

**Proceedings of the second 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 10 a.m., on Monday, the 16th August 1937*

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

**Resolutions passed by the Pati Darrang Rayat Sabha re. prevention of the landed property of the Hindu Temples from being used as private properties**

**SRIJUT JOGENDRA NATH BARUA** asked :

\*114. (a) Has Government in the Revenue Department received a copy of the resolutions passed by the Pati Darrang Rayat Sabha held on 13th February 1937 regarding prevention of the landed property of the Hindu temples from being used as private properties ?

(b) Will Government be pleased to lay the copy of the resolutions on the table of the House ?

(c) Will the Hon'ble Minister in charge be pleased to state what action if any is proposed to be taken in the matter ?

\*115. Has Government instituted any enquiry for ascertaining (1) how many of such estates are in the nature of trust properties for the maintenance of temples ?

(2) How many of such estates have been accepted as security for land revenue and how many of them have been sold away.

(3) How many cases of fraud have been practised upon by the *pattadars* in respect of such estates ?

(4) If the answer be in the negative, is Government going to have such enquiry made in the near future ?

\*116. (a) Is there any contemplation on the part of Government to frame a legislation for the preservation and better management of the Dharmottar, Debottar and other endowed properties in the nature of trust properties ?

(b) Will Government in the Revenue Department be pleased to enquire and prepare a full and complete list of all Dharmottar, Debottar (and other properties in the nature of public trust properties) within a reasonable time in the near future ?

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

114. (a)—Yes.

(b)—A copy is laid on the Library table.

(c)—No action was taken by the former Government in the matter. The present Government have decided that the question of legislation to control the management of religious and charitable trusts should be brought up before the Legislative Assembly by private members and that they do not propose to initiate legislation themselves and probably preparation of such a bill has been already taken in hand by the hon. interpellator himself.



115. (1), (2) and (3)—No.

(4)—Government do not see the necessity for such an enquiry.

SRIJUT JOGENDRANATH BARUA: Is the Hon'ble Minister in charge aware that many trust properties have been alienated away as they have been given as securities for Government revenue?

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

SRIJUT JOGENDRANATH BARUA: Do Government think that it is their duty that they should enquire about it?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In so far as it relates to the realisation of land revenue, I think that is a part of the Government duty.

SRIJUT JOGENDRANATH BARUA: Will Government make an enquiry to know how many trust properties have been alienated in this way?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We have no such information at present.

SRIJUT SIDDHI NATH SARMA: Will the Hon'ble Minister in charge enquire about this matter?

THE HON'BLE THE SPEAKER: That question has already been put and answered.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:—

116. (a)—No. Government prefers to leave it to private members.

(b)—The Commissioners have been asked to report.

### **Salaries and Designation of Ministers under the new Government of India Act**

BABU DAKSHINARANJAN GUPTA CHAUDHURI asked:

\*117. Will Government be pleased to state—

(a) If Government is aware that the Ministers of Bombay, Madras, United Provinces, Central Provinces Behar and Orissa are taking Rs. 500 each as their monthly salary.

(b) If so, will Government please state whether these Provinces are greater in respect of area, population and income than Assam?

(c) If so, do the Ministers of this Province propose to take not more than Rs. 500 as their monthly salary?

\*118. Will Government be pleased to state—

(a) The meaning of the term "Chief Minister"?

(b) Under what clause and what section of the Government of India Act, 1935, this term is used?

(c) If it is a fact that this term does not find any place anywhere in the said Act nor any clause thereof empowers the Provincial Government or the provincial legislature to use the said term?

(d) If the answer be in the affirmative, whether Government propose to cease to use the term forthwith?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

117. (a)—Government have no authentic information, but are prepared to take it from the hon. member that this is so.



(b)—Yes, except Orissa.

(c)—It is for the House to determine by legislation under section 51(3) of the Government of India Act, 1935, what amounts the Ministers will draw.

KUMAR AJIT NARAYAN DEB : Will Government be pleased to state why the Finance Minister should take a higher salary than the other Ministers ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That is for the House to decide.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

118. (a)—“ The Chief Minister ” means the Minister in consultation with whom the Governor made appointments to the Council of Ministers. As a convention, his name appears first on the list of Ministers.

