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

The Assembly met at the Assembly Chamber, Shillong, at 11 a.m., on Monday the 13th December 1937

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Contract for collection of concrete in the 65th mile of the South Trunk Road

SRIJUT PARAMANANDA DAS asked:

*31. Does the Hon'ble Minister for Public Works Department propose to enquire whether the quality of the concrete collected in the 65th mile of the South Trunk Road of Assam Valley is up to the standard ?

*32. Will the Hon'ble Minister for Public Works Department be pleased to state whether the contract in question has been given at lower rate than usual ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

31.—An enquiry has been made and the material is stated to be in accordance with the specification for such work and well up to the standard generally supplied.

SRIJUT PARAMANANDA DAS: May I know who supplied the information ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The Executive Engineer, Sir.

SRIJUT PARAMANANDA DAS: Is it not a fact that the material supplied was of the poorest quality ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is not our information, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

32.—The rate accepted was annas 6 less than the estimated rate per 100 c.ft.

Fees realised from students of the Indra Narayan Academy

SRIJUT PARAMANANDA DAS asked:

*33. Will the Hon'ble Minister for Education be pleased to state whether the fees realised from students reading in the Indra Narayan Academy, Bilasipara, exceed the Government school fees by 2 annas in every class ?

(*b*) If so, will Government be pleased to state the reason for this excess ?

(*c*) Is there any demand from the Managing Committee for further grant-in-aid to relieve the financial stringency of the school ? If so, will the Hon'ble Minister please state if Government is prepared to consider the demand ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

33.—Yes.

(*b*)—To provide the necessary income.

(*c*)—The Committee has asked for a grant but till now funds have not been available. The request will be considered when funds are available.

SRIJUT PARAMANANDA DAS : Will Government be pleased to state whether Government issued any instructions ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The fees were raised by the managing committee.

SRIJUT PARAMANANDA DAS : Will Government be pleased to extend the grant-in aid to this high school ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have already replied that the matter is under consideration.

KUMAR AJIT NARAYAN DEV : Is it a private or a Government school ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : It is not a Government school.

SRIJUT JOGENDRA NARAYAN MANDAL : Is there an Assamese teacher in the school ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I require notice of that question.

SRIJUT PARAMANANDA DAS : Is it not a fact that as there is no Assamese teacher, the boys are compelled to take Bengali as their vernacular ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I want notice of that question.

Construction of a bridge over the Brahmaputra river

MR. FAKHRUDDIN ALI AHMED asked :

*34. Is it a fact that the Railway Company concerned have definitely decided to make a railway bridge across the Brahmaputra at Pandu ? If so, will the Hon'ble Minister in charge of Public Works Department please state :—

(*a*) Whether Government of Assam have written to the Railway Company concerned for the provision of a motor roadway and a foot-path on the said railway bridge ?

(*b*) Whether the Company concerned have agreed to make the said provision ?

(*c*) The approximate cost of providing the motor roadway and foot-path on the said railway bridge which the Government of Assam is required to contribute ?

(*d*) What steps have Government taken or intend to take to meet the necessary cost of the said project ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

34.—No. An estimate for the work is being framed and will be considered by the Government of India when the actual cost is known.

(*a*)—Provision for the construction of the roadways will be included in the estimate.

(*b*)—Yes. If paid for but not at their own cost.

(*c*)—At present it is impossible to give anything like accurate figures but the cost would probably be between Rs.20,00,000 and Rs.22,00,000.

(*d*)—The Government of Assam cannot meet such a heavy charge on the provincial revenues but have requested the Government of India to meet the cost.

MR. FAKHRUDDIN ALI AHMED : Is it a fact, Sir, that a meeting of the Railway Companies was held at Shillong some time ago for considering the desirability of having the said bridge ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There was no meeting of the Railway Companies, but an officer of the Eastern Bengal Railway Administration came up to Shillong and discussed with the Chief Engineer.

MR. FAKHRUDDIN ALI AHMED : Sir, is the Hon'ble Chief Minister quite sure that the Company concerned has not yet decided to have a bridge ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The Railway Officer referred to did not come to Shillong to discuss that question. The question discussed was about a headway for steamers that is to be kept there. There is some difference of opinion between the Railway and the Steamer Company. The question whether there should be a bridge, or not is a matter for the Railway Board to decide and no member of the Railway Board came up here.

MR. FAKHRUDDIN ALI AHMED : May I know, Sir, whether the Railway concerned will inform the Hon'ble Chief Minister when they decide to have a bridge ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : We shall be addressed about the cost of the bridge and whether the Assam Government is willing to have a roadway or not.

MR. FAKHRUDDIN ALI AHMED : Is it not a fact, Sir, that if this opportunity is lost, the Government will not get another opportunity of having the side road bridge at a cheaper cost ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Government quite realise the fact.

MR. FAKHRUDDIN ALI AHMED : Sir, do Government propose to raise a loan if the Company decides to undertake the construction of the bridge ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : We have not arrived at that stage up till now. We have requested the Central Government for funds to pay for this roadway.

MR. FAKHRUDDIN ALI AHMED : My question is this, Sir. If the Central Government is not prepared to grant us fund for the purpose, do the Provincial Government propose to raise the requisite amount on loan ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : It is too premature to commit the Government one way or the other. If it is found desirable to have a roadway along with this Railway bridge, funds will have to be found whether by raising a loan or otherwise.

SRIJUT PURNA CHANDRA SARMA : Is it decided that there will be a roadway ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Decided by whom ? It has not been decided by us yet.

SRIJUT PURNA CHANDRA SARMA: Has not this Government any information about it ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir.

MR. FAKHRUDDIN ALI AHMED: Will Government, Sir, write to the Company to the effect that this Government should be informed when they ultimately come to the decision of constructing the bridge ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This Government will be informed if it is decided to build this bridge.

KUMAR AJIT NARAYAN DEV: May I know whether the borings have been successful ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, we have no information.

Creation of the post of an Assistant to the Deputy Commissioner, Khasi and Jaintia Hills

MR. FAKHRUDDIN ALI AHMED asked:

*35. (*a*) Is it a fact that Mr. G. P. Stewart, I.C.S., Assistant Commissioner, has been appointed Assistant to the Deputy Commissioner, Khasi and Jaintia Hills, since the beginning of November 1937 ?

(*b*) If so, will the Hon'ble Chief Minister please state—

(*i*) Since when and for how long has the post of Assistant to the Deputy Commissioner, Khasi and Jaintia Hills, been created ?

(*ii*) What has necessitated the creation of the said post ?

(*iii*) Whether the officer appointed will draw the junior grade salary of his substantive post of an Assistant Commissioner or the senior grade salary ?

(*iv*) Was there no other vacancy where Mr. Stewart could be put ?

(*v*) Whether about the same time a temporary post of a Deputy Secretary in the Education and Local Self-Government Department has been created ?

(*vi*) For what reasons could not the services of Mr. Stewart be utilised in the said post of a temporary Deputy Secretary in place of posting another officer ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

35. (*a*)—Yes.

(*b*) (*i*)—The post has been created for 4 months with effect from the 10th November 1937.

(*ii*)—It was urgently necessary to demarcate the boundaries between the Khasi States and the British portion of the Khasi and Jaintia Hills, in view of the division of the functions of His Excellency the Governor as Governor and as Agent of the Crown Representative brought about by the new constitution.

(*iii*)—The Officer will draw pay on the superior scale.

(*iv*)—There were other vacancies but Mr. Stewart's services were immediately required for this work.

(*v*)—Yes.

(*vi*)—In addition to the reason given in reply to part (*iv*) of this question, the post of Deputy Secretary could be suitably filled only by an officer with previous Secretariat experience, which Mr. Stewart did not have.

MR. ARUN KUMAR CHANDA: Will the Hon'ble the Chief Minister state what was the special merit of this officer for which Government have decided to bring him here ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Special merit about what ?

MR. ARUN KUMAR CHANDA: Special merit for the work concerned.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If by special merit the hon. member means any specialised knowledge of survey, I can say that he had none. But generally, he has special knowledge of the administration of hill districts

MR. ARUN KUMAR CHANDA: Was he considered by the Government that in the circumstances he was the most suitable officer for the work concerned ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir. He was the only officer available at the time.

MR. ARUN KUMAR CHANDA: Could not Government have selected an officer from the Provincial Civil Service ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That would have deprived a Provincial Service Officer of a listed post which he was holding, as we must have a very senior officer for the work.

MR. FAKHRUDDIN ALI AHMED: May I know, Sir, whether Mr. David Roy has been in charge of this work or not ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My hon. friend is entirely under a misapprehension. That officer is not working on this subject. The present work is for demarcating the boundaries between the Khasi States and the British portion of the Khasi and Jaintia Hills.

MR. FAKHRUDDIN ALI AHMED: What is the substantive post of Mr. Stewart, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Assistant Commissioner.

MR. FAKHRUDDIN ALI AHMED: Could not the officer be brought here on that scale of pay, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir. At the time when he was brought here he was officiating as Deputy Commissioner on a superior scale. It was open to him to go on leave from that superior scale. Instead of that, we have felt it better to bring him here.

MR. FAKHRUDDIN ALI AHMED: Did he apply for leave, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir. There is a gap period between his making over charge as Deputy Commissioner, Sylhet, and his joining his substantive post in the Manipur State.

MR. FAKHRUDDIN ALI AHMED: Has this officer, Sir, any intimate knowledge of this district ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No intimate knowledge of this district. But he has knowledge of hill administration.

MR. FAKHRUDDIN ALI AHMED: Could not this work be discharged by the Deputy Commissioner, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir.

MR. FAKHRUDDIN ALI AHMED: Was there no provincial officer available who had greater knowledge of this district, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No provincial service officer with the intimate knowledge of this district was available.

Number of accidents on the Dibru-Sadiya Railway

SRIJUT LAKSHESVAR BOROOAH asked:

*36. Will the Hon'ble the Chief Minister be pleased to state the number of accidents resulting in the destruction of cattle and human lives on the Dibru-Sadiya Railway Line for the last 3 years and also the number of derailments during the same period ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

36.—(*a*) The hon. member is referred to the answer given to his own question No.1420 during the last session of the Assembly.

(*b*)—Government will enquire regarding the number of derailments.

SRIJUT LAKSHESVAR BOROOAH: Will the Hon'ble Premier please give me the length of the line from one terminus to the other,—how many miles ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I think that is a new question, Sir. The question here is about the number of accidents. But now the hon. member wants the length of the line. I have not got the figures with me.

MR. NABA KUMAR DATTA: Did the Government enquire into the cause of these accidents ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already referred in my answer to the previous question on the same subject question No.1420. At that time I gave full details.

***Re* fencing of the Dibru-Sadiya Railway**

SRIJUT LAKSHESVAR BOROOAH asked:

*37. Referring to the Hon'ble the Chief Minister's reply to my Cut Motion regarding Grant No. 7 (Railway), will the Hon'ble Chief Minister be pleased to state—

(*a*) Whether legal opinion has been obtained regarding fencing in the Dibru-Sadiya Railway and as to the legality of the Dibru-Sadiya Railway running motor-buses on road running parallel to the Dibru-Sadiya Railway line ?

(*b*) If not, does the Hon'ble Chief Minister propose to stop the Dibru-Sadiya Railway from running buses as aforesaid on Railway ticket pending the decision of the matter by Government ?

*38. Does the Hon'ble Chief Minister propose to insist on the authority of the Dibru-Sadiya Railway to put up Level Crossings on the points of the Assam Trunk Road and Local Board roads and other public thoroughfares that the Railway line crosses ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

37. (*a*)—Legal opinion on the matter of fencing has been obtained and is under consideration.

The question of motor bus service is also under consideration but it may be necessary to obtain further legal opinion in the matter

(*b*)—No action will be taken pending the final decision of Government in the matter.

SRIJUT LAKSHESVAR BOROOAH : What is the legal opinion about ? Is it whether the Dibru-Sadiya Railway is liable to fence the line or not ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No. It is whether this Government is liable to pay a portion of the charges on fencing. I mentioned about this in detail on the last occasion when the matter came up in the form of a cut motion I believe and I mentioned that there was difference of legal opinion as regards our liability. We have now taken the legal opinion of a third Legal Remembrancer.

SRIJUT LAKSHESVAR BOROOAH : Has the legal opinion of the new Legal Remembrancer been taken ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes.

SRIJUT LAKSHESVAR BOROOAH : What is his opinion ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The matter is under consideration as I have already said.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

38.—This Government has no power to compel action in connection with a Federal Railway.

SRIJUT LAKSHESVAR BOROOAH : Will the Hon'ble Chief Minister recommend to or insist on the Central Government to put up the level crossing ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, if it is permitted, may I suggest that it will expedite matters if a similar question is put by our representative in the Central Assembly ? All the railways in Assam are Federal railways.

Remission of land revenue in Cachar

MR. ARUN KUMAR CHANDA asked :

*39.(*a*) Will Government be pleased to state if Government propose to grant remission of land revenue for 1344 *B.S.* realizable from areas in Cachar recently affected by heavy floods ?

(*b*) Do Government propose to stay realization of arrears of land revenue for the year 1343 *B. S.* for a period of one year at least in view of the prevailing distress ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

39.(*a*)—The Government have not come to any final decision about it but Deputy Commissioner reports that there is no case for remission of land revenue.

(*b*)—Orders have already been issued to stop coercive measures in flood-affected areas for the time being and it is not in contemplation to take coercive measures till after the next harvest. Government do not propose to go beyond this at the present moment.

MR. ARUN KUMAR CHANDA : Is it not a fact that Government had to grant considerable sums of money in the form of gratuitous relief in view of the distress in certain parts of the district ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Yes, Sir, that is true.

MR. ARUN KUMAR CHANDA : Does it not presuppose that the flood-affected people are not in a position to pay Government revenue ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : So far as the revenue of 1343 is concerned, it has not been realised by coercive measures. That is being stayed in the flood-affected areas.

Sitting and Punkha arrangements of Patwaris and Kanungoes in Surma Valley

MR. ARUN KUMAR CHANDA asked :

*40. Is it a fact that Patwaris and Kanungoes in the Surma Valley have to sit on benches in their offices ?

*41. Are Government aware that in various circle offices there is no *punkha* arrangement for these officers in summer ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

40 and 41.—Government do not dispute the statements made in these questions.

MR. ARUN KUMAR CHANDA : Do Government propose to make necessary improvements, Sir ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The matter is under consideration.

MR. ARUN KUMAR CHANDA : How long will the matter be under consideration ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : It all depends on the amount of money that we can make available for this.

***Re* abolition of Mouzadari offices in Sonai and Palonghat**

MR. ARUN KUMAR CHANDA asked :

*42. Will Government be pleased to state when the Mouzadari offices in Sonai and Palonghat, in Cachar were abolished ?

*43.(*a*) Are Government aware that the want of a Tehsil is being keenly felt by the public ?

(*b*) Do Government propose to attach a Tehsil to Sonai circle ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

42.—From 1st July 1932.

43.(*a*)—No.

(*b*)—No. The matter rests with local officers to initiate a proposal they feel the need for it.

Number of prosecutions under the Assam Students' Juvenile Smoking Act

SRIJUT MAHI CHANDRA BORA asked :

*44. Is Government aware of the existence of an Act known as the Assam Students' Juvenile Smoking Act ?

*45. When did the aforesaid Act come into force ?

*46. Will Government be pleased to state the number of prosecutions, if any, under the Act together with the result thereof ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

44.—Yes.

45.—The first January 1924.

46.—Since the Act came into force there have been 34 prosecutions, 33 persons have been convicted and 1 acquitted.

MAULAVI ABDUR RAHMAN : May I know whether Government have information that this Act is totally neglected by students ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The reply to the question shows the effect of the action taken under this Act.

MAULAVI ABDUR RAHMAN : Will Government issue instructions to the school authorities to be very strict as regards the principle of this Act ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes, Sir. That can be done.

MAULAVI GHYASUDDIN AHMED : May I know how many prosecutions were made in the district of Goalpara, since the Act was passed ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have no information.

SRIJUT DEBESWAR SARMAH : May I know, Sir, if it is a cognisable offence ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes.

SRIJUT DEBESWAR SARMAH : Will the Hon'ble Minister be pleased to enlighten us as to how many cases had been reported by the Police ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I want notice of that question, Sir.

SRIJUT DEBESWAR SARMAH : Is it nothing ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : As I have already stated, I want notice.

Lady Kerr Girls' High School at Dhubri

MAULAVI GHYASUDDIN AHMED asked ;

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

(*a*) The amount of monthly grant to the Lady Kerr Girls' High School at Dhubri by the Dhubri Local Board when it was first started ?

(*b*) How long did this grant continue ?

(c) Who was the Chairman of the Dhubri Local Board when this grant was made ?

