়ে মোৰ বিশেষ কব লগীয়া নাই।

এতিয়া অৱশ্যে এ জন জজৰে সৈতে হাইকোর্ট প্ৰতিষ্ঠা কৰিবলৈ ওলাইছে হয়, কিন্তু মোৰ বিবেচনা মতে অতি সোনকালে জজৰ সংখ্যা বঢ়োৱা দৰকাৰী হৈ পৰিব। হাইকোর্ট হোৱাৰ লগে লগে ইয়াৰ কাম ইমান বৰমে বাঢ়িব যে এ জন জজে হাইকোর্টৰ কাম শেষ কৰিব নোৱাৰিব বুলি মোৰ মনত আশঙ্কা হয়। সেই কাৰণে এনেকুৱা এটা ব্যৱস্থা থকা উচিত যাতে আৱশ্যক বুলি মোৰ মনত আশঙ্কা হয়। সেই কাৰণে এনেকুৱা এটা ব্যৱস্থা থকা উচিত যাতে আৱশ্যক বিবেচনা কৰিলে সহজে আৰু বেচি জজ নিয়োগ কৰিব পাৰে। এনে provision যাতে বখা হয় তাৰ বাবে মই গৱণ মেণ্টৰ দৃষ্টি আকৰ্ষণ কৰিলো। মই শুনিবলৈ পাইছোঁ যে হাইকোর্টত ৪ জন জজৰ ব্যৱস্থা বখা হৈছে। কিন্তু মোৰ বিবেচনা মতে ৪ জনেও নহব। মোৰ মতে অতি কম পক্ষেও ৫ জন জজৰ ব্যৱস্থা থাকিব লাগে। বৰ্ত্তমানে এ জন জজেৰেই কাম আবস্ত কৰক, কিন্তু দৰকাৰ হলে যাতে সহজে আৰু জজ নিয়োগ কৰিব পৰা যায় তেনেকুৱা ব্যৱস্থা কৰি ৰাখিব লাগে। যি সকলে এই বিষয়ে কাম হাতত লৈছে তেওঁলোকে যেন এই কথা মনত ৰাখে। তাৰ বাহিৰে Law Officerৰ বিষয়ে শ্ৰদ্ধেয় চাদুল্লা চাহাবে যি কৈছে সেইটো ময়ো সমৰ্থন কৰোঁ। Standing Counselৰ কোনো দৰকাৰ নহব। যি স্থলত আমাৰ মুঠেই এ জন জজৰহে ব্যৱস্থা হৈছে, তাৰ নিমিত্তে Advocate General আৰু Government Advocate থাকিলেই যথেষ্ট হব। তাত এনেকুৱা কোনো জটিল কাম নহব যে আৰু এজন Standing Counselৰ প্ৰয়োজন হব পাৰে। ইয়াৰ পৰা আমাৰ economy হব আৰু সেই economyৰ পৰা তলতীয়া কৰ্মচাৰী সকলৰ দৰমহা বঢ়াব পৰা যাব। তলতীয়া কৰ্মচাৰী সকলক অন্ততঃ ১০০ টকা কৈ দৰমহা দিয়াৰ ব্যৱস্থা কৰা আৱশ্যক। শ্ৰদ্ধেয় সিদ্ধিনাথ শৰ্মা ডাঙৰীয়াই কৈছে যে জজ সকলৰ দৰমহা কমাই দিব পাৰিলে ভাল। অৱশ্যে কম

দৰমহাত ভাল কৰ্মচাৰী পালে ভাল কথা । কিন্তু দেশৰ যিটো উচ্চতম বিচাৰালয় তাৰ যি সকল অধিকাৰী হব সেই সকল এনেকুৱা ধৰণৰ হব লাগে যে আখিক অৱস্থাত তেওঁবিলাক দৈনন্দিন অভাৱৰ অলপ ওপৰত থাকে । আজি কালিৰ অৱস্থালৈ চাই ৩,০০০ টকা দৰমহা বৰ বেচি নহয় । গচবাচৰ আমি দেখিবলৈ পাওঁ যে জজ পদৰ নিমিত্তে আটাইতকৈ ভাল উকিল সকলক নিয়োগ কৰা হয় । যি সকলে নিজৰ ব্যৱসায়ত নাম কৰিছে আৰু তাৰ দ্বাৰা অৰ্থোপাৰ্জনত সুবিধা হৈছে সেই সকল মানুহক এই কামলৈ আনিবলৈ হলে এনেকুৱা পাৰিতোষিক দিব লাগে যি পাৰিতোষিকে তেওঁলোকক আকৰ্ষণ কৰি আনিব পাৰে । দৈনন্দিন জীৱনযাত্ৰাৰ নিমিত্তে যদি উচ্চতম আদালতৰ জজ সকলে সদায় চিন্তা কৰিব লগীয়া হয়, তেনেহলে হয়তো ন্যায় বিচাৰ কৰাৰ ব্যাঘাত জন্মিব পাৰে । সেই দেখি ৩,০০০ টকা দৰমহা মোৰ মতে একো বেচি হোৱা নাই । অৱশ্যে যদি তেখেতৰ মতে Income-tax free কৰি দৰমহা ধাৰ্য্য কৰা হয় তেনেহলে হয়তো দুই-এশ টকা কম হব পাৰে । Free of Income-tax কৰি দৰমহা ২,০০০ টকা কৰিলেও মাত্ৰ দুই-এশ টকাহে পাৰ্থক্য হব । সেই দেখি মই বিবেচনা কৰো যে যিটো দৰমহা গৱণ'মেণ্টে fixed কৰিছে সেইটো ঠিকেই হৈছে । ইয়াৰ কম হলে বোধ কৰো ভাল নহব । অন্যান্য বিষয়েও বহুতখিনি ব্যয় সঙ্কোচ কৰিব পৰা যাব । য'ত দুটা বা চাৰিটা Department ধৰিছে তাৰ ঠাইত এটা বা দুটা কৰিবও পাৰে । তাৰ পৰা বহুত টকা Saving হব আৰু সেই টকাৰ দ্বাৰা নিম্নতম কৰ্মচাৰী সকলক অন্ততঃ ১০০ টকা দিয়াৰ ব্যৱস্থা কৰিব পাৰিব । হাইকোৰ্টৰ কৰ্মচাৰী সকলক ১০০ টকাৰ কম দিলে ভাল নহব । আমি যেতিয়া corruption গুচাব খুজিছো, জজ সকলৰ মাজত নহলেও উচ্চতম আদালতৰ কৰ্মচাৰী সকলৰ মাজত কম দৰমহা হলে সেই corruption আনপাকে সোমাবৰ সম্ভাৱনা থাকে । এই কথাটো মনত ৰাখিব লাগিব ।