(b) and (c)—There is nothing in the Government of India Act which bars the designation of one of the Ministers as “ Chief Minister ” as a matter of administrative convenience. The term has accordingly been adopted in the Business Rules of the Assam Government.

(d)—No.

SRIJUT RAMNATH DAS : Sir, the term Chief Minister implies some sense of joint responsibility. Will the Hon'ble the Chief Minister say whether all Ministers are jointly responsible to the legislature ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes. Starred Questions No. 119 : (Absent).

## QUESTIONS AND ANSWERS

### UNSTARRED QUESTIONS

#### Procedure regarding payment of revenue by Tea Gardens

MR. NABA KUMAR DUTTA asked :

318. Will Government be pleased to state—

- (a) When was the system introduced under which the tea garden revenues are directly paid to the Government treasury instead of being collected by the Mauzadars ?
- (b) Are there any Mauzadars who still collect tea garden revenues ?
- (c) If the reply to (b) is in the affirmative, what is the reason of this differential treatment under which this Mauzadars are still allowed to collect tea garden revenues ?

319. Will Government be pleased to state—

- (a) Whether the three-anna rebate of land revenue was granted only to some tea gardens and not to all in 1935-36 and 1936-37 ? If so, why ?
- (b) If it is a fact that Government granted the said rebate only to the tea gardens recommended by the Indian Tea Licensing Committee ?
- (c) If the reply to (b) is in the affirmative—
  - (i) Whether the Indian Tea Licensing Committee was given this privilege of recommendation ? If so why ?
  - (ii) Whether the tea gardens to whom the rebate was granted were selected in a general meeting of the Tea Licensing Committee or by the Joint Controller himself ?
  - (iii) On what basis the selection was made ?



320. Will Government be pleased to state—

(a) the number of Mauzadars who have been dismissed for defalcation of Government revenue or for inefficiency and bad work during the last two years ?

(b) Whether all the Mauzadars who have been guilty of defalcation have been dismissed ?

(c) If the reply to (b) is in the negative, will Government be pleased to state—

the names of the Mauzadars who have been allowed to continue as such and the reason for allowing them to continue ?

321. Will Government be pleased to state—

(a) If the Tahsildari system introduced in certain districts has been found more successful than the Mauzadari system ?

(b) If the reply to (a) is in the affirmative do Government propose to consider the desirability of introducing the Tahsildari system in all districts ?

322. Will Government be pleased to state—

(a) If the Mauzadars are required to take leave from the District Officers to leave their districts ?

(b) If the reply to (a) is in the affirmative, do Government propose to consider the Mauzadars as Government servants ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

318. (a)—The holders of grant of land leased under section (1) of the old Settlement Rules or earlier special rules always used to pay their revenue direct into the treasury. In 1928 however it was decided that land settled under section II after that date with tea garden managers should not be amalgamated with the mauza and the holder thereof should be required to pay revenue direct into the treasury.

(b)—Yes.

(c)—The mauzadars who in 1928 enjoyed the privilege of collecting tea garden revenues and when they are succeeded by members of their families, their successors continue to enjoy this privilege. When however mauzas are split up or mauzadars are succeeded by other than members of their own families, this privilege is withdrawn.

MR. NABA KUMAR DUTTA : With regard to (c) may I know why this privilege of collecting tea garden revenue is withdrawn from the new Mauzadar who succeeds if he is not a member of the family ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Because this is a privilege which was intended for the Mauzadar who was appointed at the time. When the mauza went out of the hands of the family members the privilege are withdrawn.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

319. (a)—Yes. The hon. member's attention is drawn to Resolution No.3824R., dated 14th November 1934, in which it was explained that Government did not consider the continuance of remission in regard to land revenue to be justified in the case of lands held by tea concerns which had been classed as economic units by the Indian Tea Licensing Committee and could be presumed to have reached a remunerative stage of development.

(b)—The rebate is granted only to those gardens classed by the Indian Tea Licensing Committee as non-economic units.



(c) (i)—The Committee was not asked to recommend which gardens should receive rebate of land revenue. In the ordinary course of their duties they classified gardens as economic and non-economic units since they were in the best position to gauge the financial position of tea gardens.

(ii)—Government have no definite information but it appears from the correspondence that the classification of estates was made in a general meeting of the Tea Licensing Committee.

(iii)—The definition of economic unit laid down by the Committee was a tea garden of 150 acres under tea in the case of estates owned by a proprietor or proprietors and 300 acres under tea in the case of an estate or estates owned by a limited liability company.