(d) What was the reason for which this grant was discontinued ?

*48. Is it a fact that when this grant was discontinued Government deducted the like amount from the annual recurring grant given by Government to the Dhubri Local Board ? If so, why ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

47. (a) to (d)—Before the school became a High School the Board used to give it grant of Rs.70 per mensem from 1928-29. In 1931-32 the Board for financial reasons found it necessary to reduce its grant to Rs.40 per mensem. At the same time the question of the propriety of the Board in making a grant to a school which had secured recognition as a High School came under the consideration of Government and it was decided that such a grant was not a legitimate expenditure for the Board to meet.

The solution finally arrived at was that a recurring grant of Rs.40 per mensem was made by Government to the school and the Board's grant for primary education was reduced by Rs.480 a year. The Chairman of the Dhubri Local Board in 1931-32 when the matter was referred to Government was Rai Bahadur Biraj Mohan Dutta.

MAULAVI GHYASUDDIN AHMED : Was the Board competent to give such a grant to an institution in the municipal area ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes.

MAULAVI GHYASUDDIN AHMED : Is there any rule in the Local Self-Government Act which prohibits any such grant to any institution which is within the municipal area ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I am not aware of any such rule, but I shall look into the matter.

MAULAVI GHYASUDDIN AHMED : Is the hon. member aware that in the Dhubri Local Board there are about 50 venture schools and that for want of funds the Board could not take up those schools ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I shall take the statement of the hon. member to be correct.

MAULAVI GHYASUDDIN AHMED : Was the Board consulted before the sum of Rs. 480 was deducted from the annual grant to this Board ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I want notice of that question.

MAULAVI GHYASUDDIN AHMED : Does the Hon'ble Minister consider that secondary education is more important than primary education ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : It is a matter of opinion, Sir.

MR. BAIDYANATH MOOKERJEE : What is the Government opinion ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Government opinion is that primary education is more important than secondary education.

MAULAVI GHYASUDDIN AHMED : Then what was the necessity of the deduction of the grant from this Board which was meant for the primary education of that subdivision ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, this thing happened in 1931-32 and it is very difficult for my Hon'ble Colleague to say what led this Government to reduce the grant of the Dhubri Local Board.

MAULAVI GHYASUDDIN AHMED: Are Government prepared to give back the amount that has been deducted ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir.

MAULAVI GHYASUDDIN AHMED : May I know the reason why ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : It was done by the previous Government and we are not going to set aside their decision.

MAULAVI GHYASUDDIN AHMED : Cannot the present Government do that ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The Dhubri Local Board will get a share of the Rs. 50,000 voted by this House for expansion of primary education.

MAULAVI GHYASUDDIN AHMED : Besides that money which was really due to the Board, are Government willing to give them anything in addition ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: That amount was intended for the primary and not the secondary school.

MAULAVI JAHANUDDIN AHMED : Are Government prepared to reconsider the decision made by the previous Government ? The previous Government has done something illegal. I want to know whether the present Government is going to heal up that wound inflicted by the previous Government ?

THE HON'BLE THE SPEAKER : The hon. member will please avoid metaphorical language.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have already said, Sir, in reply to question 47 that the question of the propriety of the Board in making a grant to a school which had secured recognition as a high school came under the consideration of the Government and it was decided that such a grant was not a legitimate expenditure for the Board to meet.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

48.—Yes. The reason has been explained in answer to the previous question.

Post of the present Soap Expert

BABU RABINDRA NATH ADITYA asked :

*49. Will Government please state when the term of service of the present Soap Expert will expire ?

*50. Do Government propose to employ a qualified man, if available, of the province, in the post when the term of the present incumbent expires ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied :

49.—On 31st March 938.

BABU RABINDRA NATH ADITYA : Do Government propose to extend his services by granting an extension ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: The reply is given in answer to question 50.

BABU RABINDRA NATH ADITYA: Is it in the contemplation of this Government to prolong his services ?

THE HON'BLE THE SPEAKER: This again will properly come under question No.50.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied:

'50.—The matter will be considered if and when the scheme is either made permanent or extended. At present, it is temporary and was sanctioned for three years.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

Grant of License for Cement Manufacture

MAULAVI ASHRAFUDDIN MD. CHAUDHURY asked:

107. Is it a fact that one Mr. S. Purkayastha, a native of the Province, applied for license, to start cement manufacturing within the district of Nowgong and his case was recommended by the Deputy Commissioner of Nowgong ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

107.—An application for a prospecting license in the Mikir Hills from Mr. S. Purkayastha was received from the Commissioner but was not recommended by him and has been rejected.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: The question was whether the Deputy Commissioner of Nowgong recommended his case. I find, Sir, that the answer does not refer to the point. The question is whether he is a native of the province and whether his case was recommended by the Deputy Commissioner ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Mr. Purkayastha is a native of the province. I find, Sir, that the Commissioner did not recommend and probably the Deputy Commissioner also did not recommend I believe. But as I am not very sure of that, I may give that information later on if desired.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: May I know whether the Commissioner gave any reason for rejection of his petition or simply he forwarded it ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The Commissioner gave certain reason for rejection of his petition and it will be unfair to the petitioner to disclose that reason.

BABU HARENDRA NARAYAN CHAUDHURI: May I know the date on which Government terms were communicated to Messrs. Gajanand Agarwalla and Kamakhya Lal Bajoria ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The application from Messrs. Gajanand Agarwlla and Kamakhya Lal Bajoria related to the portion of the Mikir Hills in the Sibsagar district and Mr. Purkayastha's application related to the Mikir Hills in the Nowgong district.

BABU HARENDRA NARAYAN CHAUDHURI: I want to know the date on which the terms of Government were communicated to Messrs. Gajanand Agarwalla and Kamakhya Lal Bajoria.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not got the date with me now.

BABU HARENDRA NARAYAN CHAUDHURI: * * *

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THE HON'BLE THE SPEAKER: Order, order.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: * * * * * * *

BABU HARENDRA NARAYAN CHAUDHURI: * * I should be allowed to speak out.

THE HON'BLE THE SPEAKER: It is open to the hon. member to make any statement, but it is for him to decide whether he should take advantage of the protection given to him by the privileges of this House to make such a statement which would convey insinuations against a responsible Minister of Government and would amount to an abuse of the privileges of the House.

BABU HARENDRA NARAYAN CHAUDHURI: I am ready to substantiate my statement. I do not want to be protected by the privileges of the House and I am ready to be hauled up under section 500 of the Indian Penal Code.

THE HON'BLE THE SPEAKER: It is optional for the hon. member to make any statement he likes, but he should think thrice whether he should make such a statement under the protection of the privileges of the House, which may be characterised as reckless.

BABU HARENDRA NARAYAN CHAUDHURI: I waive that right, Sir, I make the statement with full responsibility. Many things are happening, Sir, and it is in public interest that these things should be exposed.

RAI BAHADUR PROMODE CHANDRA DATTA: I think the question has already been answered and that settles the matter.

THE HON'BLE THE SPEAKER: Yes. I will not allow the statement to be made. We are now on questions to which such a statement will not be relevant.

Number of Honorary Magistrates serving in Assam

MR. NABA KUMAR DATTA asked:

108. Will Government please state—

(*i*) The number of Honorary Magistrates serving in Assam?

(*ii*) Whether there is a maximum age-limit for the appointment of Honorary Magistrates?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

108. (*i*)—Sixty-four.

(*ii*)—No.

MR. NABA KUMAR DATTA: May I know if there is no maximum age limit for the appointment of Honorary Magistrates?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So far no age limit has been fixed, but we are considering that question.

MR. KEDARMAL BRAHMIN: On what principle Honorary Magistrates are appointed?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government try to avail itself of the services of experienced men who have already served as Magistrates and sometimes also of public men whom they trust will be able to perform the work properly.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: Is the Hon'ble Minister aware of the fact that there has been a considerable fall in the number of criminal cases and the stipendiary Magistrates are under-worked?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That is not the information of the Government.

SRIJUT GHANASHYAM DAS: Will the Hon'ble Minister please say whether there is any Honorary Magistrate at Barpeta ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The fact is better known to the hon. member.

SRIJUT GHANASHYAM DAS: Do Government see the necessity of appointing any Honorary Magistrate in view of the overwhelming number of cases at Barpeta ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: What does the hon. member mean to say—whether there is Honorary Magistrate at Barpeta or not ?

SRIJUT GHANASHYAM DAS: There is no Honorary Magistrate at Barpeta.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In that case, I think, I should enquire whether any is required.

MR. NABA KUMAR DATTA: Is it a fact that some Honorary Magistrates are there for a very long time ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes.

MR. ARUN KUMAR CHANDA: Is there any maximum knowledge limit for the appointment of Honorary Magistrates ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No.

RAI BAHADUR PROMODE CHANDRA DATTA: May I know if any member of this House wants to become an Honorary Magistrate (*Laughter*).

SRIJUT MAHI CHANDRA BORA: Is it not a fact that in some provinces of India the post of Honorary Magistrate is going to be abolished ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, I have heard that in some provinces there is a proposal like that whereas other provinces are considering whether they should try to reduce the expenditure on stipendiary Magistrates by having responsible and respectable persons as Honorary Magistrates.

MR. FAKHRUDDIN ALI AHMED: Is it not a fact, Sir, that in some instances these Honorary Magistrates are appointed and no work is given to them ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Lot of work is given to them. If the hon. member has ever visited the Gauhati Court House he must have seen how the Honorary Magistrate there, Rai Bahadur Golap Chandra Barua, works. He sits every day in the week and he works from about 11 till late in the afternoon.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware, Sir, that in some instances Honorary Magistrates are only nominally appointed and no work is allotted to them ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not aware.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware Sir, of such a state of things at Gauhati ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No. On the other hand I know that Rai Bahadur Golap Chandra Barua is very much engaged.

MR. FAKHRUDDIN ALI AHMED: Can the Hon'ble Minister deny, Sir, that Mr. Ikram Rasul who was appointed as Honorary Magistrate, has not been given any work since his appointment ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not know.

MR. FAKHRUDDIN ALI AHMED: Sir, since last year he has been an Honorary Magistrate, but no work has been allotted to him.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That I do not know. I shall enquire about that and if Mr. Ikram Rasul wants work we shall try to find work for him.

SRIJUT PURNA CHANDRA SARMA: Is the Honorary Magistracy a stepping stone for other Government honours ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think it is not always so.

MAULAVI ABDUR RAHMAN: Is Government aware that Mr. G. C. Nandi Majumdar at Habiganj is now too old to hold the post of Honorary Magistrate ? Is there no age limit ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think there is no age limit.

MAULAVI ABDUR RAHMAN: But he is too old.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think he is yet able to give ripe judgment.

Number of Excise Superintendents and Inspectors in the Province

MAULAVI NAZIRUDDIN AHMED asked:

109. Will Government be pleased to state the number of Excise Superintendents and Inspectors in the Province of Assam showing the number of Muhammadans separately ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:—

109.—The information is furnished in the statement below:—

	Total number of posts	Held by Muslims
Excise Superintendents	8	2
Excise Inspectors	*33	10

*One vacant.

Expenditure incurred for the Bengal Judicial Service in Assam

MAULAVI ABDUL BARI CHAUDHURI asked:

110. Will Government be pleased to state—

(*a*) What expenditure is annually incurred for the officers of the Bengal Judicial Service in Assam ?

(*b*) Whether Government of Assam contemplate to create a judicial branch of its own in the Assam Civil Service ?

(*c*) How many of these officers are *bana fide* inhabitants of the Province ?

(*d*) How many of them are domiciled in Assam ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

110. (*a*)—Rupees 88,000 exclusive of travelling allowances.

(*b*)—Yes.

(*c*) and (*d*)—Eight officers from Assam, including one who is domiciled, are employed in the Bengal Judicial Service, but none of them is at present serving in Assam.

Establishment of a tuberculosis sanatorium in Assam

MAULAVI ABDUL BARI CHAUDHURI asked :

111. Will the Hon'ble Minister in charge of Public Health please state—

(*i*) Whether Government are aware that tuberculosis is spreading in the Province ?

(*ii*) What steps, if any, Government have taken to check the growth of Tuberculosis in Assam ?

112. Do Government contemplate to establish a tuberculosis sanatorium in Assam ?

113. Will Government be pleased to state what will be the minimum cost for establishing such a Sanatorium ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

111. (*i*)—No tuberculosis survey of the province has been made and the only statistics available are those showing the number of tuberculosis cases treated in hospitals and dispensaries. These figures show that tuberculosis cases treated are gradually but slowly increasing. This however may merely indicate that with improved medical facilities more cases are coming under treatment.

(*ii*)—A considerable amount of propaganda work has been carried on for years by the Public Health Department. A Tuberculosis Association for Assam has recently been formed and a T. B. Clinic has been opened at Shillong with Government aid.

112.—Not at present.

113.—For a sanatorium with 115 beds about 2½ lakhs for the land, buildings and equipment and Rs.40,000 for annual maintenance charges would be required.

Road Mohurrirs under the Public Works Department

BABU RABINDRA NATH ADITYA asked :

114. Is it a fact that Road Mohurrirs under the Public Works Department are employed on works of permanent nature ?

115. Is it a fact that most of them are not included in the permanent cadre of service ?

116. Will Government be pleased to state why they are not taken to the permanent cadre and given the benefit of time-scale of pay ?

117. Do Government propose to consider the desirability of taking those Road Mohurrirs to the permanent cadre who are employed on permanent nature of work ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

114.—The question of the hon. member is not understood. Road Mohurrirs are employed on any work in progress.

115.—They are employed as work charged establishment and none of them is a member of any permanent cadre.

116.—They are on a time-scale of pay of Rs. 30—1—40—1—50. Their employment depends to a large extent on the work being undertaken at any one time and as their pay is debitable to works in progress they cannot be made permanent.

117.—No.

Proposal for taking remedial steps against flood damages

MAULAVI ABDUL AZIZ asked :

118. Will Government be pleased to state—

(*a*) Whether it is a fact that untimely floods have been causing damages to crops in many places in the district of Sylhet continually for the last 15 years ?

(*b*) Whether Government propose to find out the causes of these floods and take proper and immediate remedial steps ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

118. (*a*) and (*b*)—The hon. member is referred to the replies given to his question No. 1442 in the last Budget Session of the Assembly.

Appointments in the Public Health Department

MAULAVI ABDUL AZIZ asked :

119. Will Government be pleased to state the policy pursued by the present Government in giving representation to communities, in the matter of appointments in the Public Health Department ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

119.—The policy of Government is that each of the recognized communities should receive its due share of appointments.

Sylhet Medical School

MAULAVI ABDUL AZIZ asked :

120. Will Government be pleased to state the number of buildings constructed, the cost of construction therefor, the cost of acquisition of the site for the buildings, the area of the compound, the estimated cost of the scheme in connection with the Sylhet Medical School, and the year from whence the buildings were ready, for use and occupation ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

120.—The hon. member is referred to the replies given to similar questions asked by him at the Budget session of the Assam Legislative Assembly, 1937.

Re Bijni Succession Case

SRIJUT SANKAR CHANDRA BARUA asked :

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

(*a*) Whether it is a fact that some cases are going on regarding the succession to the Bijni Estate ?

(*b*) If the answer to the above is in the affirmative, will Government please state who is managing the affairs for conducting those cases ?

(*c*) Whether it is a fact that somebody is going to be sent to England to help the solicitors over there regarding a case of Bijni Estate pending in the Privy Council ?

(*d*) Whether it is a fact that a Law Clerk of Bijni Estate Office in Calcutta, is going to be sent to England for the purpose mentioned in question 121(*c*) above ?

(*e*) If so, will Government please state the reason for it ?

122. Will Government please state—

(*a*) Whether the Assamese Advocate who is connected with this case from the beginning of the appeal in the High Court will be sent to England for the purpose mentioned above in question 121 (*c*) ?

(*b*) If not, why not ?

123. Will the Minister in charge please state—

(*a*) Whether it is a fact that there is an office of the Bijni Estate at Alipore, Calcutta ?

(*b*) If so, will Government please state what is the monthly expenditure of that office ?

124. Will Government please state—

(*a*) Who is in charge of that office ?

(*b*) Whether the officer-in-charge of that office is a native of this province ?

(*c*) If not, do Government propose to put that officer under an Assamese officer ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

121. (*a*)—Yes.

(*b*)—The Court of Wards is managing the litigation as advised by the Legal Remembrancer. In Calcutta Mr. K. P. Mukherjee, Senior Government Pleader, Alipore, is in general charge of the suits and is advised from time to time by the Advocate General and Dr. S. C. Basak, Senior Government Pleader of the High Court.

(*c*)—No such decision has been arrived at by the Court.