***Srijut GAURI KANTA TALUKDAR:** Does my Friend mean to say that increment in salary is a prevention for corruption ?

Srijut MOTI RAM BORA: মই বিবেচনা কৰোঁ মানুহৰ অভাৱেই স্বভাৱ নষ্ট কৰে আৰু অনেক কৰ্মচাৰীৰ স্বভাৱ নষ্ট হয় কেৱল অভাৱৰ নিমিত্তেই । সেই কাৰণেই কৰ্মচাৰী সকলৰ অভাৱ গুচাবৰ নিমিত্তে কিছু বেচি দৰমহা দিয়া হয় । সেই দেখি মই কওঁ নিম্নতম কৰ্মচাৰী সকলৰ পক্ষে ৬০ টকাৰে দৈনন্দিন জীৱনযাত্ৰা নিবৰ্হা কৰা টান হব আৰু প্ৰদেশৰ উচ্চতম আদালতৰ কৰ্মচাৰী সকলৰ ভিতৰত corruption সোমোৱাৰ ই এটা বাটহে মাথোন হব । আমাৰ যি সকল উকিলে মফঃস্বলত practice কৰিছে সেই সকলে জানে কোনো কোনো আদালতৰ নিম্নতম কৰ্মচাৰী সকলৰ মাজত কি ৰকম ব্যৱস্থা চলি আহিছে । কিয় তেনে হৈছে ? ইয়াৰ মূল কাৰণ হৈছে অভাৱ । সেই কাৰণে মই কওঁ যে গৱণ'মেণ্টে যি হাইকোৰ্ট কৰিব খুজিছে সেই হাইকোৰ্টৰ কৰ্মচাৰী সকলৰ কাৰো দৰমহা যেন ১০০ টকাৰ কম নহয়—সেইটো যেন গৱণ'মেণ্টে মনত ৰাখে । হাইকোৰ্টৰ নিমিত্তে বাজেটত যি টকা ধৰা হৈছে সেই টকাৰ ভিতৰতেই এইটো কৰিব পৰা হ'ব বুলি মোৰ বিশ্বাস ।

Mr. HARENDRANATH SARMA: Our province is admittedly a poor Province, and I wish to say that I say this not because I have any inferiority complex in the matter. But the poverty of the Province is a fact. The Government of Assam by committing itself to enter into this new business, namely the undertaking a speculation which of course is worth taking a great risk, rather they are that for the last few years there has been a constant agitation for the establishment of a High Court and the matter has been expedited by the recent changes in the Indian Union. Having regard to the poverty, I should caution the Government of Assam that they should be very careful in the administration of the High Court, because we as yet do not know what the return of the High

*Speech not corrected.

Court business will be. We are looking at the expenditure side only, but we have not the facts and figures on which we can make out our case so far as the receipt side is concerned. But any way, this is an endeavour worth taking. I must congratulate on behalf of this House and on behalf of the public our Hon'ble Premier who has taken a very right step at the very right moment. With these words I support the first part of the Motion with regard to the establishment of a High Court.

With regard to the Appendix, first I will take up the proposed pay to be given to the Judges. I do not for a moment think that we will get an efficient and learned Judge below the pay which has been shown in the Appendix. This I should say is the minimum possible limit with which we can possibly get a really efficient man. So there should not be any curtailment of this. With regard to the qualification of the Judges, many of my hon. Friends have spoken what their qualifications should or should not be. But possibly they have missed one thing. In the Principles of the Model Provincial Constitution as adopted by the Constituent Assembly, it has been provided that the provisions of the Government of India Act, 1935 relating to the High Court would be adopted *mutatis mutandis*. So whatever we may be saying here it will be a cry in the wilderness if we can't make an effective suggestion that an amendment of the Model Constitution should be made on this point. So I request my hon. Friend to consider this question very thoroughly and to put forth the necessary amendments to the Principle of the Model Constitution to suit our requirements.