MR. NABA KUMAR DUTTA: With regard to (c) (i) may I know why Government think that the tea licensing committee are in the best position to judge the financial position of the tea gardens?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Because they have no other data.

MR. NABA KUMAR DUTTA: Do the Government realise that from the award of export quota one cannot judge the financial position of a tea garden?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That is only a matter of opinion.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

320. (a)—In 1934-35 two Mauzadars in Kamrup were dismissed for inefficiency and bad work, one Mauzadar in Darrang for embezzlement of Government money and two Mauzadars in Nowgong for defalcation of Government revenue. In 1935-36 three Mauzadars in Kamrup were dismissed for defalcation, two Mauzadars in Kamrup for inefficiency and bad work, two Mauzadars in Darrang for defalcation and one Mauzadar in Lakhimpur for inefficiency. For further details the hon. member is referred to the annual reports on the Land Revenue Administration of Assam for the years 1934-35 and 1935-36.

(b) and (c)—It appears from the report for 1935-36 that the Mauzadar of Kathiatoli in Nowgong who had been suspended for defalcation in 1934-35 was re-instated on payment of the whole of the demand in consideration of the fact that he had held the mauza for over 40 years.

321. (a) and (b)—The hon. member is referred to Government resolution on the Land Revenue Administration Report for the year 1935-36 in which Government reasons have been stated fully for continuing the mauzadari system where possible in spite of the fact that more success has been obtained in the collection of land revenue in the experimental tahsils introduced in certain districts on the failure of Mauzadars in those districts.

322. (a)—Under rule 117, page 187 of the Assam Land Revenue Manual a Mauzadar is required to reside permanently in his mauza. Since he is required to collect the land revenue in that mauza, he is not permitted to absent himself at any rate during the collection season without the permission of the Deputy Commissioner in the interest of Government revenue.

(b)—There is a great distinction between public servants and Government servants. The Mauzadars fall into the former category but as they are in effect contractors for the realisation of Government revenue, they cannot be classed as Government servants.



MR. NABA KUMAR DUTTA: Will the Hon'ble Minister be pleased to state which months of the year are termed as the collection season?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Generally it starts from the middle of January, but now a days it spreads over the whole year.

MR. NABA KUMAR DUTTA: If an hon. member of this House happens to be a mauzadar, will he have to take the permission of the Deputy Commissioner if he wants to attend a session of this Assembly during the collection season?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, but such permission is usually given by implication.

MR. NABA KUMAR DUTTA: Will it not constitute a breach of privilege of an hon. member of this House if such permission is not given to a mauzadar member?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Such a contingency I do not think will arise Sir.

### Construction of bridges on the Trunk road in Barpeta Subdivision

SRIJUT KAMESWAR DAS asked:

323. Will the Hon'ble Minister for Public Works Department please state—

- (i) Whether the traffic over the Pohumara river at Dhumarkur, the Kaldia river at Patarkuchi and the Japai river at Bharbheri near Roha on the North Trunk Road in the Barpeta Subdivision is heavy and important and is increasing rapidly every year?
- (ii) Whether he will please consider that having regard to the heavy and increasing traffic and the inconvenience of crossing at these places permanent bridges should be constructed over the rivers at the said points?
- (iii) Does the Hon'ble Minister propose to take steps to construct three permanent bridges, screwpile or timber, at the afore-said points?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

323. (i)—The traffic cannot be described as heavy. It is increasing.  
 (ii) and (iii)—Proposals for bridging these rivers have been included in the new road improvement programme.

SRIJUT KAMESWAR DAS: With regard to (ii) and (iii), may I know Sir, whether the bridge works will be taken in hand in the current year?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir. The road programme which has been approved by the Communications Board will be placed before this House in the shape of a resolution this session. If the House accepts that programme, the proposals shall have to be sent to the Central Government for their consideration and for advancing the money. It is only, then, if money is granted by the Central Government from the reserve of the Petrol Fund, and then alone tenders will be called and contracts will be given.

SRIJUT KAMESWAR DAS: May I know whether all the three bridges have been included in the programme?

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



### Construction of 'Creteways' in the Barpeta-Simlaguri Public Works Department Road

SRIJUT KAMESWAR DAS asked :

324. (u) Will the Hon'ble Minister for Public Works Department please state if the 'Creteways' over the Barpeta-Simlaguri Public Works Department road have proved successful ?