(*d*),(*e*) and 122.—The question of sending somebody to England will not arise unless the Solicitors in England ask for assistance which they have not done so far.

123. (*a*)—Yes.

(*b*)—The information has been called for and will be supplied to the hon. member.

124. (*a*)—Babu Rajendra Kumar Haldar.

(*b*)—No.

(*c*)—No case has so far been made out for removing the present Officer who is doing the work for the last 11 years.

Leases drawn between the Assam Oil Company and the Government for working Oil Mines

SRIJUT LAKSHESVAR BOROOAH asked:

125. Will the Hon'ble Minister be pleased to place on the Library table the copies of the leases drawn between the Assam Oil Company, Ltd., and the Government for working Oil Mines in Digboi, Hansapung and Kharjan ?

126. Will the Hon'ble Minister be pleased to place on the Library table, also the copies of the Prospecting Licenses granted to them for sinking test wells in different areas ?

127. Will the Hon'ble Minister be pleased to state—

(*i*) Why monopoly has been granted for so long a period to one party ?

(*ii*) Whether public advertisement was issued inviting offers for such Licenses from other Oil Working parties ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

125—127.—The hon. member is referred to the replies given to his question No.957 in the last Budget Session of the Assembly. It is not understood why questions which have already been answered once are repeated in exactly the same terms.

SRIJUT LAKSHESVAR BOROOAH: On a point of order, Sir. I draw your attention to the replies given to these questions. These questions were put by me in the last Autumn Session of the Assembly. There were numerous unstarred questions, but they were not called out, and as such we did not get any opportunity to put supplementary questions to these replies and I thought that if I repeated the questions and a reply be given, we would get that opportunity. But the Hon'ble Revenue Minister says that it is not understood why questions which have already been answered once are repeated in exactly the same terms. I want a ruling from the Chair whether the Revenue Minister is not bound to answer these questions, so that the whole House may put supplementary questions.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The supplementary questions might have been put as fresh questions, and we would have answered to those questions.

HON'BLE SPEAKER'S RULING REGARDING THE PUTTING OF QUESTIONS THAT WERE ONCE REPLIED PREVIOUSLY IN THE HOUSE

THE HON'BLE THE SPEAKER: During the last session I gave a ruling that unstarred questions of which answers were laid on the table would be considered to have been answered, and my further direction was that these questions would be taken up on subsequent dates only for putting supplementary questions if supplementary questions were not asked and on the dates on which they were laid on the table. If some questions could not be taken up for supplementary questions during that session, these questions would be considered to have been answered and their replies would be printed in the Assembly proceedings. If hon. members could not put supplementary questions, these might be put as new questions in a subsequent session with reference to the answers that were given. As I now see these are identical questions that were put and answered during the last

session and if this was brought to my notice I would have directed the hon. member to table these questions only which he now wants to put. There are some hon. members who wanted to table the very identical questions which they put and were answered during the last session. They were directed to table only those questions which they could put as supplementary questions during the last session giving reference to the questions from the answers of which they arose. Perhaps the fact that the present questions were put and answered during the last session escaped notice of my office and for that reason they were allowed.

BABU HARENDRA NARAYAN CHAUDHURI: It may be—our Ministers are too thick skinned requiring to be cudgelled from time to time.

SRIJUT LAKSHESVAR BOROOAH: May I have a reply to my questions now, Sir?

THE HON'BLE THE SPEAKER: I cannot take up these questions now for the purpose of putting supplementary questions.

Number of Revenue Appeals preferred before the Commissioner against the order of the Deputy Commissioners

SRIJUT LAKSHESVAR BOROOAH asked:

128. Will the Hon'ble the Revenue Minister be pleased to state the total number of Revenue Appeals preferred before the Commissioner against the order of the Deputy Commissioners in the last 3 years ?

129. Will the Hon'ble the Revenue Minister be pleased to state—

(*i*) How many of them were dismissed ?

(*ii*) How many of them were disposed of with the Remarks "Decline to interfere " during the last 3 years ?

(*iii*) How many of them were allowed during the last 3 years ?

130. Will the Hon'ble the Revenue Minister be pleased to state the total number of Revenue Appeals preferred against the orders of the Commissioners before His Excellency the Governor during the last 3 years ?

131. Will Government be pleased to state how many of them were disposed of in the manner stated above in question 129(*i*), (*ii*) and (*iii*) ?

132. Will the Hon'ble Minister be pleased to state—

(*a*) The number of warrants of Attachment of moveables issued ?

(*b*) The number of Land Sale measures taken in each of the sub-divisions of Assam Valley and Cachar during the last 3 years ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

128, 129(*i*), (*ii*), (*iii*), 130, 131 and 132(*a*) and (*b*).—The hon. member is referred to the replies to his questions Nos. 891 and 892 in the last Budget Session of the Assembly. It is not understood why they are repeated.

Supply of uniforms to Jail Officials

BABU KARUNA SINDHU ROY asked:

133. Will Government please refer to the reply given to unstarred question No. 1434 asked by Srijut Beliram Das, in the last session of the Assembly, and state—

(*a*) Whether Government follow the same practice in case of Jail officials also ?

(*b*) If not, why not ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

133. (*a*)—The hon. member's attention is drawn to the rules contained in Chapter IX of the Assam Jail Manual, Volume I. In most cases uniform is provided at the expense of Government.

(*b*)—Does not arise.

BABU KARUNA SINDHU ROY: Are the Jailers and Assistant Jailers getting uniforms at the expense of Government ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I would refer the hon. member to Chapter IX of the Assam Jail Manual where the information will be found.

BABU KARUNA SINDHU ROY: Will the Hon'ble Minister amend the Manual to avoid corruption among Jail officers ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If the hon. member desires, I will examine the question whether it is necessary to amend the Jail Manual in order to avoid corruption.

Personnel of the Assam Text Book Committee

SRIJUT RAJENDRA NATH BARUA asked :

134. Will Government be pleased to state—

(*a*) The names of members both officials and non-officials of the Assam Text Book Committee ?

(*b*) How is this committee constituted, *i. e.*, whether by election or nomination by Government ?

135. Do Government propose to consider the desirability of constituting the committee by election and to take such steps as to change the rules if any so that members are elected from amongst those in the Legislatures ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

134. (*a*)—The names are as follows :—

1. The Director of Public Instruction, Assam, *ex-officio*, President.

Official Members

2. The Inspector of Schools, Assam Valley Circle.
3. The Inspector of Schools, Surma Valley and Hill Districts Circle.
4. The Assistant to the Director of Public Instruction, Assam, for Muhammadan Education.
5. The Assistant Inspectress of Schools, Assam.
6. The Superintendent, Normal School, Jorhat, *ex-officio*.
7. The Superintendent, Normal School, Silchar, *ex-officio*.
8. Maulavi Abdur Rahman, Deputy Inspector of Schools, Gauhati.
9. Maulavi Md. Abdul Wahed, B. A., Deputy Inspector of Schools for Muhammadan Education.
10. Srijut Rameswar Barua, Headmaster, Cotton Collegiate School, Gauhati (on leave).
11. Babu Abinash Chandra Chaudhury, Headmaster, Government High School, Habiganj.

Non-official Members

12. Srijut Bipin Chandra Ghosh, Goalpara.
13. Srijut Sarveswar Barua, B.L., M.L.A., North Lakhimpur.
14. Khan Bahadur Maulavi Nuruddin Ahmed, Nowgong.
15. Srijut Mohendra Nath Gohain, Golaghat.
16. Khan Sahib Maulavi Sayidur Rahman, M.L.A., Dibrugarh.
17. Khan Sahib Maulavi Rashid Ali Laskar, Silchar.
18. Khan Bahadur Maulavi Abdur Rahim, Sylhet.
19. Maulavi Md. Maqbul Hussain Chaudhury, M.L.A., Editor of *Jugavni*, Sylhet.
20. Rai Bahadur Amar Nath Rav, Sunamganj.
21. Babu Harendra Kumar Mazumdar, M.A., B.L., Vakil, Sylhet.

(*b*)—The members of the Text Book Committee are appointed by Government on the nomination of the Director of Public Instruction, Assam.

SRIJUT RAJENDRA NATH BARUA: What is the principle involved in selecting these members of the Text Book Committee ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: The principle is that 10 officials and 10 non-officials should be appointed. The one *ex-officio* member is the Director of Public Instruction.

SRIJUT RAJENDRA NATH BARUA : Is the principle found in any of the books of the Education Department ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : That has been the practice here.

SRIJUT RAJENDRA NATH BARUA: Is not the practice archaic in these days of autonomous Government that members of the Text Book Committee should be nominated ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: That is a matter of opinion.

MISS MAVIS DUNN: Do Government propose to revise this list ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: This list will be revised on the next occasion.

MISS MAVIS DUNN: Will he see that the Head Mistresses be included.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes, we will consider.

SRIJUT KRISHNA NATH SARMAH : Is it a fact that some members of the Text-Book Committee are authors of text-books that are prescribed for the schools ? Are the members eligible ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: There may be some.

THE HON'BLE THE SPEAKER: Will the hon. member mention any specific case ?

SRIJUT KRISHNA NATH SARMAH : Is the Inspector of Schools, Assam Valley Districts, an author of some books ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes, Sir, he is the author of some text-books.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: With regard to (*b*) may I know nomination for how many years ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Probably for three years.

SRIJUT RAJENDRA NATH BARUA: May I know when the personnel of this Committee will cease ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I want notice of the question.

MAULAVI ABDUR RAHMAN: What is the total cost for meeting the travelling allowance of the members of the Committee ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I want notice of that.

MAULAVI ABDUR RAHMAN: Do not Government consider that the present Committee is too big for the purpose ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: This is a matter of opinion.

MAULAVI ABDUR RAHMAN: Are Government aware that there is a very high feeling among the public that the text-books prescribed that are prevalent in the classes are not suitable to the wishes of the people ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Does that question arise, Sir ?

THE HON'BLE THE SPEAKER: The question does not arise.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

135.—The Text Book Committee consists of 10 official and 10 non-official members. Government see no reason why, in future, the Assembly should not elect the non-official members as vacancies occur if there is a general desire that this should be done.

SRIJUT MAHI CHANDRA BORA : Will the Hon'ble Minister be pleased to state the names of the members of the Committee to select Assamese text-books ?

THE HON'BLE THE SPEAKER: To which question is this supplementary ? I have called out 135.

SRIJUT KRISHNA NATH SARMAH : Is the author of any text-book eligible for being a member of the Committee and whether his nomination in the Committee has got something to do with the books recommended ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: There is no rule excluding the author, but if any of his books is under the consideration of the Committee, he absents himself from that meeting.

SRIJUT KRISHNA NATH SARMAH : I have not been able to follow, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The answer given by my Hon'ble Colleague is this. There is nothing to prevent the author from being a member of the Text Book Committee but generally when his book comes for consideration before the Committee he absents himself from that meeting.

BABU HARENDRA NARAYAN CHAUDHURI: On a point of submission, Sir. We find that when a particular Minister is at bay, the Hon'ble Chief Minister comes to his rescue. Of course I know that as Chief Minister he has the power to answer for all the Ministers. But is it not convenient if he answers from the very beginning ?

THE HON'BLE THE SPEAKER: What I have perceived is this. The voice of the Hon'ble Education Minister was not sufficiently loud to be audible to other members. Therefore the Hon'ble Chief Minister spoke at a louder voice, repeating the answers of the Hon'ble Education Minister.

BABU HARENDRA NARAYAN CHAUDHURI: At every psychological moment, when a particular Minister fails, he always comes to rescue.

SRIJUT MAHI CHANDRA BORA : Will the Hon'ble Minister be pleased to state the names of the members of the Text-Book Committee, who select the Assamese text-books ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : There is a Sub-Committee to examine text-books for Assamese.

SRIJUT MAHI CHANDRA BORA : May I know the names of the members of that Sub-Committee ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There is some confusion again, Sir, and in spite of the protest from my hon. friend Srijut Chaudhuri from that corner, I have got to reply. There are two text-book committees in Assam, one the provincial text-book committee which is called the Assam Text Book Committee, and this was referred to in the question to which we have replied. This is the provincial committee, but there is a sub-committee for going into Assamese text-books, which is confined to the Assam Valley. There is another sub-committee for going into Bengali text-books. These details were not asked and therefore have not been replied.

THE HON'BLE THE SPEAKER : It is expecting too much from the Ministers when they are required to answer questions which do not come within the scope of the original question This particular question related to the provincial Text-Book Committee.

SRIJUT PURNA CHANDRA SARMA : Is not this Committee appointed under the Assam Education Manual ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes, Sir.

SRIJUT PURNA CHANDRA SARMA : Do not Government consider it necessary to revise the whole manual at the present time ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Let me consider.

SRIJUT DEBESWAR SARMAH : Will the Hon'ble Minister be pleased to state the criterion for nomination or for selecting the non-official members of the Committee ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : That matter has not come under my consideration as yet, because this Committee was formed before assumption of office by us.

SRIJUT DEBESWAR SARMAH : Can we have an idea as to what is likely to be the policy of the present Government in this matter ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : That will be considered. We have not considered that matter yet.

SRIJUT DEBESWAR SARMAH : Are we to take it that the Hon'ble Minister has never given his thought over the matter up till now ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The question has not yet come up.

SRIJUT RAJENDRA NATH BARUA : May we know when the term of office of the official and non-official members ceases ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I cannot say exactly, when.

SRIJUT MAHI CHANDRA BORA : Is Government aware that there is a widespread resentment over the composition of this Committee, amongst the public of this province ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Resentment for what ?

SRIJUT MAHI CHANDRA BORA : As regards the personnel of this committee.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I have already answered that, in replying to question No.135 that "Government see no reason why, in future, the Assembly should not elect the non-official members as vacancies occur if there is a general desire that this should be done".

SRIJUT MAHI CHANDRA BORA: My question is whether Government is aware of the public feeling of resentment over this committee?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: No.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Will the Hon'ble Minister kindly explain the term "as vacancies occur"? When the vacancies are going to occur and how?

BABU RABINDRA NATH ADITYA: Sir, the Hon'ble Chief Minister not only acts as an extra loud speaker, but as a slow prompter too. (*Laughter.*)

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Sir, I have not got the reply as yet.

THE HON'BLE THE SPEAKER: Please repeat your question.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: I would ask the Hon'ble Minister to explain the term "as vacancies occur". When and how the vacancies are going to occur?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD WAHEED: The Committee will be reconstituted.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: When and how?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I do not know the exact date when it is going to be reconstituted.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: May we take it that the Hon'ble Minister does not know the exact time?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I have already replied that I do not know the exact date. I want notice for that.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: May we know the approximate time of occurring these vacancies?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED I do not know exactly the approximate time. It may be a year or more.

SRIJUT RAJENDRA NATH BARUA: Will the Hon'ble Minister inform us in this Session?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Yes.

SRIJUT KRISHNA NATH SARMAH: Is it a fact that out of 11 official members, all are subordinate officers to the Director of Public Instruction and the Inspectors of Schools. This virtually means that the Committee is under the control of one head of the department, *viz.*, the Director of Public Instruction.

THE ASSAM LOCAL BOARDS (POSTPONEMENT OF ELECTIONS) BILL, 1937.

THE HON'BLE THE SPEAKER: We are again going into question 134. Order, order. Time is up. Consideration of "The Assam Local Boards (Postponement of Elections) Bill, 1937" be taken up clause by clause.

MR. BAIDYANATH MOOKERJEE: Sir, before we begin the business of the day, I want to bring something to your kind notice regarding the preservation of heat in this hall. It is not at all sufficient to keep us warm. I think a large amount of Government money is being spent for this purpose but we are not deriving any benefit out of it. I think, you are also feeling it and so it is unnecessary for me to say much on this matter. Moreover I beg to draw your kind attention to the suggestion made by Mr. Hockenhull that a screen should be put up at the door behind him.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: The voice is not up to his bulk.

THE HON'BLE THE SPEAKER: I may inform the Hon. House that I have been considering this matter for sometime but how to put up the screen, is really what is troubling us. When I find that a complaint has been made in the House, certainly I shall try to do what I can in this matter. I myself feel that the House is not so warm as it ought to have been by the installation of the heaters. Of course, it will be necessary for me to make a reference to the Public Works Department and to have experts to examine the arrangement.

MR BAIDYANATH MOOKERJEE: On a point of personal explanation Sir, to my hon. friend Maulavi Ashrafuddin Md. Chaudhuri. Bones always sound better than fat. (*Laughter*).

THE HON'BLE THE SPEAKER: There are two amendments to clause 2 of the Assam Local Boards (Postponement of Election) Bill, 1937, standing in the names of Srijut Sarveswar Barua and Mr. Baidyanath Mookerjee. They are identical motions. Srijut Sarveswar Barua may move his amendment.