In regard to the Paper Book, Sir, my hon. Friend the Leader of the Opposition has said that Paper Book is not necessary so far as Assam is concerned. The idea behind his argument is that Paper Books were used to be prepared in the Calcutta High Court and in other High Courts, because up to the present moment the majority of the Judges were Englishmen who could not understand the local language of the province. That may be one of the aspects for which Paper Book was made, Sir; but there is another aspect, which will, I think, weigh more heavily among the two, and it is that Paper Book is necessary for the convenient and easy disposal of cases. In the High Court we do not have litigants and witnesses and all that we have is only a file, a bundle of papers bound together in such a way that one cannot make the head and the tail out of it. From my experience as a practising lawyer in the Calcutta High Court, one finds it very difficult even to sort out relevant papers from such files and in the absence of a Paper Book it will simply be impossible to dispose of a case. Suppose a case is being heard by two Judges, and there are three or four advocates for both the sides. If an advocate, say, on the side of the appellant refers to a matter then in the absence of Paper Book the file will have to be handed over to the Judges and then after the Judges have gone through it, it will have to be handed over to the advocates for the respondent and thus a case which could be disposed of in 3 hours would take 30 days. I would therefore, with due respect to the hon. Leader of the Opposition, disagree with him and say that we cannot dispose of with the Paper Book.

With regard to the stenographers, we find that only one stenographer has been provided for each of the Judges. As has been pointed out by the hon. Leader of the Opposition, he might fall ill or remain otherwise absent; what will the Judge do in such a case? One extra hand should therefore be provided.

With these few observations, I support the Motion.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, the hon. Leader of our Party has given indication of our attitude towards this Motion which has been moved by the Hon'ble Premier for the establishment of a High Court in Assam. He has elaborately dealt with all aspects of the problem, and other hon. speakers

have explained the reasons for having a High Court in Assam. Leaving aside all reasons, I say that the dignity of Assam and the self-respect of Assam demand that we should have our own High Court. But, Sir, we have our fears and doubts. We have our fear that this Ministry by their bungling and mishandling of the opportunity may dash to the ground the hopes of a High Court in Assam. It is really very doubtful, Sir, whether the present Ministry are alive to the sense of dignity of the province of Assam and the Assamese people. It is really doubtful whether they are sincerely keen to uphold the prestige of Assam by creating the proposed High Court. If their intention is to create this High Court and invite eminent lawyers from outside to adorn the Bench and to open the field for outside lawyers to come and crowd the Bar and earn their livelihood, then I say that the people of Assam in a voice will say "we do not want such a High Court". This is the apprehension in the minds of the people. This apprehension, Sir, does not spring from any imagination, it does not come from fiction. It is based on the fact, the cruel fact, of the recent engagement by the Government of Assam of the services of Calcutta Barristers to represent the case of Assam before the Boundary Commission. This has rudely shocked the people of Assam. Even the Advocate General of Assam, whose services have been maintained at an enormous cost, was not considered fit and efficient to take up the case of Assam before the Boundary Commission. This has created a sensation in the province. Even the Calcutta Barristers probably had been laughing in their sleeves and saying that these people who call themselves Assamese and take pride in the glory of Assam and who want their own High Court, have got no man of their own to take up the case of Assam before the Boundary Commission. Now, Sir, this action of the Government of Assam amounts to a proclamation that there is no eminent lawyer in Assam. This amounts to a confession that there is no lawyer to be found from one end of Assam to the other, from Dibrugarh to Dhubri, who could take up a case like that. If that be the position in a matter like this that we cannot find out a lawyer of our own, how can we talk of having a High Court? If by creating a High Court we want to fill up the Bench by outsiders we will certainly not want it. Therefore my suggestion is that if there is no man and material for a High Court in Assam it will be better to continue the present arrangement of disposal of Assam's cases by the Calcutta High Court. But if the Government can assure that they can have a High Court for Assam in the truest sense of the word, to be manned by the Assamese and run by the Assamese, then we can give our unstinted support to the proposal.

Maulavi ABDUL HAI: মাননীয় সভাপতি ডাঙৰীয়া, বৰ্তমান মন্ত্ৰী সভাই হাই কোৰ্ট স্থাপনৰ নিমিত্তে যিটো প্ৰস্তাৱ আনিছে মই তাক সৰ্বান্তৰ্গত সমৰ্থন কৰোঁ। কেইবাজনো মাননীয় সদস্যই আগতে এই বিষয়ে কৈ গৈছে। মই মাত্ৰ এই খিনি কথাহে কম যি খিনিত মোৰ মনত আসোৱাহ বৈ গৈছে। কেই জন মান মাননীয় সদস্যই এটা কথা কৈছে যে হাইকোৰ্টত ১০ বছৰ practice কৰা Advocate ৰ ঠাইত Judge's Court বা Sessions Court ত ১০ বছৰ practice কৰা উকিলক যদি সেই সুবিধা দিয়া হয় তেনেহলে কিন্তু মাননীয় opposition ৰ Leader চাহাবে কৈ গৈছে যে উকিল সকলৰ fee তিনি বকমৰ। এক বকম ২৫ টকা, এক বকম ১৫ টকা আৰু এক বকম হৈছে ৫ টকা। ২৫ টকা licence fee দি যি সকলে licence লয় তেওঁলোকে Judge's Court বা Session আছে। মাত্ৰ গৌহাটী আৰু যোৰহাটৰ উকিলেহে যে ২৫ টকাৰ licence পোৱা উকিল সকলো জিলাতে আটাই কেউখন জিলাৰেই কিছমান উকিলে ২৫ টকাৰ licence লয় এনে নহয়, District Judge's or Session Judge ৰ ওচৰত appear হব পাৰে। যদি উক্ত