(b) (i) If so, does he propose to take steps to complete the road with 'Creteways' at an early date ?

(ii) If not, what action Government are going to take to effect the improvement contemplated by the introduction of 'Creteways' ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

324. (a)—The 'Creteways' were constructed as an experiment from funds specially allotted by the Government of India from the Road Reserve Fund for experimental purposes. It is much too early to state if the experiment is a success or not as this will depend on the 'life' of the Creteways.

(b) (i) and (ii)—Does not arise.

### Mymensingia settlement in the North Lakhimpur subdivision

SRIJUT SARVESWAR BARUA asked :

325. Will Government be pleased to state—

(a) What is the total area allotted for Mymensingia settlement in the North Lakhimpur subdivision ?

(b) How many families of Mymensingh immigrants have been settled therein till now and how many families have applied for waste lands but have not yet got settlement ?

(c) What area of land on the average is allowed for each family of these immigrants ?

(d) Whether the original boundaries of the Mymensingia Immigrants Block in the North Lakhimpur subdivision have been extended in the north-west and south-west during the last settlement operations ?

(e) If so, whether lands occupied by some Assamese ryots were included in the Mymensingia block by the said extension ?

(f) Whether it is proposed to extend the said boundaries with the result that some Assamese ryots holding lands under annual pattas are about to be deprived of them and that a large plot thus snatched away from them is going to be settled with a Mymensingia pleader of North Lakhimpur.

(g) Whether the proposed extension on the North West is in direct violation of not only the original line but also of the boundary fixed at the last settlement and is calculated to give rise to constant friction between the Assamese ryots of Podumani-Karnnabori and the Mymensingia settlers ?

(h) Since the creation of the block how many Assamese families and how many Mymensingia families respectively have had to be evicted or required to remove elsewhere ?



326. Is it a fact that the Assamese villagers are scared away by the presence of Mymensingia immigrants when settled close to their houses ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

325. (a) to (h) and 326.—The information is not available in the Secretariat and has been called for ; it is regretted that insufficient time was allowed by the hon. member to admit of a reference being made to the local officers to obtain it by the desired date (*i.e.*, 10th August 1937).

SRIJUT SARVESWAR BARUA : May I know, Sir, if the information has been received by now ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : No, Sir.

SRIJUT SARVESWAR BARUA : Will Government be prepared to give the answer when the information is received ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Most surely, Sir.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN : Is there any line system, Sir, in North Lakhimpur ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : So far as my information goes, there is no such system there. But we are thinking of preparing a colonisation scheme.

KHAN BAHADUR MAULAVI MAHMUD ALI : Have not Government received notice of this in due time ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : We have called for information. But as the hon. member wanted it before the 10th August, we could not get it.

SRIJUT DEBESWAR SARMA : Will the Hon'ble Minister be pleased to state if the committee has been formed ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Not yet, Sir.

SRIJUT DEBESWAR SARMA : When is the Hon'ble Minister going to announce the personnel, Sir ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I am not sure, Sir, when I shall be able to do it.

#### **Realisation of five years' rent from the *Ilam* tenants of Shuresh Haor**

BABU KARUNA SINDHU ROY asked :

327. (a) Is it a fact that the *Ilam* tenants' of Shuresh Haor petitioned the Subdivisional Officer of Sunamganj for postponing the realisation of five years' rents charged to be realised from them and that their petitions were rejected ?

(b) Is it a fact that, they at the time of dispute between Government and Duara Zemindars, offered to pay rents and Government refused to accept them ?

(c) Is it a fact that most of the representatives of Sunamganj in this House, drew the attention of Government as regards the hardships the tenants will experience if rents for five years were to be realised at a time when most of the villagers were in scarcity of food ?

(d) Is it a fact that the Deputy Commissioner, Sylhet, informed one of the Members of Legislative Assembly, that Government would take lenient measure in realising rents ?



(e) Has the attention of Government been drawn to the reports about Shuresh Haor affairs published in the *Janasakti*, dated 5th May 1937? If so, what action has Government taken on the reports?

(f) Will Government please state why the realisations were not made in instalments as stated in the Deputy Commissioner's letter?