SRIJUT SARVESWAR BARUA: Sir, as the policy of my party is to oppose the entire Bill, I do not like to move my amendment.

THE HON'BLE THE SPEAKER: Does Mr. Mookerjee like to move his amendment ?

MR. BAIDYANATH MOOKERJEE: No, Sir, I also do not like to move my amendment.

THE HON'BLE THE SPEAKER: The question is that Clause 2 do form part of the Bill.

It was then put and declared carried.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I think, Sir, Government should have a chance to make a statement.

THE HON'BLE THE SPEAKER: When Bills are taken up clause by clause without any amendment, questions are put by the chair that the clauses of the Bill do form parts thereof, and it is after that the motion that the Bill be passed is made.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We should at least have an opportunity to place Government view on this matter.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I should like to make a statement. When I brought forward this Bill.....

THE HON'BLE THE SPEAKER: I have to put the clauses of the Bill to the vote as there are no amendments. When an hon. member is asked to move that the Bill be passed, the hon. member would get an occasion to make a speech, say his say—even he can refrain from m king the motion that the Bill be passed.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, we should have a chance to express our views.

THE HON'BLE THE SPEAKER: Now the Hon'ble Minister should perceive that division has been called on the question that clause 2 do form part of the Bill and that now is not the time for making a speech, but that when Bills are taken up clause by clause without any amendment it is at the time when the motion is moved that the Bill be passed he will get a chance to make a speech. My declaration regarding clause 2 has been disputed and therefore there has been a necessity of calling a division.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: If I find that this House is not ready to accept this Bill I am going to withdraw it. Sir, I thought that it would be to the advantage of the different parties to postpone the elections.

RAI BAHADUR PROMODE CHANDRA DUTT: Is there any procedure laid down for withdrawal of bills?

THE HON'BLE THE SPEAKER: Of course, there is a procedure.

RAI BAHADUR PROMODE CHANDRA DUTT: Rule 65 may be seen.

THE HON'BLE THE SPEAKER: I have seen. However, in this case, I shall allow the Hon'ble Minister to make a statement before the House divides. I put the clause and declared that the motion is carried and a division has been asked for and before I ask the hon. members to divide, I shall allow the Hon'ble Minister to make a statement.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, when I brought forward this bill I thought that it was the opinion of the large section of this House to abolish nomination and to introduce communal electorates in the Local Boards. I brought forward this bill in order to enable Government to bring forward a bill in the next session of the Assembly to abolish nominations and extend the system of communal electorate, but if this House do not want this postponement of election bill, then, Sir, I am bound to withdraw this bill. I do not want to proceed with it any further. (*Hear, hear.*)

RAI BAHADUR PROMODE CHANDRA DUTT: Is there any motion?

THE HON'BLE THE SPEAKER: Yes.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I beg leave of the House to withdraw the bill.

THE HON'BLE THE SPEAKER: I think, the Hon'ble Minister has the leave of the House to withdraw the Bill. (Many hon. members assenting, leave was deemed to have been granted.) The Bill withdrawn.

Presentation of Supplementary Grants

MR. ARUN KUMAR CHANDA: On a point of order, Sir.

THE HON'BLE THE SPEAKER: What is the point of order?

MR. ARUN KUMAR CHANDA: Is the Hon'ble Chief Minister competent to come up with a supplementary demand for grant on this head after the House had in its last session refused the entire provision in the Budget for the establishment of the two Commissioners?

THE HON'BLE THE SPEAKER: Yes, he can do so.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.25,300 be granted to the Minister in-charge to defray the charges which will come in the course of payment during the year ending on the 31st March, 1938, for the administration of the head—"25.—General Administration".

Grant originally passed by the Assembly ... Rs.18,63,254

11.—Sub-heads under which the supplementary demand will be accounted for by the Departments of General Administration.

R.—Commissioners :—	Rs.
1. Pay of officers	3,250
2. Pay of establishment	19,236
3. Allowances	720
4. Contingencies	2,084
	25,300

THE HON'BLE THE SPEAKER: The Chief Minister is to present to-day, and the discussion will take place on the 17th and 18th.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Then I present the supplementary statement before the House.....

SRIJUT PURNA CHANDRA SARMA : What is the statement, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The statement has already been presented by me.

THE HON'BLE THE SPEAKER : I think when presenting such demands there ought to be a speech.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, hon. members will find a list of supplementary demands for grants which has been placed on the table of each member. There is an explanatory note subjoined to that statement that makes it perfectly clear why this Government has come up with this supplementary demand. The Assembly in the budget session refused, or rather reduced the grant for General Administration by a particular sum which referred to the expenditure on the establishment of the two Commissioners in the province. Sir, there was the opinion held by some that such a cut motion was not within the purview of the Government of India Act. The opinion of the Advocate General was sought, and you gave a very full and reasoned ruling on the point. Since then the Government wanted to implement the vote of this House and to give notice to the establishment of the Commissioners. Such notice is to be for at least three months under Article 436 of the Civil Service Regulations. We have given that notice. Originally we gave three months' notice thinking that we will be able to come up before the House for the expenditure necessary, but on account of the *Ramjan* intervening no session of the House could be held before now and as three months' notice will not suffice for coming to the House for a supplementary grant the notice was extended by another month. Therefore the establishment is under notice of discharge by the end of this calendar year, and I have come before this House with the idea of getting the supplies to pay these people for this period of four months. I may inform this House that this Government adhere to the opinion which was stated at the time of the budget discussion that they would go up to the highest authority for the abolition of one of the posts of Commissioners, and since then we have gone up to the Secretary of State, and although we have done our best to get a reply we have been informed by the Government of India that the Secretary of State has not yet been able to give his final verdict in the matter, and therefore we do not know whether our recommendation will or will not be accepted by the Secretary of State. Sir, in order that these people could be paid up to the period of notice I have brought this supplementary demand, and I would request the hon. members of this House, and specially the leaders of the different groups, to consider whether at the present juncture the abolition of one of the posts will not meet the wishes of the House. There are certain difficulties as regards the abolition of both, for as is well known to the hon. members of this House, the Commissioners have to perform certain statutory duties laid upon them

by the Assam Local Self-Government Act, by the Assam Municipal Act and some other Acts which I do not at present remember but which I can give later, and which cannot be performed unless there is a Commissioner. The abolition of this post therefore till these Statutes have been altered by this House will not be practicable and it will be necessary to have at least one Commissioner for the purpose. I would therefore request each hon. member to very carefully think over the matter and at least give me the benefit of their opinion whether it will not be under the circumstances necessary to continue one of the Commissioners, establishments up to the end of the year. If the different leaders of the different groups give me the benefit of their advice and if I find that the House are willing to accept this reasonable proposal of mine about the retention of the establishment of one Commissioner, later on I will come up with another supplementary demand.

MR. FAKHRUDDIN ALI AHMED: Sir, on a point of information. Have the Commissioners' establishment charges been met during the last three months ? .

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes Sir.

MR. FAKHRUDDIN ALI AHMED: And Sir, whether the notice in the ordinary course expired on 30th November 1937 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already stated that originally we gave notice of three months, but as we could not have a session of the Assembly earlier owing to the Ramzan we had to extend it by another month.

SRIJUT GOPINATH BARDOLOI: Mr. Speaker, Sir, if I rise to speak on this motion, it must not be understood that we have no sympathy with the difficulties of our subordinate clerks and officers of the establishment of the two Commissioners in the two Valleys. We are here not to pay them for the services that they have rendered ; we are not here to do that ; but the question involves certain principles and therefore we cannot willingly or for the matter of that calmly agree to all that has been said by the Hon'ble Chief Minister. Sir, two points have been raised by the Hon'ble Chief Minister. The first is to retain one Commissioner.....

RAI BAHADUR PROMODE CHANDRA DUTT: I rise to a point of order, Sir. No date has been fixed for the discussion. There is a rule according to which a date has to be fixed for this

THE HON'BLE THE SPEAKER: Under Rule 17 of the Governor's Rules ?

RAI BAHADUR PROMODE CHANDRA DUTT: No, Sir. The rule reads—" The Governor exercising his individual judgment may, from time to time, allot a day for the presentation of a supplementary statement of expenditure. (2) The Governor exercising his individual judgment shall allot one or more days not earlier than three days after the day allotted for such presentation (*a*) for voting on the demands for supplementary grants or (*b*) for discussion of the estimates of the expenditure charged on the revenues of the province other than estimates relating to expenditure referred to in paragraph (*a*) of sub-section (3) of section 78 of the Act, or (*c*) for both such voting and discussion as the case may be ". What I want to say is that in this particular case no date has been allotted for discussion.

THE HON'BLE THE SPEAKER: The rule does not say that a date should be fixed for the discussion. The rule only says " The Governor exercising his individual judgment shall allot one or more days not earlier

than three days after the day allotted for such presentation (*a*) for voting on the demands for supplementary grants, or (*b*) for discussion of the estimates of the expenditure charged on the revenues of the province other than estimates relating to expenditure referred to in paragraph (*a*) of sub-section (3) of section 78 of the Act." Now there are no such supplementary statement demands for expenditure charged on the revenues. If there was such a statement, then a date would have been fixed merely for discussion. The hon. member will please note that paragraph(*a*) of sub-section (3) of section 78 contemplates the expenditure that relates to the Governor General's staff and there is no discussion allowed on that. But discussion is allowed on estimates charged on the revenues of the Province. There is no supplementary statement for expenditure charged on revenue and, therefore, there is no necessity to fix a date for discussion of this supplementary demand. Any discussion may take place on the date on which the voting may take place.

RAI BAHADUR PROMODE CHANDRA DUTT: Some date ought to be also fixed for the discussion of this matter. A very important question is involved and we shall have a lot to say about it. So far as I am concerned, Sir, I do not think that the comment involved matters very much. But there are certain questions of principle involved ; when are we going to discuss them ? Not now. 17th and 18th are fixed for demands for supplementary grants. Will it be open to us then to discuss these matters on that date before we go on to vote on the demands ?

THE HON'BLE THE SPEAKER : My idea is that to-day I may allow the hon. members to raise any point of order or points of order which they may want to raise. So far as the discussion on the estimate is concerned, I think that will be done on the day on which the voting is to take place. Amendments, *i.e.*, cut-motions may be tabled by the hon. members. They may send amendments even for refusing the total amount. Then a discussion will naturally arise. So the discussion which the hon. member is anxious to have may take place on that date.

RAI BAHADUR PROMODE CHANDRA DUTT: Discussions on such occasions are very brief and you, Sir, impose a time-limit of three or five minutes.

THE HON'BLE THE SPEAKER : The hon. member knows that no discussion on a large question of policy is allowed on motions relating to a supplementary demand.

RAI BAHADUR PROMODE CHANDRA DUTT: That is the last thing in my mind, Sir : I do not want to raise any question of large policy. I want to confine myself to this question involved alone.

THE HON'BLE THE SPEAKER : Does the hon. member mean a discussion by raising a point of order whether this supplementary demand should be presented or not ? If that be so, I would ask the hon. members to start such a discussion, if they like and if necessary to continue the discussion to the day on which the supplementary demand would be taken up for voting. The points that may be raised may be very important and I, therefore, suggest that the discussion may be started to-day so that I may know the points that may be raised and I may be able to give a considered ruling on the date fixed for voting on the demand. Offhand and on the spur of the moment it may not be possible for me to take note of all the points raised and if I know now the points that would be raised it would be of great help to me to be prepared to give a ruling. So I want that the points of discussions may be placed before the House now and as I have said I shall allow further discussion on the day when the demands would be coming up for voting.

SRIJUT GOPI NATH BARDOLOI: Even if that be so, Sir, it is not in our contemplation at any rate that this point of order should be taken up today. We are merely thinking that this supplementary demand only will be presented. We are not quite ready with all the points of order that we wanted to raise over this issue. At any rate, Sir, if it is your wish that we should continue our discussion, I think it would be better if we are allowed to begin it after the lunch. In the meanwhile, I was submitting in reply to the appeal made by the Hon'ble the Chief Minister to this House regarding the reduction of one Commissioner. That has of course nothing to do with the subject of the discussion today.....

THE HON'BLE THE SPEAKER: This reply may be made on the day on which the supplementary demand is taken up for voting.

SRIJUT GOPI NATH BARDOLOI: In that case, I do not want to speak anything more now.

RAI BAHADUR PROMODE CHANDRA DUTT: I would like to have one information from the Hon'ble the Chief Minister. That is as to when notice was given to these people.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Immediately after the vote of this House.

RAI BAHADUR PROMODE CHANDRA DUTT: I want the date, is it the day following that on which the grant was refused ? I want the date on which notice of discharge was given to these men.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I will supply that information after lunch time, Sir.

MR. ARUN KUMAR CHANDA: May I know how this figure Rs.78,446 was arrived at and how many months does it cover ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This item has been taken from the budget.

MR. ARUN KUMAR CHANDA: My question is how many months does this amount cover, is it six months' budget or three months' or what ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Off hand, I cannot answer that. I think it included the sum authenticated by His Excellency the Governor before the budget was taken up. Under the Transitory Rules order, the Governor can authenticate expenditure of six months from the inauguration of the new constitution. But I am not sure and cannot answer offhand.

THE HON'BLE THE SPEAKER: I think the point is this. If this Rs 78,446 was provided for the whole year and if this amount Rs.25,300 is intended for making provision for four months the hon. member wants to know how it could be ? The Hon'ble Minister is asked to explain that.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I think, Sir, this is very nearly one-third of Rs.78,000 odd.

RAI BAHADUR PROMODE CHANDRA DUTT: The difficulty is that the statement has not been put up. This is only a demand for grant.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is given there.

RAI BAHADUR PROMODE CHANDRA DUTT: I could see that. But the statement is not here giving details.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is another small item which appears as item No.2 in this statement. Hon'ble members will find that this is very nearly a paper transaction only and the Government is to build a ward out of subscription collected by the organisers of the Manick Chandra Barua Memorial Fund and the extra expense so far as Government is concerned is only Rs.781. Most members

from the Assam Valley would remember that the late Manick Chandra Barua was a noted leader of the whole of the Assam Valley and he was a member of the first Legislative Council of Assam for many years. On his death, Assam Valley people wanted to perpetuate his memory and raised subscriptions. Finally the Memorial Committee thought that the best way to perpetuate his memory is to construct a paying ward along with a Gauhati Charitable dispensary.

The work of building this ward has to be carried on by the Public Works Department. The organisers of the Manick Chandra Barua Memorial Fund have placed the sum that they have collected with Government, and it is what is known in the parlance of the Public Works Department as deposit work and for such work a certain percentage of expenditure is put in the estimate for lending the services of the Public Works Department officers. We have come before this House so that it may grant the very small sum that is necessary. As this question of building the ward has been before the public for nearly 20 years, Government thought that they should take the earliest opportunity of starting this humanitarian work of providing a paying ward for the diseased. I hope there will be no difficulty as regards starting this much-needed work which has been rendered possible by the members of the Manick Chandra Barua Fund.

THE HON'BLE THE SPEAKER: Will the Hon'ble Minister present it ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have presented it.

MAULAVI ABDUR RAHMAN : With reference to the statement in the explanatory note that "a notice of discharge had to be issued to the officers, clerks and menials under Article 436 of the Civil Service Regulations" may I know Sir, what is the period for which the notice has been served ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The wording of the article of the Civil Service Regulations is at least three months. The minimum is three months. The period may be somewhat more.

THE HON'BLE THE SPEAKER : The next item of business is Private Members' resolutions. Now, the Leader of the Opposition has said that he wants to raise a point of order after 2 p.m. only if time cannot be given sometime later.

SRIJUT GOPINATH BARDOLOI : Cannot some other time be given Sir ?

THE HON'BLE THE SPEAKER : In the meantime are we to go on with the non-official business ?

(Several members said "yes".)

THE HON'BLE THE SPEAKER : Before the official business is finished I think I cannot allow non-official business to proceed. That is the position.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : It would be better if we adjourn now and start the point of order after 2. If time permits, we will take resolutions

THE HON'BLE THE SPEAKER : That will be regular only if I now adjourn the House. If it is the desire of the House that the House should be adjourned now, then I shall adjourn it now.

SRIJUT GOPINATH BARDOLOI : Will it not be possible for Government to accommodate us on a day fixed for Government business for a matter like "a point of order" ?

THE HON'BLE THE SPEAKER: They will accommodate. But the question is, before Government work is finished, non-official business cannot intervene.

SRIJUT GOPINATH BARDOLOI: If Government business is not taken up any more, then I think we can take up non-official business now.

THE HON'BLE THE SPEAKER: The point of order is about Government business.

SRIJUT GOPI NATH BARDOLOI: I ask, Sir, whether it would not be possible to accommodate us on another day earlier than the 18th ?