সুবিধা দিয়া হয় তেওঁলোকেও এই বিলাক সুবিধা পাব। এতিয়া কথা হৈছে যে এনেকুৱা সুবিধা আইনসমূহত ভাবে দিব পাৰিনে নোৱাৰি? Government of India Act ৰ ২২০ ধাৰা আৰু ২২১ ধাৰা মতে হ'ব পাৰেনে নোৱাৰে সেইটো কথা এই পক্ষৰ পৰা মাননীয় সৈয়দুৰ ৰহমান চাহাবে কৈছে; কিন্তু মাননীয় বন্ধু জিয়াউছ চমছ চাহাবে কৈছে যে গৱৰ্ণৰ-জেনেৰেলৰ হাততে সেই ক্ষমতা আছে। মাননীয় শৰ্মা ডাঙৰীয়াই কৈছে যে আমাৰ provincial মি constitution আছে তাতে সেই ক্ষমতা আছে; কাৰণ Model Constitution আমাৰ আগত আহিছে আৰু আমি তাক আলোচনা কৰি আমাৰ মন্তব্য দিব পাৰো আৰু সেই মন্তব্য লৈ Constituent Assembly ত আলোচনা হ'ব। প্ৰত্যেক প্ৰদেশৰ পৰা এনেকুৱা আলোচনা এই কাৰণেই বিচাৰিছে যে প্ৰত্যেক প্ৰদেশে কেনে ধৰনৰ constitution বিচাৰে। কাজেই এই কথা অদল বদল কৰাত আমাৰ হাত আছে আৰু আমাৰ আইন সভাৰ মন্তব্য আৰু Constituent Assembly ক জনাম।

ইয়াৰ পিচত মই আৰু এমাব কথা কম বুলি ভাবিছিলো যে হাইকোৰ্ট হলে আমাৰ Judiciary আৰু Executive separate হ'ব। আজি বহু দিনৰে পৰা আমি সকলোৱেই বৰ্তমান Assembly আৰু আগৰ Assembly ৰ পৰা চেষ্টা কৰি আহিছো যে Judiciary Executive ৰ পৰা বেলেগ হৈ থাকিব লাগে যাতে Executive এ Judiciary ৰ ওপৰত কোনো প্ৰভাৱ বিস্তাৰ কৰিব নোৱাৰে। যিমান দিনলৈ Judiciary আৰু Executive একে লগে আছে সিমান দিন বহুত সময়ত বিচাৰকে ইচ্ছা কৰিলেও সুবিচাৰ কৰিব পৰা নাই বা অলপ নহয় অলপ Executive ৰ দ্বাৰা প্ৰভাৱান্বিত হয়, কাৰণ তেওঁলোকৰ promotion বা ভবিষ্যত নিৰ্ভৰ কৰে Executive Officer ৰ Report ৰ ওপৰত। এই বিষয়ে মোৰ নিজৰো অভিজ্ঞতা আছে। মই কেইদিনমানৰ নিমিত্তে চৰকাৰী হাকীম হিচাবে কাম কৰিছিলো কোনো এটা কথাত কোনো এখন জিলাত মই Judge হিচাবে এটা মোকদ্দমাৰ বায় দিছিলো কিন্তু Executive Officer এ মোক এখন চিঠিৰে জনালে যে মই তেওঁক দেখা কৰিব লাগে। মই বোৱাত তেওঁ কলে "এনেকুৱা কাম কৰিলে আমাৰ কাম নচলিব; বৰং এনেকুৱা বায় দিয়া উচিত আছিল।" তেতিয়া মই কবলগীয়া কলো যে মই যি দিলো দিলো; তাত কিবা আসোৱাহ থাকিলে অইনক দি দিয়ক। এইটো মই উদাহৰণ স্বৰূপেহে কৈছো। এনেকুৱা বহুত কথা আছে। হাইকোৰ্ট হলে আমাৰ এটা ডাঙৰ উপকাৰ হ'ব যাৰ দ্বাৰা আমি আশা কৰিব পাৰো যে Judiciary Executive ৰ পৰা বেলেগ থাকি ন্যায় বিচাৰ হোৱাত কোনো প্ৰতিবন্ধকতা নহ'ব।