(g) Is it a fact that the tenants could not cultivate all the lands for which they made settlements, owing to the dispute between Government and the Duara Zemindars?

(h) Will Government be pleased to state if it is a fact that the Duara Zemindars' suit in respect of Shuresh Haor was for confirmation of possession and fresh settlement on the ground that Government's resumption orders were illegal and *ultra vires*?

(i) Is it a fact that the Duara Zemindars claimed to pay revenue for entire Shuresh Haor lands at the old rate on the basis of the old '*pattas*' and is it a fact that the claim of the Zemindars had been allowed and Government was ordered to refund to the Zemindars the revenue that was assessed on the lands and realised from the Zemindars on the basis of the new settlement?

(j) Will Government be pleased to state what is the total amount of revenue realised from the tenants in respect of Shuresh Haor lands settled with them after the order of resumption and for how many years and at what rate this revenue has been realised?

(k) Will Government be pleased to state if a separate '*patta*' was issued to each of the tenants for each of these five years?

(l) Is it a fact that the Zemindars have been paying revenue to Government at their old rate? If so, will Government please state if it was a defence set up by Government in the title suit that the Zemindars are dispossessed by Government? If so, whether it is a fact that the plea has been negatived by the decrees that have been passed in favour of the Zemindars.

(m) Is it a fact that all the settlements with the tenants with respect to resumed land, have been declared illegal and without jurisdiction and Government is only entitled to realise revenue at the old rate from the Zemindars till fresh settlement is effected in respect of Shuresh Haor lands? If so,

(n) do Government propose to consider the propriety of revision of the situation created by above findings of Court and economic condition of the cultivators, after hearing the cultivators in deputation?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

327. (a)—Government have no information.

(b)—The tenants of Shuresh Haor paid the revenue due on annual *pattas* issued to them after the year 1932 and after that date owing to a misunderstanding of Government orders on the part of local officers no revenue was demanded although the annual *pattas* continued to be issued.

(c)—The only representative of Sunamganj from whom any letter was received on the subject is the hon. questioner himself.

(d)—The Deputy Commissioner, Sylhet, instructed the Subdivisional Officer to exercise leniency in realising back rents.

(e) and (f)—The hon. member is referred to the replies given to questions 183 and 184 asked by Maulavi Dewan Muhammad Ahbab Chaudhuri in the present session of the Assembly.



(g)—The dispute between Government and the Duara Zemindars had no effect on the cultivation of land by the tenants. If they did not wish to cultivate all the lands in any year, they were at liberty to surrender the *pattas*.

(h)—This is correct.

(i)—The suit was decreed in favour of the Duara Zemindars with mesne profits. Final orders as to the settlement has not yet been passed but a tentative settlement of the mesne profits claimed has been reached.

(j)—Revenue has been realised from the tenants in respect of the arrear rent from 1334 B. S. but there has been practically no realisation on account of annual *pattas* since 1338 B. S. The total realised up to 31st March 1937 was Rs.4,959-2-0. Since that date Rs.9,205 out of a total arrear for the previous five years Rs.10,589 has been realised. The lands were settled at ordinary rates.

(k)—As far as Government are aware a separate *patta* was issued to each tenant every year since the settlement was first granted.

(l)—No. Revenue at the enhanced rate was first demanded from the Zemindars but no demand was made after the year 1337 B. S. pending the result of the appeal.

(m)—No such declaration has been made.

(n)—Does not arise. The fact that 90 per cent. of arrear rents were realised within two months of the demand does not indicate any great distress in the economic condition of the tenants.

BABU KARUNA SINDHU ROY: As regards (a), did the Government enquire of the Subdivisional Officer, Sunamganj, about this petition?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, we shall do that.

BABU KARUNA SINDHU ROY: What did the Subdivisional Officer inform the Government?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I, said, Sir, that we had no information about that. No such petition has been received by Government. We are enquiring from the Subdivisional Officer. As soon as we get the information we shall inform the hon. member.

BABU HARENDRA NARAYAN CHAUDHURI: May I say, Sir, that the Hon'ble Minister replied "yes" when he was asked the question whether he had enquired? The detailed reply also is there.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have only said, Sir, that I will enquire.