THE HON'BLE THE SPEAKER: On the 18th there will be voting of demands and also the report of the Committee on Revenue.

RAI BAHADUR PROMODE CHANDRA DUTT: On the 17th and 18th we have only the presentation of the demands for supplementary and excess grants and other Government business. We can very well discuss this matter on those days.

THE HON'BLE THE SPEAKER: The 17th and 18th are also fixed for supplementary demands and the discussion may take place on those days. On the 17th we may get time for non-official business, as there is not much business.

But I find that for the 17th and 18th there is no reservation that private members' business may be taken up if time permits. If the Hon'ble Chief Minister wants to accommodate the House, then of course such a provision may be made.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is the Governor who allots the business, and 17th is a Friday.

THE HON'BLE THE SPEAKER: I know that.

But if the Hon'ble Chief Minister moves, it may be possible.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We thought that the discussion of this item of the supplementary demands would take a long time and that the point of order also would be raised on that day. Therefore I thought that there would be no time for private business after the Government business on that half day. That is why we originally did not provide for private business on those days. I will consult my Hon'ble Colleagues also on the matter and consider.

THE HON'BLE THE SPEAKER: Then I will fix 17th as the date on which the discussion will be allowed on any point of order that may be raised. We may now proceed with other business.

Now we come to resolutions. The next resolution is in the name of Srijut Sankar Chandra Barua and I call upon him to move it.

RESOLUTIONS

RESOLUTION *RE* EXCISE DUTY ON PETROLEUM PRODUCED IN ASSAM

SRIJUT SANKAR CHANDRA BARUA: মাননীয় সভাপতি ডাঙৰীয়া, মই যিটো প্ৰস্তাব দাঙি ধৰিবৰ কাৰণে থিয় হৈছো সেইটো হৈছে এই—"This Assembly recommends to the Government of Assam that they do move the Government of India to grant to this province the entire income from the excise duty on petroleum produced in Assam."

সভাপতি মহোদয়, আসাম সদায় এখন ঘাটি পৰা প্ৰদেশ। ইয়াৰ আয় মাত্ৰ ২ কোটী ৮৪ লক্ষ টকা। আয় হিচাপে এই প্ৰদেশৰ অভাৱ অভিযোগ পুৰাই খৰচ কৰিবলৈ নোজোৱে। সেই বাবেই কৃষি, শিল্প, বাণিজ্য ও শিক্ষা আদিৰ কোনো উন্নতি মূলক কামত সদায় ব্যাঘাত জন্মি আহিছে। আসামৰ যি আয় হয় সেই আয় প্ৰজাক উৎপীড়ন কৰি অন্যায় ভাবে যে আদায় কৰা হয় তাত অলপো সন্দেহ নাই। গোটেই আসাম জুৰি আন্দোলন কৰা স্বত্বেও আসাম গবৰ্ণমেণ্টে অন্যায় ভাবে কৰ কাটল বঢ়াই, কানি, ভাং, মদৰ দোকান নতুন নতুনকৈ খুলি জাতীয়তা ধ্বংশকাৰী ঘৃণিত ব্যৱসায়ৰ দ্বাৰা গবৰ্ণমেণ্টৰ আয় বঢ়াবলৈ যত্ন কৰিব লাগিছে। পেট্ৰল আমাৰ দেশৰ এটা খনিজ সম্পত্তি। এই সম্পত্তিৰ পৰা বিদেশী কোম্পানীয়ে আজি কোটী কোটী টকা উপাৰ্জ্জন কৰি নিছে—তাৰ এটা পয়চাও আমি ভোগ কৰিবলৈ পোৱা নাই। আমাৰ ন্যায্য প্ৰাপ্য ষিটো ডিউটী সেইটোৰ পৰাও ভাৰত গবৰ্ণমেণ্টে অতি অন্যায় কৰি আমাক বঞ্চিত কৰিছে। এই পেট্ৰল ডিউটীৰ পৰা আসামৰ বছৰি প্ৰায় ১ কোটীত কৈ বেচি উপাৰ্জ্জন হয়। এই টকাৰ সমুদায় যদি আমি ভোগ কৰিবলৈ পাও তেন্তে আমাৰ বহু উন্নতি মূলক কাম হব পাৰে আৰু এনেদৰে অন্যায় ভাবে কৰা কৰ-কাটলৰ হেচাত জুকুলা হব নালাগিব।

স্বাধীন দেশ বিলাকত খনিজ সম্পত্তিৰ পৰা যি উপাৰ্জ্জন হয় সেই সকলো বিলাক নিজ দেশতে খৰচ হয়। আমাৰ ইয়াত ভাৰত গবৰ্ণমেণ্টে পেট্ৰল ডিউটীৰ গোটেই খিনি নিনি এটা অংশ নিয়াৰ যুক্তি হয়তো থাকিব পাৰে, কিন্তু আমি আমাৰ দেশৰ অৱস্থালৈ চাই এটা অংশ দিয়াতো বাজী হব নোৱাৰোঁ। আমাৰ ইয়াত হাইকোৰ্ট নাই, ইউনিভাৰ্সিটি নাই—যি ফালেই চোৱা যায় সেই ফালেই অভাৱ। আসাম গবৰ্ণমেণ্টে টকাৰ অভাৱত কৃষি, শিল্প, বাণিজ্য আদিত কোনো উদগনি দিব নোৱাৰা বাবেই নিৰন্নুৱা দিনে দিনে বাঢ়ি যাব লাগিছে। যি কোনো উন্নতি মূলক কাৰ্য্যৰ বাবে গবৰ্ণমেণ্টক আবেদন কৰিলে ধন নাই বুলি সমিধান দিয়ে। আসামত ইমান বোৰ প্ৰাকৃতিক ঐশ্বৰ্য্য থকা স্বত্বেও আসাম আজি পিচপৰা—আসামবাসী দুখীয়া—দুবেলা দুমুঠি খাবলৈ নোপোৱা। ভাৰতবৰ্ষৰ ভিতৰত আসাম আজি বহু বছৰৰ পৰাই ঘাটি পৰা প্ৰদেশ হৈ ৰৈ আছে। এতিয়া স্যাৰ অটোনিমেয়াৰৰ এওৱাৰ্ড মতে পুৰণি ধাৰ বোৰ যদিও এৰি দিলে আৰু বছৰি ৩০ লক্ষ টকা আৰ্থিক সাহায্য দিছে, তথাপিতো, আসাম গবৰ্ণমেণ্টৰ সকলো খৰছ মিতাবলৈ আৰু ধাৰ নকৰিলে নোৱাৰিব। যি দেশে নিজৰ আয়ৰ পৰা খৰচ চলাব নোৱাৰে সেই দেশে কেতিয়াও উধাৰ নোৱাৰে—সদায় পাচ পৰিয়েই থাকিব। গতিকে আসাম গবৰ্ণমেণ্টৰ আয় বঢ়াব নোৱাৰিলে আসাম সদায় ধকৰা হৈ থাকিব লাগিব আৰু কোনো উন্নতিমূলক কাম হাতত লব নোৱাৰিব। ইত্যাদি কাৰণত আমি ভাৰত গবৰ্ণমেণ্টৰ ওচৰত আমাৰ ন্যায্য প্ৰাপ্যৰ বাবে দাবি জনাইছো। আজি স্বায়ত্ব শাসনৰ দিনত ইমান দিন বঞ্চিত কৰা দাবি ভাৰত গবৰ্ণমেণ্টে অতি শীঘ্ৰে পুৰণ কৰিব বুলি আশা কৰিলো। এই প্ৰস্তাৱৰ বিৰুদ্ধে কৱৰ বোধ হয়, কাৰো একো আৰুশুক নহব। আশা কৰো মাননীয় সকলো সভ্যই এই প্ৰস্তাৱ সমৰ্থন কৰি আসামৰ এটা ডাঙৰ অভাৱ পুৰণ কৰিব। ইয়াকে কৈ মই মোৰ প্ৰস্তাৱ দাঙ্গি ধৰিলোঁ।

THE HON'BLE THE SPEAKER : The resolution moved is "that this Assembly recommends to the Government of Assam that they do move the Government of India to grant to this province the entire income from the excise duty on petroleum produced in Assam".

I have just now received notice of an amendment from Srijut Kamesv ar Das. He wants to move that in the last line after the word "petroleum" the words "and kerosene" be inserted. Of course the addition of this word does not matter much since kerosene is an allied product with petroleum and if the House agree, I can allow this. The amendment will only amplify the meaning of the resolution.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : We have got no objection on behalf of the Government.

SRIJUT SANKAR CHANDRA BARUA : তাত মোৰ আ'ত্তি নাই।

SRIJUT KAMESWAR DAS : Sir, I beg to move that in the last line after the word "petroleum" the words "and kerosene" be inserted.

In this connection I beg to observe, as you have already passed the opinion, that kerosene is an allied product and I hope that my hon. friend the mover and the House will have no objection to allow this amendment.

Coming to the subject matter of the resolution I wish to observe that the duty referred to therein is the legitimate due of this province. In the past, we have not been done justice by the Central Government or by the Parliament. The notorious Meston Award made this province to pay a huge sum of about a crore from its slender resources, which depleted its finances considerably.

Under the present arrangement also the case of Assam has been very badly treated so far as its finances are concerned. The Simon Commission recommended a special treatment for Assam as being "the least developed of the Governor's provinces" and the Federal Finance Committee also found that Assam would be a deficit province and estimated the annual deficit at about 65 lacs. But in spite of all these and in spite of the fact that everybody in Assam pleaded for a lenient treatment, Sir Otto Niemeyer recommended a subvention of Rs. 30 lacs only to Assam, whereas his recommendation was for Rs. 100 lacs in respect of the North West Frontier Province, Rs. 43 lacs to 47 lacs for the first five years in respect of Orissa and Rs.105 to 110 lacs for the first ten years in respect of Sind. The Assam public opinion was against Sir Otto's recommendation of this subvention and the then Government also submitted their objection to the same. I read a portion of their telegram No. 389C.B., dated 6th May 1936 :—

"The Indian Member and Ministers have read the Report with profound disappointment. They were looking forward to the Province being made as self-sufficient as possible so that provincial autonomy may have substance. It was with that intention that the Government of Assam presented before Sir Otto, in addition to estimates of normal receipts and expenditure, estimates for such institutions as a High Court, a University and Medical and Technical (including Agricultural) schools. They now find that there is not only no room for further progress in making up the essential deficiencies but on the contrary even on the present scale of expenditure there will still be a deficit of about 25 lacs to be covered either by taxation or retrenchment. They consider that the economic condition of the people, the bulk of whom are agriculturists, does not permit of additional taxation. Retrenchment on the other hand would entail curtailment of services rendered at present to the public, a prospect which they are confident no Ministry under the new Constitution will face with equanimity. Considering all these factors and the slender hope of an early expansion of revenue they think that an additional subvention of 25 lacs is essentially necessary to put the province on an even keel."

"The Minority of the Local Government though agreeing with a great part of this are not able to accept the position that a deficit of 25 lakhs is involved in the proposals, and think that they are such as with some retrenchment will just enable the province to balance its income and expenditure in the opening years of the new Constitution provided that no natural calamity occurs to necessitate heavy additional expenditure. There will of course be no margin for some years to come for any expansion or improvement in the standards of administration the necessity of which has been particularly stressed in the discussions. Especially it is regretted that it will be impossible to establish a University without which Government cannot control the educational system, and an Agricultural Institute to explore the agricultural needs of the province. The recurring cost of these institutions was estimated at 5½ lacs in papers put before Sir Otto Niemeyer".

The Secretary of State for India in his telegram to the Government of India, No. 1589, dated 20th May 1936, expressed his concurrence in the Government of India's observations in connection with representations of Assam.

The Joint Parliamentary Committee also suggested "that Assam urgently needs an assured increase in its revenue".

But all these came to no avail. The sum of Rs. 30 lakhs only as recommended by Sir Otto was finally sanctioned as annual subvention.

The result is that no development of any serious nature is possible to be undertaken. Already there has been row all over the province for reduction of revenue owing to the economic depression and the diminishing paying capacity of the people.

To justify the name of the province as an autonomous one, Assam presently needs an increased revenue. Retrenchment, even if it be drastic, shall not make a very large sum available sufficient for the establishment of a University, a High Court, an Agricultural and other technical schools in the province. No other big sources of revenue are also in sight at the present moment. Yet the province must keep pace with the other autonomous sister provinces.

All these circumstances warrant that this Government move the Government of India to make it possible for Assam to have the whole of the duty on petrol and kerosene which are produced within the province.

With these remarks I commend my amendment for the acceptance of the House.

THE HON'BLE THE SPEAKER: Amendment moved is:

That in the last line after the word 'petroleum' the words 'and kerosene' be inserted.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Mr. Speaker, Sir, before this resolution is discussed I would request the hon. mover of the resolution to change the word 'petroleum' into petrol, for the excise duty is not on petroleum, but on petrol and kerosene. Therefore, in order to make this resolution intelligible to the higher authorities and that there be no misunderstanding I would propose that the wording be changed as I have indicated.

Hon. members may know, as has just been indicated by you, Sir, that petroleum is a generic term that includes both kerosene and petrol and the excise is not levied on petroleum but on the finished products—petrol and kerosene. And therefore I hope that the hon. mover will see his way to make this verbal change in the resolution.

SRIJUT SANKAR CHANDRA BARUA: I agree to this change;

THE HON'BLE THE SPEAKER : The resolution as it now stands is this : This Assembly recommends to the Government of Assam that they do move the Government of India to grant to this province the entire income from the excise duty on petrol and kerosene produced in Assam.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, the question of allotting to Assam the revenue derived from the Excise duty on motor spirit and kerosene produced within her borders was first raised by me in a Conference of Financial representatives of the different provinces that met in the month of May 1931 at Simla. During the discussion each Provincial Government's representative was asked to make a statement about the economic condition and resources. I stated that although Assam produced those goods, petrol and kerosene, we did not benefit materially from taxes that were levied on them. The question was not on the agenda and therefore did not form part of any discussion. Shortly after that, hon. members know, in connection with the enquiry for the Reforms, a Committee, called the Federal Finance Committee, presided over by Lord Eustace Percy, came out to India to discuss the financial situation of the provinces and their requirements. Each Provincial Government was asked to submit a memorandum and give a mass of figures of income and expenditure from the year 1921 and of also the future five years. While drawing up that memorandum which was done under my direct control, I placed before this Committee the subject matter of the present resolution that in view of the many needs of the province especially after the reforms when a responsible system of Government would be ushered in, it is urgent and imperative necessity that the resources of the province should be implemented and increased. Those hon. members who have seen the report of the Percy Committee, should have noticed that in the report, Assam claimed these proceeds on the excise duty of petrol and kerosene, but the Committee did not come to any definite and clear conclusion on the point, saying that it was a matter of a very controversial nature, and the rest of their report would not be given effect to if they prolonged their deliberation to decide our claim. Sir, we not only approached the Federal Finance Committee, but we also approached the Central Government in 1932 making the same claim. We believed then and even now we believe that our claim for the proceeds of the excise duty on those commodities were irresistible, but unfortunately up till now we have got no redress in spite of our various petitions and protests.

(The debate was not finished).

THE HON'BLE THE SPEAKER : The House stands adjourned till 2 p.m.

[The Assembly reassembled after lunch at 2 p.m., with Mr. Deputy Speaker in the Chair.]