বহুতে কৈছে যে যি স্থলত আমাৰ ইয়াত ভাল উকিল বা Advocate নাই হাইকোৰ্ট হলে আইন ঠাইৰ পৰা উকিল আহি আমাৰ ইয়াত practice কৰিব আৰু সেয়ে হলে হাইকোৰ্ট হোৱা নোহোৱা সমান কথা হ'ব। সেই কথা আমাৰ হাতত আছে। আমাৰ আগামত এনেকুৱা ভাল ভাল পুৰনি experienced উকিল আছে যে তেওঁলোক কোনো হাইকোৰ্টৰ Advocate ত কৈ কোনো গুণে কম নহয়। তেওঁলোকে Advocate ৰ licence এই কাৰণে লোৱা নাই যিহেতু আমাৰ ইয়াত কোনো হাইকোৰ্ট নাই। যদি আজি আমি হাইকোৰ্ট স্থাপন কৰোঁ আৰু যদি এনেকুৱা কেইবা বছৰৰ অভিজ্ঞতা থকা বেচিভাগ উকিলকে হাইকোৰ্টত practice কৰিবলৈ সুবিধা কৰি দিয়া যায় তেনেহলে আমি আশা কৰিব পাৰো যে বাহিৰৰ পৰা কোনো উকিল আহিব নালাগিব, ইয়াৰ উকিলেই হাইকোৰ্টৰ কাম চলাব পাৰিব। সেই কাৰণে কওঁ যে যেতিয়া হাইকোৰ্টৰ বিষয়ে Rule তৈয়াৰ কৰিব তেতিয়া তেখেত সকলে যেন আইন হাইকোৰ্টক দেখি এনেকুৱা কটকটিয়া আইন নকৰে যাতে পুৰনি কেইবা বছৰৰ অভিজ্ঞতা থকা উকিল সকলে হাইকোৰ্টত practice কৰিবলৈ সুবিধা নোপোৱা হয়।

Scheme আৰু দৰমহাৰ বিষয়ে বহুত কথা হৈ গৈছে। মই মাত্ৰ ইয়াকে ক'ব খোজো যে মাননীয় বৰা ডাঙৰীয়াই কোৱাদৰে কম পক্ষও কেবানী সকলৰ দৰমহা ১০০ টকাৰ কম হ'ব নালাগে কিন্তু ওপৰত যিমান দিব পাৰে গৱৰ্ণমেণ্টে বিবেচনা কৰি চাব। মই দেখিছো যে দণ্ডবিধিৰ দৰমহা ৩০ টকা ধৰা হৈছে। এই ৩০ টকাৰে আজিকালি কোনো পৰিয়ালেই জীৱিকা নিৰ্বাহ কৰিব নোৱাৰে। সিহঁতক কমপক্ষেও দৰমহা ৫০ টকা দিয়া উচিত। আমাৰ বৰ্তমান

উদ্দেশ্য হৈছে যে যিমান দূৰ পৰা যায় সৰ্বসাধাৰণৰ জীৱিকা নিৰ্বাহৰ উপায় এনে ভাবে কৰি দিব লাগে যাতে সিহঁতৰ standard of living এটা উপযুক্ত ৰূপে হয়। আমি প্ৰথমতে চাওঁ ডাঙৰ বিলাকে কিমান দৰমহা পাব। কিন্তু সৰু বিলাকক নিয়ম মতে দৰমহা দিবলৈ বহুতে টান পাব। আজিৰ দিনতো চৌকীদাৰে ২০ টকা দৰমহা পাব সেই কথা এতিয়া পাহৰিব লাগিব। এতিয়া সকলো মানুহৰে standard of living বৰ্তমান অৱস্থাৰ লগত সামঞ্জস্য ৰাখি কৰিব লাগিব। সেই কাৰণে menial বিলাকৰ দৰমহা এনে দৰে কৰা উচিত যাৰদ্বাৰা সিহঁতৰ পৰিয়ালে ভালকৈ খাই লৈ থাকিব পাৰে। এইটো আমি মনত ৰাখিব লাগিব যে ডাঙৰ যি দৰে পৰিয়াল থাকে সৰু চাকৰিয়ালৰো সেইদৰে একোটা পৰিয়াল থাকে। আশাকৰো প্ৰধান মন্ত্ৰী মহাশয়ে এইটো বিবেচনা কৰি চাব।

ইয়াকে কৈ মই এই প্ৰস্তাৱ সৰ্বান্তঃকৰণে সমৰ্থন কৰিলোঁ।

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I am extremely thankful for the opinion that has been expressed from the different sides of the House about this Resolution. Excepting the argument of hon. Mr. Roufique about which I find certain difficulty in understanding, I could almost take it that the opinion in favour of the same is unanimous both for the scheme as well as the procedure proposed by Government in the Motion. Maulavi Roufique has raised the question that unless we are able to appoint men from the Province, the High Court should not be there at all. To my mind, Sir, apart from the question of recruitment from the province, there arises a very important question, namely, whether a High Court if it is at all necessary is not necessary from any other consideration. I want to enquire of him, Sir, if there is no other consideration for the establishment of a High Court except for providing men from the province. When he is making that statement he is possibly thinking of the interests of some middle class men to find employments. I quite sympathise with him in his desire. I quite realise the importance of provincial recruitment in the services subject to possession of necessary qualification. But is that the only consideration for which we should establish a High Court in the province? Is it also not necessary that the poor litigants get a chance of having the administration of justice in the highest level cheaply and near his door? Is that not a more important consideration than the consideration of recruitment? That is what I am asking to know from him. I could quite understand when one feels that less the number of litigants the better it is, but I do not realise the situation when one says that unless we have recruitment from the province we do not want a High Court.