THE HON'BLE THE SPEAKER: The hon. member's point is that there is a contradiction in the answer.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The answer to (a) is that Government have no information. When the hon. member asked, whether Government has enquired, I replied that I am enquiring and shall forward the information to him when received.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We understood that the question was, whether Government would enquire from the Subdivisional Officer, and the Hon'ble Minister answered "yes". It is difficult for us to hear from the opposite corner.

BABU KARUNA SINDHU ROY: Do Government deny that Maulavi Maqbul Hussain Chaudhury, Maulavi Munawwarali and Maulavi Dewan Muhammad Ahbab Chaudhury wrote a joint letter to the Deputy Commissioner about the realisation of rents from the tenants of Shuresh Haor?



THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have no information, Sir.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURI: Was any letter received by the Hon'ble Minister himself on this subject? I myself, Maulavi Munawwarali and Maulavi Maqbul Hussain Chaudhury had written a joint letter to the Deputy Commissioner on the subject?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: This question, Sir, refers to Government.

MAULAVI MUNAWWARALI: Has the Hon'ble Minister seen that letter, Sir.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, I have seen it.

MAULAVI MUNAWWARALI: Has the Hon'ble Minister taken any steps on that?

BABU KARUNA SINDHU ROY: In that letter it was written that the realisation should be made by instalments. Has the realisation been made by instalments?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We are still making enquiries, Sir.

MAULAVI MUNAWWARALI: As regards (d) has the Hon'ble Minister satisfied himself whether the leniency which was instructed to be exercised was actually exercised?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So far as my information goes, Sir, leniency was exercised. I have also got information recently that there were 12 cases of attachment of moveables and no attachment of immoveables.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURI: What does the word "leniency" mean, Sir?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It would be better if the hon. member put the question to the hon. member who put the original question. By leniency I mean the same thing which was meant by Babu Karuna Sindhu Roy.

THE HON'BLE THE SPEAKER: What is that same thing?

BABU KARUNA SINDHU ROY: With regard to (d) does not Government admit that according to one *patta* realisation was made for 5 years.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: *Pattas* were issued from year to year and those *pattas* were not surrendered.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: The answer to (d) is—"The Deputy Commissioner, Sylhet, instructed the Sub-divisional Officer to exercise leniency in realising back rents".

May we know how this leniency was exercised? Were any tenants exempted from paying the full rents or made to pay half or quarter of the rent?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The reply is that leniency was exercised in realising back rents.

THE HON'BLE THE SPEAKER: The hon. member wants to know the manner in which leniency was exercised.

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA: My Hon'ble Colleague has already answered. The question was framed by the hon. interpellator in this form and he has taken the word "leniency" from the question itself. Therefore if any explanation is necessary it is not from the Government but from the hon. member.

THE HON'BLE THE SPEAKER: What was the manner in which leniency was exercised?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The questioner knows better for what purpose he used the word "leniency".

MAULAVI MUNAWWARALI: Are the abstract minds of the questioner and the Hon'ble Minister identical?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have nothing to say to that.

BABU KARUNA SINDHU ROY: Will the Hon'ble Minister be pleased to see the *patta* and the receipt which I have got with me now?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I can see that afterwards.

### Srimangal Small Town

BABU KARUNA SINDHU ROY asked :

328. Will Government please state—

- (a) If all the members of the Srimangal Municipality in the South Sylhet subdivision are nominated by Government and if the Chairman is an official?
- (b) Will Government please state at what rate the taxes are assessed?
- (c) Is it a fact that the major portion of the town is inhabited by labourers?
- (d) Is it a fact that general opinion is against the formation of such official Board?
- (e) Was there any representation against the constitution of such a Board?

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

328. (a)—Srimangal is not a Municipality but a "small town". All the members are nominated. The Chairman is the Subdivisional Officer.

(b)—At 6½ per cent. on the annual letting value.

(c)—No census of labourers in the town has been taken but Government have no reason to believe that they form the majority.

(d)—Not so far as Government is aware.

(e)—A few representations were received against the formation of a small town but not against the constitution of the Board.

MR. NABA KUMAR DATTA: With regard to (a) may I know on what principle the nomination was made?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: They are nominated by the Deputy Commissioner and not by the Government. I do not know what principle the Deputy Commissioner adopts.

MR. NABA KUMAR DATTA: Is not the Deputy Commissioner subordinate to the Government of Assam?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The question was not asked. If the hon. member wants I can enquire into that.