MR. DEPUTY SPEAKER : The Hon'ble Sir Saadulla to continue his speech.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, I was mentioning that we submitted our representation to the Government of India in 1932, and in justice to the claim we had pointed out that the manufacture of petrol and kerosene from crude oil was a depreciation of the capital of the province, that is, the natural deposits that lie within the earth. Therefore our claim for the proceeds of this excise duty is far stronger than the claim of the jute-growing provinces for a share in the jute export duty, for jute is an agricultural produce which is grown annually. Sir, this argument also failed to attain its object. Then in 1933 the then Council passed a resolution to the same effect and in forwarding that resolution to the Central Government, this Government again reiterated its claim for the proceeds of the excise duty on petrol and kerosene. But as no redress was obtained from the Central Government, we submitted our representation

to the Secretary of State through the Government of India. Sir, in the same year 1933, a memorandum from the House was adopted in the later session on the subject and submitted through its President to the Chairman of the Joint Parliamentary Committee that was sitting at that time. Sir, it is very very unfortunate that in spite of all our arguments based on fact, reason and law, the Government of India repudiate our claim to the proceeds of this excise duty. At one time we were not only fortified by the opinion of our Legal Remembrancer, but also we had the support of the Advocate-General of Bengal, who said that we had legal claim to the proceeds thereof. Sir, our petitions, our protests fell on deaf ears. We are grateful to one of our old colleagues from the Planting Group—I refer to Sir Walter Smiles, who has since been returned to Parliament—for taking up our cause even in Parliament, but for want of our representation in the Joint Parliamentary Committee we lost our case. We came back to the charge again when we submitted our memorandum to the Niemeyer Committee, but here too we met with the same fate. I have narrated in detail, Sir, that from the year 1931 right up to the year 1934, when I presided over the portfolio of Finance, no stone was left unturned to bring home to the higher authorities the justice of our claim. Since 1934 my successors in office also attempted in vain. The Otto Niemeyer Report has been accepted by the Central Government and we have received a subvention of 30 lacs of rupees annually, although, as I pointed out in my budget speech, our deficit was estimated, even on the present basis of administration, by the Percy Committee at 65 lacs. Sir, the attitude of Government on this point remains the same. We refuse to believe that there is no justice, reason or law in our claim. I am going to raise this question next month to the Central Government, when there is to be a Conference of Finance Ministers at Delhi, convened by the Finance Member of the Central Government. I am glad, Sir, that this resolution has been tabled before the House, and I would like that hon. members will give us the benefit of their reasonable arguments, so that I can take the debates of the House along with me when I proceed to Delhi. It has been said, Sir, that the matter has come to a close and that the door is not open for us but so long as we are convinced of the justice of our own claim, I for myself, will persevere, however, strong the rebuff may be, to press the claim to the higher authorities. The late Sir Michael Keane the then Governor of Assam said while addressing the House on one occasion that verily lambs grow wool for somebodyelse to derive warmth from them. Same is the case with us also. The national resources of the Province of Assam are being denuded by exhaustion of raw material though provided by nature but the benefits of the excise duty which at the present moment is in the neighbourhood of a crore and sixty lacs of rupees annually goes to the Central coffer. At one time, Sir, it was said that if Assam is conceded this demand, Central Government will be in a difficulty to meet the demand of the Burma Government which forms the part of the Indian Empire because it may be well-known to the hon. members of this House that Burma oil works are four times bigger than that of Assam and therefore the excise duty on petrol and kerosene which the Central Government derived from Burma is 6 crores but things have changed now Since the ushering of the new constitution, Burma has become a separate dependency of the British Commonwealth of dominions and of the Empire. Therefore Burma is getting the benefit of that excise duty. In view of the immense needs for the development of this province, if we get even a reasonable percentage of the excise duty, I think, our finances will be stabilised and we will be able to carry on very many popular measures to the greatest benefit of the country at large.

SRIJUT DEBESWAR SARMAH: On a point of information, Sir. May we know from the Hon'ble Chief Minister what are the reasons advanced by the Central Government for depriving us from this excise duty?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It will be too long to say but I will just mention something about it. The excise duty on motor spirit and kerosene is paid by the consumer from all parts of the country and is levied under the Act of 1917 and the Indian Finance Act of 1922 and they are both sources of revenue to Central Government.

MR. BAIDYANATH MOOKERJEE: I also rise, Sir, to support this resolution. We have heard both the hon. mover and the Hon'ble Chief Minister and I think, there is a very strong case for us. The royalty on the crude oil as it comes out of the well will be to the extent of something like five lacs of rupees but the excise duty realised by the Government of India on petrol and kerosene is more than a crore and a half of rupees. Sir, Bengal gets 62½ per cent. of the jute duty but we do not get anything out of it.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This is paid to all jute-growing provinces, *e. g.*, Assam, Bengal, Bihar and Orissa. According to the quantity of jute produced, 62½ per cent. is given to each province. We get over 9 lacs of rupees.

MR. BAIDYANATH MOOKERJEE: Sir, by the word "it" I meant petrol and kerosene and not jute. However what is jute to us and what is jute to Bengal there cannot be any comparison? What is petrol and kerosene to this province? Jute is growing every year. There is no limit to it. The area can be extended every year but petrol and kerosene are our capital, which is being drained away daily. We are being deprived of our capital and in return we are deriving no benefit. So what is jute to Bengal cannot be compared with what is petrol and kerosene to us. Sir, even if we cannot get the whole amount, I think, we should get atleast 62½ per cent. as Bengal is getting as jute duty. This jute duty was sanctioned to Bengal because Bengal was considered to be a deficit province. I must say that Assam's deficit is much greater. Bengal is more advanced in many respects than our poor province of Assam. We have got no High Court, no University, no Medical College, no Agricultural Institution, no Engineering College and many other most necessary institutions. Sir, our need is far greater than that of Bengal. Bengal put a very stubborn fight which compelled the Government of India to sanction to her a substantial portion of the duty. I think, if our Government should also take a very strong and stiff attitude in the matter, Government of India will then be compelled to give us a reasonable portion of the excise duty for the benefit of our province. We must place our claim in such a way that the India Government should be forced to grant us something. Government should find out some such means by which the Central Government should be compelled to sanction for us some good portion of the excise duty derived from petrol and kerosene. With these few words, Sir, I support the resolution.

MR. NABA KUMAR DATTA: Mr. Deputy Speaker, Sir, the province of Assam has been universally recognised, and recognised by the Otto Neimeyer Committee too, as a deficit province which must receive financial assistance. But the claim of the Government and the people of Assam to the proceeds of the excise duty on Assam oil and petrol has been summarily dismissed by the Central Government. Assam is a province where the resources are less expensive, whereas our expenditure is increasing every day it has become more and more difficult to find out new sources of income. And therefore Assam being hardly pressed rightly claims only

what is her due. There is no economic justification to deprive her of the proceeds of excise duty on Assam oil and petrol. Sir, it is futile to argue that the incidence of the tax does not fall on the producing province. The incidence of the jute duty also certainly does not fall on the province of Bengal, but the province of Bengal has been given 42 lakhs from the excise duty on jute in a single year. We not only can claim the whole of the excise duty on Assam oil and petrol, but the refusal to recognise our claim has been a gross injustice. Sir, Assam has been systematically deprived of her natural resources and she must be compensated to some extent for this loss. Sir, if the oil fields of Assam, instead of being exploited by a private company, would have been exploited by the State, it is the Government of Assam which would have reaped all the benefits that are being reaped by someone else. Sir, Assam is a rich land of coal fields and oil mines but she is the poorest province in India. Sir, there can be only one justification for allowing a foreign country to exploit the resources of a province—although the children of the soil cannot get the dividends that go to the share-holders abroad, yet they can derive some benefits in the way of employments, subsidiary industries and taxes which enrich their Government. I do not want to discuss the claim of the Assamese to the first two but to rob the province from the oil duty is most unreasonable. Sir, now is the time to make a strong representation claiming our due. Before we enter into the Federation, we have to see that we are so equipped as to enjoy a reasonable prospect of maintaining a financial equilibrium. With the present state of affairs it will be difficult for Assam to join the Federation. So our claim must be fully met before we join the Federation.

With these few words I support the resolution.

SRIJUT LAKHESVAR BOROOAH: Mr. Deputy Speaker, Sir, I beg to associate myself with the Hon'ble Chief Minister in offering my heartiest thanks to Srijut Sankar Chandra Barua for allowing the House an opportunity of discussing the matter of all absorbing interest to this province.

Sir, with the advent of provincial autonomy the province of Assam started with a deficit of 65 lakhs of rupees. In view of the admission of Simon Commission that Assam is the least developed of the Governor's provinces, and in view of the recommendation of the Joint Parliamentary Committee that Assam should have special consideration, everybody expected that financial assistance to the extent of the amount of deficit would be accorded to her. But unfortunately these factors have not had any weight with Sir Otto Neimeyer who recommended only a grant of thirty lakhs and was discreetly silent about the remaining 35 lakhs. Sir, Bengal was similarly wronged in Jute Export Duty but owing to her agitation and the fight that their officers put up that they were successful in getting back what was snatched away from them. Our case is not less acute. Meetings in every nook and corner of the province were and are being held demanding the entire duty on petrol and we have a just legitimate claim to the 35 lacs, or the entire duty on Assam petrol and oil, which will be just enough to enable the administration of the province to be carried on without running into debt. Sir, everybody who knows anything about the administration of the province is surprised at the very inequitious financial arrangement. The other day only Pandit Jawaharlal Nehru, the President of the All-India Congress, while addressing a mammoth meeting at Digboi expressed surprise that the duty from petrol is applied elsewhere than to the needs of the province. Only in to-day's paper—the *Amrita Bazar Patrika*—he has issued a statement with regard to the application of this petrol duty. My hon. friend Srijut Purna Chandra Sarma will read the statement when he speaks on the subject. I thank the Hon'ble Premier for what he did previous to the inauguration of the present Reforms, and I think it is the first meeting

of the Assembly in which we are expressing our views on the subject. I am very glad to say that the Hon'ble Premier has assured us that he wi l do his level best to get the entire petrol duty from the Central Government, and we the hon. members of this House must strengthen his hands by unanimously voting for this resolution.

With these few words I support the resolution.

BABU AKSHAY KUMAR DAS: Mr. Deputy Speaker, Sir, our province of Assam is a very poor province. Besides this, we have no sufficient funds for carrying on the administration or to meet the crying needs of the province. During the last budget session, we were told that the Medical School at Sylhet could not be started for want of funds. Again, there are some other projects which cannot be carried out for want of money. Our money is being taken away by the Central Government. Sir, there is no money for primary education. For primary education only a sum of Rs.50,000 has been provided. Is this amount sufficient to impart education throughout the whole of the province? Sir, we are crying day and night for the spread of education, but there is no money.

Sir, our province is a very resourceful one but we cannot enjoy the income from those resources. Therefore with all my heart I commend this resolution to the House for support.

SRIJUT GAURI KANTA TALUKDAR: Mr. Deputy Speaker, Sir, among the Assamese people it is said অসমীয়া মানুহৰ টকা নৌ নাই ভাতো নাই" The Assamese people have no money and they have no wants, that is to say they are living a hand to mouth living. Really we are living a hand to mouth living. And that is the reason why we consider ourselves as the happiest people in India. We live a life of the lowest standard and that is why we are content with the miserable condition in which we are spending our days. The Government of Assam similarly is supposed to be a solvent province because it is running an adminis ration of the lowest standard It has never attempted to have an administration of normal or regular standard that is followed in other provinces. We satisfy ourselves with denials and we have denied ourselves, so far, many things that other provinces have had as bare necessities We have got no High Court of our own and we have to depend for our ultimate justice on the Government of Bengal. We have no University of our own and here again we depend upon Bengal. We have no Engineering College, no Medical College nor an Agricultural College for our province. And almost in every important matter we find that we have to depend on some other provinces. There is no other province in India I believe, that depends so much, as we do. on other provinces. That is the reason why we have been considered a solvent province and the happiest province in this country. Sir, the Central Government has all along neglected us. It seems, it has not recognised us as an independent province. Whenever it is pleased, it tags us on to some other province. Sometimes it was necessary for the Central Government to combine us with Bengal and the Province of Eastern Bengal and Assam was formed. Now it has been its intention that Assam should be separate and we are separate. And we do not know if we will again be combined with some other province according to its whims. That is the reason I believe, why the Central Government never sees the need for developing us into a full-fledged self-governing province. Now, Sir, with the autonomy that is said to have been granted to the provinces we expected that we will be supplied with the necessary resources for running an administration on a self-supporting basis. But what do we find? Is there any evidence to show that the Central Government is judging our conditions impartially and sympathetically? We do not feel that it does.

Now, Sir, the resources of our province are few. Our administration is practically being run with the land revenue derived from the half-fed and half naked peasants and the dishonourable income from opium, wine and hemp. We do not get anything worth the name from the world famous Tea Industry. The only other principal resource of the province is petrol, kerosene and crude oil. But what benefits are the Government of India giving us out of the income derived from this source ? They are taking away from us the entire excise duty on petrol and kerosene and are distributing the same to all the provinces according to the standard or ratio of consumption of petrol and kerosene in the various provinces of India. Not only that they have gone to the extent of making a saving of 20 per cent. I am told that 80 per cent. is distributed between the different provinces. Now, Sir, the country.....

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If I may correct the hon. member's statement, Sir, the position is this. The excise duty consists of two different portions. The original duty was eight annas which goes to the coffers of the Central Government. They do not distribute that. There is an extra excise duty of two annas that is made into, a separate fund to which the proceeds is credited and out of that 85 per cent. is distributed to the provinces on the basis of their respective consumption of petrol. I suppose that is what the hon. member is referring to.

SRIJUT GAURI KANTA TALUKDAR: Yes, Sir, it is this extra excise duty that I am referring to. What I wanted to say was that the province that produced this petrol has been completely ignored. The consumption of petrol in this province is probably very much less than what it is in the other provinces. And I am also told that the price of the petrol in Assam is more than that obtaining in some other provinces. For example, in Calcutta and Bombay they pay much less price for petrol than in Assam. Over and above these demands the Government of India have been pleased to burden this poor province with the heavy burden of maintaining the Assam Rifles. If this frontier is to be protected, certainly it is an imperial concern and I do not see any justification why poor Assam should be made to bear any part of its maintenance charges. So from whatever direction we look at this question we find that the Central Government have been all along neglecting and not looking after this province with sympathy. But, Sir, if we put our claim properly and persistently and press it as forcefully as the Government of Bengal, I believe our grievances would soon be remedied.

With these few words Sir, I support the resolution.

MR. F. W. HOCKENHULL: Sir, whatever differences we have on the floor of this House, this is the one subject over a long series of years on which every section of the House is unanimous. We hope that this will go on until such time as our just claims are recognised (*hear, hear*). The European group has consistently supported the idea of obtaining at least something from this excise duty whenever the question has been raised. I for my part was the representative, or one of the representatives at Home in 1933 before the Joint Select Committee and there we again, as on previous occasions, pressed for some measure of this excise duty. It is unnecessary here to go over once again the whole of the arguments which obtain for our receipt of something from this excise duty, so, I will not labour that question now. But there are two points we must stress again namely, the inequity of the Meston Award and the very great needs of our province starting as we are on our own feet under the regime of provincial autonomy. I would like to say just one word regarding what our friend who has just now sat

said about petrol duty. The Chief Minister has said that eight annas petrol duty is the Central Government's own quota and they treat it as their own and add to their own revenues. The additional two annas was levied in order that provinces may receive it back for communications development on a consumption basis. Let me here and now acknowledge with gratitude all that the Central Government has done on our account from that fund. The fund is obtained by a tax of two annas per gallon and it is divided into two parts. Eighty-five per cent. is devoted *pro rata* to the consuming provinces, and the other 15 per cent. is apportioned for a reserve fund. Assam will gladly acknowledge that she has received marked consideration from that fund, and we hope that such will continue. Nevertheless it gives me much pleasure to support the Hon'ble Chief Minister in making a further representation to the Central Government, and we will go on doing so, until the justice of our claim is recognised.

SRIJUT PURNA CHANDRA SARMA : Sir, while supporting the resolution of my friend Mr. Sankar Chandra Barua I will just quote a few words from the lips of Pandit Jawaharlal Nehru as regards his view on his experienees in Assam, in his recent tour.

" At Digboi one sees the familiar iron derricka against the sky-line and they announce to the visitor that he is entering an outpost of the Great Empire of oil. The Assam Oil Company is associated with the Burma Oil Company and the two together are parts of the Shell Combine. This accumulated wealth of past ages is being pumped out at Digboi. But Assam, the owner of this wealth, hardly profits, for the royalties go to the Central Revenue. This is unfair to the people of Assam and there is an agitation against it, which seems to me to be justified."

MR. C. GOLDSMITH : Sir, we have been agitating over this question for a long time, and our arguments must have been already known to the authorities concerned. Nevertheless it may do well if we repeat them again, especially since the Hon'ble Chief Minister has invited opinions so that he may forward them to the proper quarters.

Now Sir, this petrol and kerosene are the natural resources of Assam and these are within the bounds of the province of Assam. Therefore Assam has every right to claim the proceeds from the duty on kerosene and petrol. The Central Government is perhaps, I think, looking at the matter from this point of view, namely that these products are naturally obtained from the ground, though within the limits of the province of Assam, and therefore Assam has nothing to do with these products. They are thinking perhaps that Assam has received this gift of natural resources very lavishly and therefore, since the gift is too much, the Central Government ought to get something out of it. I think our Hon'ble Chief Minister ought to explain very clearly that Assam has been a neglected province something like a neglected child in the Indian Empire. Since it is in one corner of India, it has not been taken into account like the other provinces. As a matter of fact, looking to the natural situation of Assam and its geographical position, the Central Government ought to have taken special care of Assam and should have given it more that is necessary for its development. If one looks at the map of Assam, one will find that it is very extensive in length and breadth, but crossed by rivers and streams and hills and sometimes by insurmountable mountains. Therefore, communications between the districts are very difficult, thereby necessitating a lot of expenditure on communications. If the Central Government would only consider how many bridges have to be built and how many long roads have to be made, they would realise how much of funds Assam needs in the matter of communications, even apart from

other pressing needs. The inconveniences suffered by Government officers bears no comparison with those suffered by officers in other provinces, due to bad communications, and the travelling allowances paid by Government are also greater for that reason. As the gateway of India on the eastern side, the Central Government has to do something to protect Assam, in order to protect itself, but somehow or other Assam is being punished for it, for the Assam Government has to spend some money for the Assam Rifles.