***Maulavi MAHAMMAD ROUFIQUE:** I don't know if the Hon'ble Premier has understood the implication of my statement. I have given a concrete example how Assam's case was conducted not by lawyers from this province but by one Mr. Atul Gupta, a Junior Advocate of the Calcutta High Court. So if that is the position, what is the good of taking the glory of the High Court?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not actually to discuss here the Boundary Commission, but I could tell the hon. Member that a number of lawyers from this province represented our case before the Boundary Commission. We had to entrust Mr. Gupta who is surely a senior advocate with the argument of the case because he was already interested in the subject and was doing that job. But it is not a fact that lawyers from Assam were not represented in the panel which had prepared the case and appeared during the argument.

*Speech not corrected

The main question as to how the appointments of the High Court Judges are going to be made was raised by my hon. Friend Mr. Sayidur Rahman and I refer him to section 221 of the Government of India Act. Well, the Adaptation Order has of course taken out that portion of the section 'His Majesty in Council' and that has been substituted apparently by 'the Governor-General'. Now the section will read thus: "The judges of the several High Courts shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by the Governor-General: Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment".

Then in regard to qualification that has been laid down, personally speaking I do not find anything wrong in that qualification. If we want somebody to look into the administration of justice in the High Court, a man with some experience in the administration or at any rate knowing the laws and orders of the High Court should at least be chosen for the work. We the members of the Constituent Assembly as representatives of India had also framed certain principles which would govern the administration of High Courts in India. The final authority in this matter has been vested not in the Provincial Government alone. The idea behind the whole thing is perfectly clear. We all want a Judiciary which should be free from interference by the Government; we want that Government should have no hand in the administration of justice. And yet we argue that all that is to be done should be done by the Provincial Government alone. The proposal in the scheme is a set-up which will be done certainly in consultation with the Government of Assam. But when we think of an independent Judiciary, it should be framed in such a way that it would be independent of the Government. So we should have to understand the full implication of the scheme. That being so, I do not think I need take up the point which has been raised by several hon. Members in respect of this question, any further.

I now descend to the details of the scheme. I can add one more word to what has been said by the hon. Leader of the opposition. I could tell him for his information that the Government scheme as prepared by the Advocate-General, in reference to the Revenue side is concerned, also takes note of them. I read the note of the Advocate General:

"We are of opinion that there will be no financial difficulty in establishing such a High Court. We have already stated that we make a contribution of approximately Rs. 1 lakh 40 thousand annually to the Government of Bengal. It is expected that the province will get about Rs. 60 thousand annually from court-fees and other sources which now are realised by the Calcutta High Court. Additional income on the credit side would be the fees for enrolment of Advocates and Lawyers and for renewal of their certificates which now go to Bengal. Probate fees on assets valued at over Rs. 10 thousand at present go to Bengal, but in the event of the establishment of the High Court for Assam this would also come to the Province. In all including the contributions just at present paid to the High Court there would be on the credit side approximately Rs 2 lakhs."

So this is what has been approximately worked out by the hon. Leader of the Opposition on the side of the revenue. I think this was drawn up after the hon. Leader of the Opposition had discussed the matter with him.

Maulavi Saiyid MUHAMMAD SAADULLA: All these things were mentioned in the Address that was presented before the House in 1938.

The Hon'ble Srijiit GOPINATH BARDOLOI: Then on the expenditure side also he has suggested that the salary of the Chief Justice should be Rs. 3,500 and of the Puisne Judges Rs. 3,000 per month. The annual cost of the

establishment of a High Court may be in the vicinity of Rs. 2 lakhs 80 thousand. There is reason to believe that the establishment of a High Court in Assam would impose no appreciable burden on the revenues of the province and might indeed at a future date result in saving bearing in mind that dissolution of the Revenue Tribunal would relieve Government from an expenditure of 40 to 50 thousand rupees.

So on the broad question of income and expenditure side of the High Court, I think, there is not much difference between the view point represented by the hon. Leader of the Opposition and Government. But it has been very clearly and distinctly shown by the hon. Leader of the Opposition that on the expenditure side there is much room for saving and personally I agree with most of the details of the saving which is shown there. I therefore, do not propose to go into those details, which I leave for the hon. Leader of the Opposition to place before the House.

In reply to criticism which has been put forward regarding the salary of lower officials which has been rather lower than it should have been, I thoroughly agree and I hope, when the Scheme will come for operation, it will be possible to increase the initial pay at any rate of these officers. In view of all these common decision, I feel that the whole House is agreed over this whole scheme.

There has been some criticism on the question that Government should see that the provincial representation in this institution is made possible. All that we can say is that Government will do its best to see that provincial representation finds place in this institution.

One word regarding the jurisdiction which has been referred to by my hon. Friend in the opposite from Cachar. This question has not been, as I said before, decided. Regarding the Lower Judiciary, the Scheme has not been worked out in detail, as also the question as to how the Lower Judiciary is to be controlled. As the House has not decided this matter of principle, the question is yet open as to how far the lower judiciary should be completely free from governmental control. That raises a big question of finance. It may be often-time difficult for Government, for example, in a place like North-Lakhimpur, one man has to exercise the duties of a Munsif as well as the duties of a Magistrate besides a third for executive duties; and from the point of economy and expenditure it may be quite enough to allow him to discharge all the functions. But if he has got to be put by the jurisdiction of the High Court administration this cannot be done; nay he cannot be transferred from one place to another. In such cases therefore expenditure will be duplicated or triplicated if 2 or 3 officers have got to be appointed in place of one. All these difficulties have not been examined by Government in detail and therefore it is not possible to say anything on that point. But I can assure the hon. Member over there that the question of the Cachar area or possibly the newly acceded areas coming under the jurisdiction of the new High Court, will be considered for one of inclusion. Therefore, he need not have anxiety on that account.

The Hon'ble the SPEAKER: Regarding site for the High Court the hon. Member said that if the site is selected in Shillong it would be much better for the Cachar people.

The Hon'ble Srijut GOPINATH BARDOLOI: Regarding that matter Government have come to a final decision. I do not know what will be the exact route to Cachar after the separation of Sylhet. If we cannot pass through Sylhet, it will require probably, two or three days to Cachar. Of course, if the right of way through East Bengal is allowed to continue after the March 31, 1948, that would be a different matter. But it has been decided by this Government that the site should be at Gauhati. This is also the opinion of the Advocate

General. We are all of the opinion that the High Court should be at Gauhati but for temporary purposes, as the hon. Leader of the Opposition said, we might get the advantage of Commissioner's Office and Commissioner's Court Room, at Gauhati and if required we might get the advantage of the Council House here. But there is no doubt that the final site should be at Gauhati. This town, Sir, is most centrally situated. It will be easy of access on account of the various routes of transport it possesses by rail, steamer and road. This is the attitude of Government as regards site.

I am grateful to all the hon. Members who gave their valuable advice on this matter and the House must be very grateful to the hon. Leader of the Opposition, who took so much pains over the subject, in preparing to give his valuable advice to the House and Government for the purpose of carrying out the Scheme as early as possible.

With these words, I commend my Motion for the acceptance of the House.

The Hon'ble the SPEAKER : Now, I put the question.

The question is :

"Resolved that a High Court be established for the Province of Assam as early as possible and the Scheme outlined below is taken into consideration".

The question was adopted.

(Applause)

The Hon'ble the SPEAKER : Now, we pass on to the next item.

Maulavi Saiyid MUHAMMAD SAADULLA : I think, in order to facilitate steps for this Scheme through the Dominion Government, it would be better if you say that it was passed unanimously. You can request the House to know if there is any dissentient voice.

The Hon'ble the SPEAKER : Is there any dissentient voice ?

(Voices—No, No.)

Then I declare that the Resolution is passed unanimously.

The Hon'ble Srijut GOPINATH BARDOLOI : In view of the reference made by the hon. Leader of the Opposition, I should like to inform the House that the Advocate General has already left for Calcutta today and he will meet Sir B. N. Rau in Calcutta tomorrow and whatever final is to be decided it will be made and will be sent up to the Dominion Government as early as possible. We may further request the hon. Leader of the Opposition who will be in Delhi for the session of the Constituent Assembly before me, to please contact the higher officials who will deal with this scheme and when I shall be there I shall also see that steps are taken for speedy action on this scheme.

The Hon'ble the SPEAKER : Then we pass on to the next item. Private Members' Resolutions. Did we discuss about *Karkeluas* ? I think, we were in the midst of the Resolution *No. 42, regarding the outbreaks of Hoemorrhagic Septicaemia and Anthrax epidemics among the cattle.

*42 Srijut GAURI KANTA TALUKDAR : This Assembly is of opinion that immediate steps be taken to provide each Veterinary Dispensary in the Province with a microscope and a good stock of serum necessary for inoculation during outbreaks of Hoemorrhagic Septicaemia and Anthrax epidemics amongst cattle and that the Government of Assam do arrange to give Post-graduate training to Veterinary Assistant Surgeons by batches for this purpose.

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** The Hon'ble Minister did not say anything to ascertain the opinion of experts whether a microscope is necessary for diagnosing the disease as mentioned in the Resolution.

The Hon'ble the SPEAKER: Any other hon. Member taking part in the debate in respect of this Resolution?

Srijut GAURI KANTA TALUKDAR: I think, the Hon'ble Minister has not expressed his preliminary opinion.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I have very carefully considered the opinions and suggestions made by some hon. Members regarding the improvement of the Veterinary Department and to make it useful to the public in general. Government have been trying to make the Department more useful by establishing vaccine depot at Gauhati. It will have to be examined, Sir, whether Serum as suggested by my hon. Friend the Mover can be used in cases of Hoemorrhagic Septicaemia and Anthrax.

Maulavi Saiyid MUHAMMAD SAADULLA: I am sorry to interrupt, Sir. I want to know from the hon. Mover of the Resolution about the symptoms of Hoemorrhagic Septicaemia and Anthrax; I see that the Hon'ble Minister has taken upon himself to explain about the nature and symptoms of these diseases.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I am almost a layman—(laughter)—and I am not in a position to explain as regards the nature of the disease. The hon. Mover of the Resolution explained that in both these diseases there is a discharge of blood, but so far as I know Anthrax does not involve any discharge of blood but it is a swelling of the throat and the animal dies very soon after contraction, and it is very difficult to get the help of a doctor. Just as in the case of Septicaemia the animal as soon as it has been attacked it is gone, because no time is allowed by the disease to get the help of a doctor. So also is the case with Anthrax, unless some preventive steps are taken.....