Then the question comes of the geographical position of the partially excluded and excluded areas. These areas are geographically so situated in Assam that money has to be spent by the Assam Government on those areas. The income received from them is not enough. Therefore the Assam Government has to spend money on those too. Therefore it behoves the Central Government to change its attitude towards Assam and to realise its difficulties. I therefore heartily support this resolution, for we want a large share, if not all, of the duty on petrol.

Another thing that is to be noted is that on account of the oil company and the factories that are going on, Assam is supplying labour and work for many people from other provinces of India. If we look into the factories and the work going on there, we will find that there are many foreigners coming and getting work there. And therefore Assam is giving help to other provinces as well. Therefore I think Assam ought to get much consideration from the Central Government.

MAULAVI ABDUR RAHMAN: Sir, it is gratifying to me that I have got an opportunity to express my views on the subject that has been so properly and justly sponsored by my hon. friend the mover of the resolution. Before I had the opportunity of coming to this Hon'ble House, we used to read in papers about the measures that were being taken by the previous Council regarding our claim to the duty on petrol and kerosene. It has been very justly remarked by my friends Mr. Mukherji and others that this province, though richly gifted by natural resources, is deprived of the same, and for that reason we are unable to make our house more happy or even meet our daily necessities. Sir, on looking into the proceedings regarding the steps taken in this connection by the previous Council, I have seen that in 1933 in its September session my hon. friend Maulavi Munawwar Ali presenting a memorandum for placing before the Joint Select Committee of Parliament regarding the financial position of the province, justly remarked that—"In this connection the result achieved by Bengal was due to the cult of bomb and pistol and due to the strong propaganda and agitation of a strong propagandist like Sir N. N. Sarkar." I am also holding that view and I say before this Hon'ble House that it is a well-known fact that a crying child always gets the milk. Unless you can carry on a very strong propaganda,—unless you can make a real and true agitation, I am afraid, our legitimate and very legitimate claim will be ignored as has been done in the past. So I appeal to the House and particularly to the Cabinet concerned that our case should immediately be represented before the Central Government. I must repeat by saying that we do not pray for any charity but we stand to get what may be called our very legitimate due, and I must say that we stand to get this in the name of fairness, justice and equity. With these words I support the resolution which has been placed before the House.

MAULAVI MUBARAK ALI: Sir, I also rise to support the resolution. When an injustice is done it is always done to the weak. The British Government and the Government of India have done injustice to us for the reason that we were weak and could not put our case strongly before

the authorities. We could not impress upon them and that is why we have been ignored. But, Sir, it is quite possible to make it impossible for the Federal Government to admit us unless and until our legitimate claim is recognised. We shall do all that may be necessary to achieve our ends and unless the same is granted to us we shall not federate with them. Let us give this warning. With these few words I beg to resume my seat.

KHAN BAHADUR MAULAVI KERAMAT ALI: Mr. Deputy Speaker, Sir, Assam is admittedly the poorest province and therefore a child on the street will at once say that the Government of India has been always unfair in treating Assam in the way it has done. It is because of such treatment that the Province has been reduced to bankruptcy.

Petrol and kerosene is produced in Assam and therefore naturally all the income that is derived from it should come to the Government of Assam and not to any other Government. So I think that honest people will not give credit to the Government of India for snatching away the excise duty from the hands of the Government of Assam which needs it the most. Mr. Roper the then Manager of the Assam Oil Company gave his evidence before the Franchise Committee that came in connection with the reforms and while giving his evidence he stated that only in 1932 the Assam Oil Company contributed 1 crore and 20 lakhs of rupees to the Government of India as excise duty alone. Now, it can be easily judged, what percentage of the income that is made within the province of Assam is being taken away by the Government of India.

The total income of this province is a little over 2 crores. If to this, one crore and 20 lakhs could be added, perhaps Assam would not have been in such a condition as it is today. But all the same the Government of India have been taking away all this money from us.

Sir, petrol and kerosene are extracted from the breast of Assam and therefore it is only proper that Assam should have at least some share of the excise duty if not the whole that is now being realised by the Government of India. The Finance Member of the Government of India has been taking the credit of presenting a surplus budget year after year, but does he know that he is doing so at the cost of a poor province like that of Assam ? Does he also know that the half-naked and ill-fed peasants of Assam are being loaded with a heavy amount of revenue and also that protests are being made from year to year, but the Government of Assam has not been able to give any relief on account of its financial condition. If this money were not taken away by the Government of India, perhaps the Government of Assam could have given that relief that we have been trying to get for the benefit of our poor agriculturists.

Mr. Roffey, while he was a member of the late Council, made a speech in the budget session of 1933 and he pointed out that any loss that the Government of India may incur may be recouped by increasing the import duty on kerosene and motor spirit imported to India. If that is done, it is hoped that indigenous companies will be able to sell petrol in the province as well as to the other parts of India at a cheaper rate.

Now, Sir, as regards the legal aspect of the question, I would like to quote from a leading article published in January 1933 in the *Statesman*. The Editor said " Under the Government of India Act mineral resources is a provincial subject ". Therefore if this law is correct, I do not understand how the India Government may be entitled to the excise duty on petrol and kerosene that is extracted from the soils of Assam, the subject being a provincial subject. Again, Sir, " under the mining lease that the Government of India has prescribed, the lessee is given the power of conversion. This power of conversion of crude oil into motor spirit, kerosene, etc....." It is because of the right of conversion that is given to the lessee that he has

to pay royalty, and it is because of the right of conversion also that he is asked to pay excise duty to the Government of India. Now, Sir, if Government of Assam is entitled to the royalty because of the right of conversion has been given to the lessee I do not understand why the Assam Government should not have also the right to have excise duty that is being levied on kerosene and petrol extracted from the soils of this country. I therefore think Sir, that from whatever point of view you look into the matter you will have to admit that Assam is entitled to the whole of the excise duty on petrol and kerosene from points of fact as well as from points of law. But if the Government of India think that they can not give away the whole of it, they should consider whether they could give at least a part of it.

MR. DEPUTY SPEAKER: I think the matter has been sufficiently discussed. (*Voices—No, No.*)

MAULAVI MUNAWWAR ALI: Mr. Deputy Speaker, Sir, I am all gratitude to the hon. member who has introduced this topic before this Assembly. In certain quarters amongst the members of the Assembly there is an impression, which is an impression of disappointment, and it is this that the door is shut by the Government of India Act, 1935. Let the door be shut but let us have the determination to open it. Sir, in my speeches in the previous legislature which one might characterize as revolutionary and seditious, I referred to the cult of bomb and pistol which had its way in Bengal. The partition of Bengal was annulled by it but as I was no believer and not still a believer in that cult I suggested to my friends and the people of this Province to take to the cult of agitation. Our dictum was the dictum of agitation, agitation and agitation. We had agitated a little but, Sir, we were granted no opportunity. The Government of India and the British Government selected Assam as the proper medium for perpetrating injustice. Injustice upon injustice has been perpetrated upon Assam and in every respect. Assam was not allowed to go with her petition before the Joint Select Committee; not even a witness with a petition before the Joint Select Committee was allowed to go, and why? My hon. friend just to my left said that was because we are weak. We might be weak, and we are weak indeed because we are not able to assert ourselves. But is the justice of our cause also weak? Not so. We have had no self-consciousness. Law being on our side we have been unable to impress the Government of India or the British Government. As my hon. friend Khan Bahadur Keramat Ali has just now quoted from the *Statesman*, we are all grateful to the editor of the *Statesman* who advocated our cause in 1933, but that also could produce no impression, and that is, why? Because we do not know ourselves. But Sir, now we are in a manner independent, although the right of cessation has not been granted by the Constitution Act. We are autonomous, we must make it impossible for the federation not to accede to the justice of our cause. Sir, the Government of India and perhaps the British Parliament could not realise the strength of our cause and it is, perhaps for this reason that they enacted section 140 of the Government of India Act, 1935, by which the duties on petrol and kerosene and subjects like these become entirely federal. But, Sir, as I said the door is not shut; section 140 of the Government of India Act, 1935, is there. We must agitate the question now. Let us not be accused of apathy, let us not be accused of idleness, let us not be accused that we did not try to take time by the forelock. Federation, is perhaps coming, and let us say that under section 140 we give you a warning that unless you make applicable that section by granting the entire duties on petrol and kerosene produced in this province we shall make it impossible for you to run the federation.

(MR. BAIDYANATH MOOKERJEE: Non-co-operation?)

MAULAVI MUNAWWAR ALI: And section 140 is this. "Duties on salt, Federal duties of excise and export duties shall be levied and collected by the Federation, but, if an Act of the Federal Legislature so provides, there shall be paid out of the revenues of the Federation to the Provinces and to the Federated States, if any, to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty.....". If we are determined and if we really feel that one crore and a quarter of rupees are taken away by the Government of India from the land of Assam, if we are conscious of this fact and make up our mind that come what will, we won't allow this money to be frittered away from Assam, we shall certainly be able to compel the Federal Government and the Federal Legislature to pass an Act allocating the entire revenue on this subject to this Province.

Sir, my friend has said that let us give all those concerned a warning that we will make it impossible, and let the British Government and the British people also note this fact that Assam will rise in revolt to a man, if the justice of her cause is not admitted (*hear hear*). Sir, I am a believer in Constitutional methods But there is a limit to the patience. All the money is illegally frittered away from us because of the *jabardasti* of the Government of India and the British Government. They let go to the world the legal side of the question—the side of the question based on facts as well—and illegally took away all the money all these years. But we have now become conscious and we won't allow this state of things to continue.

With these few words, Sir, I lend my whole-hearted support to this resolution.

SRIJUT RUPNATH BRAHMA: Sir, I also stand to support this resolution. Sir, I do not know what justification is there for not giving us our due share from the petrol duty. We know there are various demands on our funds and Government have not been able to meet them up to this time. Popular demands will be coming on every day and Government will not be able to meet those demands. If we get our due share of the petrol duty it will help us, it will help our Government to a great extent in meeting those demands. So, I hope the House will be unanimous in passing this resolution.

RAI BAHADUR PROMODE CHANDRA DUTT: Sir, I do not think I can add usefully anything to what has been said on the merits of the question. This House is unanimous that we have a very strong case and that a very great injustice has been done to us.

I shall only tell you what we on our part have done to secure justice to ourselves. The Hon'ble Chief Minister has told you what he has done and I am going to tell you what I did to strengthen his hands, as a member of the Council of State. I together with my friend Maulavi Abdul Matin Chaudhuri and Major Fox, the representative of tea planters, and Sir Edward Benthal waited in a deputation on Sir George Schuster about this. I led the deputation and I made it perfectly clear to him that without substantial help from the central revenues it would be impossible for us to carry on an autonomous existence. I told him what we had and what we had not, and I pointed out that we had not many things which we ought to have. For the time being he seemed to be very much impressed with what we had said. Then and there he drafted a cablegram to England pressing our cause, and I can tell you this that in the cablegram it was said that we were strongly pressing our claim for excise duties from petrol. Then a few days after I met him privately and asked him what the matter really was. He said "Well, my friend, excise duties are central in all Federations.

Therefore from the economic point of view you cannot get it". I said "that is very true" ; at the same time, I referred him to the observations of the Hilton Commission—I referred him to the observations made by the President of that Commission. There it was said that it is quite true that according to the orthodox principles of economics excise duties are central but these principles are sometimes—and I think he said "very often"—departed from, on grounds of necessity and expediency. Then I said we were entitled to have a portion at least from the excise duties from petrol. My discussion with him ended there on that date. Then at every budget session, I made it a point to refer to this question and I found Sir G. Schuster always saying "excise duties are central, you cannot expect them". In March 1934 he came out with a proposal for giving Bengal 50 per cent. of the proceeds of jute-export duty. I listened with patience to what he was saying, and went up to him and said "what is the matter now ? Why do you give 50 per cent. of jute duty to Bengal ?" He said "Bengal's case is very different". I asked "in what way ?" He said "well, the debt of Bengal amounts to seven crores". I said "that is all right. Because that province has been spendthrift and borrowed from you too freely to meet its needs it should get it. And because we have been thrifty, because our Finance Member has been careful to avoid wasteful expenditure, we should pay the penalty. I think our Finance Member ought to have piled up a huge amount of debt in order to get something from you". He said "well we have done nothing but justice to Bengal". I said "if you have done justice to Bengal, that is all right ; but please do justice to us". He said "I cannot do it because excise duties are central". What can we do if the Finance Member of the Government of India takes up that attitude ? We cannot possibly do anything. Then I spoke to Lord Willingdon about that. He said "I do not know. It is the Finance Member whom you have got to tackle". That only means, because you are a small province and far away from Delhi and because your voice is so feeble, you cannot get justice from the Government of India (*hear, hear*). That is the position to which we have been reduced. Otherwise there is no reason why we should not have been allowed at least a share of the excise duties. Now, Sir, the Hon'ble Finance Minister says he is going to Delhi to attend the meeting of the Finance Ministers. I wish him God speed. But I am absolutely certain he will not be able to make any impression there. As my hon. friend Maulavi Munawwar Ali suggests, some stronger measure is necessary on our part, stronger attitude is necessary to be taken up by us. What that should be I do not know. But I know—I have sufficient experience of the Government of India—that nothing will come out of my friend's demand. Of course he will do his best, but what should be our attitude towards Central Government ?

Well, Sir, my advice is that we should give to Government of India a fight so as to make them feel that we have also got an existence of our own. Unless and until we have been able to do that, they will not listen to us.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Cannot the hon. member suggest any means ?

RAI BAHADUR PROMODE CHANDRA DUTT: Of course, I can suggest a lot of means. Let us however hope that they will take a more sensible view of things. Sir, we should strengthen the hands of our own Finance Minister and authorise him to tell the Government of India that unless our request is sympathetically considered we shall decide what we should do and what our attitude towards the Central Government should be. We are now an autonomous province, and we should make our existence felt. I do not think, Sir, need say anything more.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I am fully at one with my hon. friend Rai Bahadur Promode Chandra Dutt when he says that we must adopt stronger measures for getting our own demand. It will be admitted on all hands that we have been very shabbily treated by the Government of India. I think, we are ourselves to be blamed for this shabby treatment. We have not yet been able to make our voice heard, because of the poverty of our advocacy. We have just heard that even the able advocacy of persons like Rai Bahadur Promode Chandra Dutt, Sir Muhammad Saadulla and Mr. F. W. Hockenhull had failed to secure our desired end. I think, if we want to have this legitimate share of our excise duty on petrol and kerosene, we must take stronger attitude. Of course, what form that attitude should take has been suggested by my hon. friend Maulavi Munawwar Ali.

KHAN BAHADUR MAULAVI KERAMAT ALI: I think, he has said that there should be rebellion.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Not rebellion but he has said that it will be detrimental to the interest of the Government of India in forming a federation if this province is left without any resources. There is another thing. Digboi is very near China and the oil fields in Digboi have great attraction for the Chinese. So I say that it will be in the interest of the Government of India to keep us contented by giving us our due share (*hear, hear*). Because if we arediscontented, there is trouble ahead. I cannot resume my seat without referring to the fact that this Assam Oil Company which is having a monopoly of oil although Government do not admit it. It is close preserve to us. Any information regarding the Oil Company is refused to us. I find that in the last session of the Assembly my hon. friend Srijut Lakshesvar Borooah asked the Government of Assam for laying the licenses between the Company and the Government, on the table and the reply was that licenses were granted to the Assam Oil Company by this Government on behalf of the Secretary of State for India in Council and therefore the copies of the licenses could not be placed on the table without their sanction. Then again my friend Srijut Lakshesvar Borooah put a question "will the Government be pleased to furnish the account of sale of Assam oil and show the royalty and excise duty paid to Government in the enclosed form ?" Then the reply was this that so far as the excise duty is concerned it is not the primary concern of the provincial Government and it does not therefore propose to make any demand to obtain the figures required. A member of this legislature again put a question as to how much is being paid to Government by the Assam Oil Company. The reply was that we cannot get the information. Then again there was another question by Srijut Debeswar Sarmah about the difference in the price of selling rate of petrol. The selling price in Bombay and Calcutta was much less than what was in Assam. Now this Government had not been able to regularise the selling rate of petrol and kerosene also in Assam. We are in a hopeless state (*laughter*). Far from getting our legitimate share we cannot get our information even. On the top of this our children of the soil cannot get any employment in the Assam Oil Company. That is the position, Sir. I think, it requires a very strong attitude on the part of this Assembly. The position is such that I myself think that Assam should seriously think of separation from the rest of India (*laughter*). With these few words, I strongly support the resolution.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, while I was a member of the Central Legislative Assembly, I, in my own humble way advanced the claim of Assam on petrol tax. As my hon. friend Mr. F. W. Hockenhull has said there was hardly any occasion on which there was

such a complete unanimity in all sections of the House as on the occasion of our demand for petrol tax. After the very cogent and exhaustive speech of the Hon'ble Chief Minister it was hardly necessary for me to take the time of the House in dealing with a question on which there is complete unanimity of opinion, but the Hon'ble Chief Minister asked us to justify our claim by means of cogent argument.