The Hon'ble the SPEAKER: We must get more explanation from the hon. Mover regarding the nature and symptoms of the diseases. I would like to give the hon. Member a chance to withdraw his Resolution in case he has moved this Resolution under a misapprehension.

Srijut GAURI KANTA TALUKDAR: I am sorry, Sir, that my Resolution has not been properly understood. My Resolution aims at proper diagnosis and prevention of these diseases.

The Hon'ble the SPEAKER: The explanation is not satisfactory. The hon. Mover gives one explanation of the nature and symptoms of the diseases while the Hon'ble Minister gives another. So I propose the House would give the hon. Mover a chance to withdraw his Resolution.

Srijut GAURI KANTA TALUKDAR: The object of my Resolution is to provide each Veterinary Dispensary with a microscope for giving facilities to Veterinary Assistant Surgeons of diagnosing these diseases. The utility of a

*Speech not corrected.

microscope is well known ; with its help the Veterinary Surgeons will be able to diagnose the disease properly and take immediate steps for inoculation. That is the object of the first part of my Resolution. There seems to be some misunderstanding.....

The Hon'ble the SPEAKER: The hon. Member's Resolution reads like this: "This Assembly is of opinion that immediate steps be taken to provide each Veterinary Dispensary in the Province with a microscope and good stock of serum". How can one say whether a microscope or serum is necessary for inoculation during the outbreak of Hoemorrhagic Septicæmia and Anthrax unless one knows the nature and symptoms of the diseases ; so the hon. Leader of the Opposition is quite right in seeking elucidation in this matter.

Srijut GAURI KANTA TALUKDAR: Sir, the object of my Resolution is to provide our Veterinary Assistant Surgeons with some means to diagnose these diseases. I have already said that the symptoms are similar and it is very difficult to diagnose them without the help of a microscope and the Veterinary Surgeons find it difficult to know which kind of serum is to be inoculated. That is the demand I have made in the first part of my Resolution. The second part suggests that if it is found that these Veterinary Surgeons are not accustomed to the use of a microscope, steps may be taken to train them in this matter.

The Hon'ble the SPEAKER: But the hon. Member has not been able to meet the difficulty of the hon. Leader of the Opposition. He wants to know whether a microscope is necessary in the case of Anthrax.

Srijut GAURI KANTA TALUKDAR: In explaining the nature of the disease, the Hon'ble Minister has said that there is no blood discharge in cases of Anthrax, but so far as my information goes, in both these diseases blood discharge takes place and for the examination of the blood and the excrement the help of a microscope is necessary to properly diagnose the disease so that the right kind of serum may be used.

The Hon'ble the SPEAKER: Then shall we have another day to ascertain the symptoms of these diseases ?

(Voices—Yes, yes).

Maulavi Saiyid MUHAMMAD SAADULLA: May I make myself clear, Sir? My Friend Mr. Talukdar was asking the House to accept his Resolution. His Resolution means to provide every Veterinary Dispensary in the Province with a microscope, that means expenditure from the Provincial Exchequer. He has his opponent just in front of him—the Hon'ble Finance Minister—and he must also convince us that this expenditure is necessary in the interest of the bovine animals.

I want to know the symptoms of these diseases. According to my hon. Friend a microscope will help in finding out the germs of these two diseases, but what are the symptoms and whether the symptoms can be found out through a microscope examination ? My hon. Friend said that there was blood discharge and if there is blood discharge, surely microscope will show the germs.

I think the Hon'ble Minister who has got all the experts under him in the Veterinary Department will be able to give us the information. He has told us the nature of Anthrax disease that there is no blood discharge at all. It is a disease with a Swollen neck (*laughter*). I do not know whether there is any discharge of blood from the neck. So microscopic slides may not show any disease and examination will be futile (*laughter*). These are very relevant points at least for a layman like myself, and so I want to learn it from Mr. Talukdar, who wants to lead a campaign to murder *Kerketuas* and who now wants to become a murderer of Hæmorrhagic Septicæmia and Anthrax germs (*loud laughter*), and we want elucidation.

Srijut GAURI KANTA TALUKDAR: I have already submitted, Sir, the information about the nature of both the diseases. I may, if necessary, give further information regarding the symptoms of these diseases and explain why a microscope is necessary for proper diagnosis of those diseases.

The Hon'ble the SPEAKER: Probably we should await further light on the subject. Meanwhile I adjourn the House till 2 P.M. on Friday next.

Adjournment

The Assembly was then adjourned till 2 P.M. on Friday, the 11th September 1947.

SHILLONG:

A. K. BARUA,

The 3rd November 1947.

Secretary, Legislative Assembly, Assam.

A.G.P. (L.A.) No.148-2+118-19-11-1947.

College under the Benares Hindu University by the Government of Assam with or without Government scholarships?

- (b) Of them, how many were non-Muslims and how many Muslims?
- (c) Whether there was any Muslim candidate either for seats or scholarships in the said Benares Engineering College in 1946-47?

*138. Will Government be pleased to state—

- (a) How many Assam students are at present prosecuting their studies in the Bengal Engineering College, Sibpur, in the First, Second, Third and Fourth Year Classes (to be shown separately) in Civil Engineering?
- (b) Whether it is a fact that there is a great demand for qualified Civil Engineers for the Province?