I should like to refer to one or two arguments—(These are not very new arguments) on which the claim can be advanced. It is of course well known and has been referred to on the floor of the House by many hon. members, that ours is one of the most backward provinces in India. We have got no University we have got no High Court, no Agricultural College, no Medical College. Our expenditure also, in comparison with other provinces, is very small. As regards medical facilities while our neighbouring province of Bengal has got one hospital for every square mile we have one for every 215 miles. As regards communications, while in the province of Madras there are 151 miles of roads for every 1,000 square miles, we have got 10½ in every 1,000 square miles. In every sphere of administration ours is the most backward of provinces. The financial position of the province is well known to everyone but in spite of that the Government of India takes from us proportionately a larger percentage than from any other province. I have not got the figures handy, but in 1935 while taking up the case of Assam in the Legislative Assembly I calculated the figures of the money taken away by the Government of India. This is what I said on that occasion :— "The Government of India take one crore and 25 lakhs every year in the shape of petrol tax from our province, and this amount represents over 50 per cent. of the revenues raised within the province. If you add to this the amount that we pay as income-tax, over 70 per cent. of the revenues raised within the province is taken by the Centre. I may inform the House that from the United Provinces the Government of India take only 22 per cent. of the revenue raised in the province, and from the Punjab they take only 8 per cent. Now we have been agitating for a number of years for the restoration of these petrol duties. I think no one fought more vigorously than our Governor, His Excellency Sir Michael Keane, and the Assam Legislative Council also sent representations to the Joint Parliamentary Committee, but everything was unavailing." I think, Sir, these are some of the lines on which we may advance our claim for the restoration of the petrol tax to the province.

With these few words I support the resolution.

SRIJUT SANKAR CHANDRA BARUA: এই প্রস্তাবৰ বিষয়ে যথেষ্ট আলোচনা হৈছে। মন্ত্রী আৰু সভ্য সকলে এই প্রস্তাৱ সমর্থন কৰাৰ বাবে মই তেখেত সকলক ধন্যবাদ জনাইছোঁ আৰু মন্ত্রী সকলক এই বিষয়ে আৰু ভালকৈ চেষ্টা কৰিবলৈ অনুৰোধ কৰিলোঁ। সভ্য সকলক জনালোঁ আসামে যেতিয়ালৈকে পেট্ৰল ডিউটীৰ টকা নাপায় তেতিয়ালৈকে যেন তেখেত সকলে তীব্ৰৰূপে আন্দোলন চলায়। এয়ে মোৰ শেষ অনুৰোধ।

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Mr. Deputy Speaker, Sir, I am obliged to all sections of the House for giving their willing support to a measure which was first initiated by me in the year 1931. After this there was hardly any necessity for me to get up to round off the debate, but I thought that just two points need our consideration. My hon. friend Maulavi Munawwarali has referred to Section 140 of the Government of India Act. That section refers to

excise duty. Although provision is made there that the Federal Legislature by an Act may collect the proceeds of any such excise duty, they are also enabled to pay either the whole or a part of the proceeds to the provinces concerned. If we can continue our demand with persistence and cogency, there may be a time when that section of the Act may be applied in our favour. But I will go one step further and say that this so-called excise duty is not an excise duty at all ; it is really a sort of capital levy. This is not my own view but the view of the then sister province of Burma as well. For as I have already mentioned, the more petrol that we produce the more of our capital in the way of crude oil is being exhausted. It is impossible for anybody to define what quantity of oil there is in the bowels of the earth, but it is a matter of commonsense that the more petrol we produce the less becomes the deposit. Therefore it needs no argument to say that we are depleting our capital, and therefore by this tax the Government of India is swallowing up our capital and this tax is nothing but a capital levy.

Then there is another aspect of the whole question. I will refer very succinctly to this aspect. The nature of this tax, although it is called an excise tax, it is a tax on an industry—I mean the refining industry of crude oil into petrol and kerosene, and yet it is the provincial Governments which are supposed to improve the mineral resources which are Government property. So at the time of the discussion earlier according to the Act of 1919, improvement of mineral resources was a provincial subject and consequently the proceeds of taxes from the product of the industry which converts the crude oil into marketable commodity ought to be the legitimate share of the Province producing. The difficulty here is that while we are supposed to benefit these industries and to preserve the mineral resources the cream of the proceeds is to be paid to the coffers of the Central Government. So I would go one step further than my hon. friend Maulavi Munawwarali, and say that we cannot by any legitimate argument say that what is called the excise duty is nothing but a capital levy.

Then, Sir, my hon. friend Rai Bahadur Pramode Chandra Dutt and my hon. friend Mr. Matin Chaudhury have narrated to you how they all tried to get justice done to Assam in their respective spheres of activity in those days. All thanks are due to them. If I remember aright, our present representative from the Assam Valley in the Central Legislative Assembly also moved in the matter. I hope they will continue in their endeavours. But some suggestions have been thrown out by some other speakers, that we should not keep content with merely sending our petitions or protests, and that some kind of direct action is necessary. What is that direction, nobody has said.

MR. BAIDYANATH MOOKERJEE : We leave that to the Hon'ble Chief Minister.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : But the Chief Minister wanted light from the hon. members of this House and nobody gave him any light,

MR. BAIDYANATH MOOKERJEE : Civil disobedience and non-co-operation.

SRIJUT GOPINATH BARDOLOI : Within the House.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I do not think so. Civil disobedience and non-co-operation will not help us. On the other hand there is one thing that will certainly help us. That is I would request every one of my hon. colleagues in this House to join the federation and press our cause for justice (*cheers* and *laughter*). For under the constitution which we have come here to work, as has been

referred to by my hon. friend Maulavi Munawwarali, there is still hope for us and if we can convince the Federal Legislature of the justness of our cause, we are sure to get redress done.

THE DEPUTY SPEAKER (from the Chair): I think the matter has been sufficiently discussed and I shall put the resolution to the House. The resolution as amended is "This Assembly recommends to the Government of Assam that they do move the Government of India to grant this province the entire income on the excise duty on petrol and kerosene produced in Assam".

The resolution was carried unanimously.

Resolution re establishment of a High Court in Assam

MR. NABA KUMAR DUTTA: Sir, I beg to move—This Assembly recommends to the Government of Assam to take immediate steps for the establishment of a High Court in Assam.

Sir, the demand for a High Court in this province has been very strongly put forward for the last several years both by the public as well as their representatives in the legislature. Though such a demand in the past was ignored as premature, the time has arrived when the establishment of a High Court in this province has become a vital necessity.

(At this stage the Hon'ble Speaker took the Chair.)

Sir, provincial autonomy cannot be complete without judicial autonomy and it is striking that out of the eleven autonomous provinces, Assam and Orissa are the only provinces which have not got High Courts of their own. The province of Orissa was created only the other day and a move has already been made for the establishment of a High Court there. It is a matter of great shame that Assam, which unlike Orissa, even enjoyed the Montague-Chelmsford Reforms, has been still left without a High Court. Sir, the immediate establishment of a High Court is essential in view of the forthcoming inauguration of Federation and if Assam is to join the Federation it must do so as an autonomous unit in no way inferior to other units. Moreover, Sir, the High Court of Calcutta which was under the jurisdiction of the Central Government has been placed under that of the Bengal Government under the Government of India Act of 1935, and it is not proper that the superintendence of the judiciary of this province should be entrusted to an institution with which the Assam Government has practically no relationship of any kind. Thus, Sir, there exists in Assam a dual control over the District and Subordinate Judiciary and this often leads to a judicial muddle. Besides, Sir, the creation of a separate judicial service will be simplified by the establishment of a High Court in this province. In Assam Officers in the Executive branch of the Civil Service are at present called upon to discharge judicial functions and it is usual to find a gentleman serving as a Subdivisional Officer, Secretary and a Judge, within a couple of years. There is no wonder that the decisions of the Subordinate judiciary are, in inumerable cases, set aside by the High Court of Calcutta. But, Sir, justice has been denied to the bulk of the population who cannot bear the exorbitant costs of prefering an appeal to the High Court at Calcutta. Distance and other reasons involve expenses too heavy to be borne.

Now, Sir, I come to the question of Finance which is a necessary handicap in case of all reforms. But I can boldly assert that there will be not the slightest difficulty in this respect. If to the sum of Rs. 1,28,000 which is being contributed to Calcutta High Court we add the annual income from Assam arising from court-fees paid both in the Original and Appellate sides, we will find that the recurring expenses of a High Court will soon disappear. We must not forget that the receipts from court-fees will undoubtedly rise if we have a High Court within the easy reach of the people. Sir, we shall also be able to find out a solution to the vexed question of revenue appeals. A good deal of the money will be saved if we pass an Act under section 296(2) of the Government of India Act providing that the functions of hearing revenue appeals should be made over to the High Court. Again, Sir, the Advocate General of the Assam High Court will be able to do the works that are now entrusted to the Advocate General of Bengal and thus a saving can be made.

Sir, a scheme was prepared by a Committee appointed in 1936 by the Assam Association and my hon. friend Mr. Fakhruddin Ali Ahmed was the Secretary of that Committee. In the report of the Committee it says—

"The demand for a High Court of Judicature for Assam is based on the inherent right of the people of Assam to have the easiest recourse to the highest justice of the land. There is nothing strange in this demand and, if there is anything strange, it is in the fact that this most legitimate and reasonable demand has so long been resisted and that an attempt is made, in certain quarters, to belittle by simply asserting that there is neither the money nor the material for a High Court for Assam. It will therefore not be out of place to consider here the implications in this assertion and how far they conceal the realities of the situation before attempting to lay down the broad outlines of a Supreme Court for Assam and giving an approximate estimate of its recurring annual expenditure."

Now, Sir, regarding the question of expenditure, it says :—

"An expenditure of only about Rs. 1,45,638 (minimum) or Rs. 1,99,077 (maximum), in addition to what is now spent in Calcutta, as shown in Statement (D), will be necessary for the purpose of a High Court, most of which amount can be provided first by substantial reduction of the present expenditure on subordinate courts, and secondly, by amalgamating the two Commissionerships—a suggestion, which, if adopted, will alone cause a saving of about Rs. 75,000 per annum."

Sir, this expenditure as shown here is rather exorbitant. We will not require so much, if we start with three Judges, one Chief Justice and two Puisne Judges.

Again, Sir, as regards the present expenditure incurred on administration of justice it says :—

"Very little need be said in this connection, as some of this matter has already been dealt with. In the Index [table (3)] figures showing receipts and charges of the provincial courts in Assam for the years 1912 and 1931-34 have been given. It will be observed from these figures that the total amount realised from courts by way of court-fees, process fees, fines, etc., not only provides for the total expenditure on the administration of justice but also yields a net profit, to an extent of over one lakh of rupees per year. Further, it may be observed that the receipts from civil courts have been steadily on the increase since 1912, at least in the Assam

Valley districts, and if a substantial reduction is made in the charges of criminal courts, which are certainly high, the net annual income from the administration of justice will considerably increase and will almost meet the expenditure of the proposed High Court. To provide facility for the highest form of justice is as much the function of the State as to provide protection from outside invasion."

As regards the question whether there is sufficient work, the report says :—

" Whether there is sufficient work or not for a High Court in Assam that is a matter to be considered by examining not only the appellate and revisional work going before the Calcutta High Court from Assam but also the work instituted and disposed of in the subordinate courts of the province. Further, a comparison with the work of other provincial subordinate and supreme courts will not be out of place. In the index tables (4), (5) and (6) figures for the said purpose have been given. Items (5) and (10) in table (5) indicate a steady increase since 1912 in the institution of civil suits and appeals in the subordinate courts of Assam, the civil appeals and revisions before the Calcutta High Court from Assam having been correspondingly increased, except in 1931—a fact also illustrating the necessity of the establishment of a Supreme Court in Assam. The same will be the result of observation of criminal work in table (6). Further, it will also be seen that an increase or decrease of civil or criminal work in subordinate courts of any other province has been accompanied by a corresponding increase or decrease of such work in the respective Supreme Court. Therefore there are good reasons to believe that, with the provision of a High Court for Assam, the appeals and revisions both in civil and criminal matters will increase. It should also be stated that, if the jurisdiction of the proposed High Court is extended to the Hill Districts or to Shillong at any rate, as is our proposal, the work will increase still more " ....." Even assuming that the appeal and revision work will not be more than what is now being instituted before the High Court of Calcutta, it stands to reason I believe, on the basis of these figures, that there is sufficient work for a High Court of Assam, when the work instituted before the Supreme Court of Sind, which is less than the work from Assam before the Calcutta High Court, is deemed sufficient for the latter Court."

Now, Sir, I would like to draw the attention of the hon. members to the findings of the Joint Select Committee on Indian Reforms. I will read out a few lines from its report :

" The High Court is, in our view, essentially a provincial institution. Indeed, as subsequent paragraphs show, we seek to secure for each High Court an administrative connection with the subordinate judiciary of the province which we regard as of the highest importance, and which we think could not be maintained—or only in an atmosphere of mistrust and suspicion which would gravely detract from its advantages—if the Court were an outside body."

Now, Sir, if the Joint Select Committee could foresee that Assam would be left without a High Court, I think they would have perhaps insisted on the establishment of it. The establishment of a High Court is the necessary consequence of provincial autonomy. It has been a great anomaly that the judicial system in Assam has been left under the administrative control of the Calcutta High Court, which is an outside body for the province of Assam.

Lastly, Sir, I think it will not be out of place to say that a sound bar is at the very root of the administration of justice and a sound bar can never develop without a Supreme Court of appeal. So justice demands

that there should be a High Court in every province. With these few words, Sir, I commend my resolution for the acceptance of the House.

THE HON'BLE THE SPEAKER: The resolution moved is "that this Assembly recommends to the Government of Assam to take immediate steps for the establishment of a High Court in Assam."

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir, I want to know through you something from the hon. mover of the resolution. Has he given full consideration to Resolution No. 12 standing in the present list No. 1?

MR. NABA KUMAR DUTTA: I do not know anything of that resolution, Sir. I am discussing my resolution.

THE HON'BLE THE SPEAKER: Will the hon. member explain what he wants to know?

MR. BAIDYANATH MOOKERJEE: That resolution runs as follows:—

"This Assembly recommends to the Government of Assam for recommendation to His Majesty under section 290 of the Government of India Act, 1935, for the alteration of the boundaries of the provinces of Assam and Bengal by separation of the districts of Sylhet and Cachar excluding the North Cachar Hills from Assam and amalgamating the same with the province of Bengal in consideration of the linguistic, cultural, traditional and ethnic affinity of the people of these areas with those of Bengal and for better prosperity and development thereof and of the province of Assam."

THE HON'BLE THE SPEAKER: What does the hon. member want to say?

MR. BAIDYANATH MOOKERJEE: If this resolution is passed and if Sylhet and Cachar are excluded, will the hon. member kindly say whether there is any possibility of having a High Court in Assam?

MR. NABA KUMAR DUTTA: We are not discussing that resolution.

KHAN BAHADUR MAULAVI KERAMAT ALI: Does the hon. member take it that it will be impossible to have a High Court if Sylhet and Cachar are separated from Assam?

MR. BAIDYANATH MOOKERJEE: I think it will be more than impossible, Sir.

THE HON'BLE THE SPEAKER: I have admitted the resolution and I have no other alternative but to allow it to proceed. But I may point out to the hon. mover what is the use passing such a resolution in the face of provisions of section 229 of the Government of India Act. There a special procedure has been laid down for this matter and I think that the hon. member might have given his reasons for moving his resolution without moving for an address to the Governor, that section contemplates.

MR. BAIDYANATH MOOKERJEE: I was also going to refer to that section, Sir.

THE HON'BLE THE SPEAKER: I now adjourn the House till 11 A.M. on Tuesday, the 14th December 1937.

A. K. BARUA,

Shillong,
The 15th December 1937.

Secretary, Legislative Assembly, Assam.

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