BABU KAMINI KUMAR SEN: Has not the Deputy Commissioner been instructed how the nomination is to be made?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No.

MR. NABA KUMAR DATTA: With regard to (d) did Government care to enquire about the general opinion of the Srimangal people.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The reply is given there.



MR. NABA KUMAR DATTA: My question is—did Government care to enquire about the general opinion of the Srimangal people?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government received a few representations from the people against the formation of a small town but not against the constitution of the Board. So Government knew what the people wanted.

### Polling Stations in the Last Assembly Election

BABU KARUNA SINDHU ROY asked:

329. (a) Will Government please state the method followed in selecting polling centres in the last Assembly Election?

(b) Is it a fact that in certain centres all the voters had to walk a very short distance but in others some had to walk a short distance and some a good number of miles (12—14 miles)?

(c) Will Government please state why the voters of each of the following villages in the Subdivision of Sunamganj (1) Sachna, (2) Sachna-bazar (Kaliganj bazar), (3) Bharatpur, (4) Rahimapur, situated within a mile of one another had to go to (1) New Kamlabaj (3 miles), to (2) Ramnagar (5 miles), to (3) Lalargaon (10 miles) and to (4) Tahirpur (10 miles) respectively?

(d) Will Government please state whether there was any bar in rules in breaking up the areas of police stations and chowkidari circles, for the purpose of voting centres?

THE HON'BLE MAULAVI SAYYID SIR MUHAMMAD SAADULLA replied:

329. (a)—As far as practicable, one polling station was selected for every 1,200 voters on the register, each polling station being so situated that no elector would have to walk more than 5 or 6 miles from his village to his polling station.

(b)—In certain centres some of the voters had to walk a short distance and some of them a longer distance, because in allotting areas to the different polling stations the location of a circle as a whole, and not that of a particular village, had to be taken into consideration. In no case, however, is the distance known to have been as much as 12 to 14 miles.

(c)—It was not always possible to allot a particular village to the polling station nearest to it, for the following reasons—

(i)—the necessity of keeping the number of electors assigned to any polling station within manageable limits,

(ii)—the limited number of suitable buildings available that could serve the purpose of polling stations,

(iii)—the limited number of officers available to man the polling stations, and

(iv)—the fact that some areas were more densely populated than others.

(d)—There was no such bar, but the retention of administrative units intact is convenient and helpful.

KHAN BAHADUR MAULAVI MAHMUD ALI: Will Government enquire what distance the voters had to walk to attend their respective polling stations at Patharkandi, Hatkhola and Seragi?



BABU KAMINI KUMAR SEN: Is it also not a fact that people had to walk about 15 miles to attend the polling station at Ratabari Thana?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The question of Karimganj was not enquired into. If the insinuation is that people had to traverse over 15 or 16 miles, Government will see that no such inconvenience is caused in the next election.

### **Realisation of money on forest produce by Zemindars in Sunamganj**

BABU KARUNA SINDHU ROY asked:

330. (a) Is it a fact that Zemindars in the Sunamganj subdivision realise money on forest produce from agriculturists and even on fodder?

(b) Is Government aware that people of Chhatak in the subdivision of Sunamganj are vigorously protesting against the exorbitant rate charged on fodder by the Pailgaon and Gauripur Zemindars?

(c) If the answers to questions (a) and (b) above be in the affirmative do Government propose to take any step; to stop such realisation and if in the negative, do Government propose to make a proper enquiry and lay the report on the table at an early date?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

330. (a) and (b)—Government have no information.

(c)—This is a matter in which Government cannot interfere, as it concerns the relations of landlords and tenants which are governed by the Sylhet Tenancy Act. The rights of landlords to dues for pasturage, forest rights, etc., are expressly recognised in section 206 of that Act.

### **Number of appointments made on the advice of the Public Service Commission**

BABU SHIBENDRA CHANDRA BISWAS asked:

331. Will Government be pleased to state how many appointments have been made in April, May and June 1937—figures being shown separately—on the advice of the Public Service Commission?

332. Will Government please state the salary of each appointment so made on the advice of the Public Service Commission?

333. Will Government please state how many times the members of the Public Service Commission met to give advice in connection with the appointments during the last three months?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

331.—The Commission advised in connection with appointments in the following cases:—

April	...	...	...	...	One.
May	...	...	...	...	Five.
June	...	...	...	...	Twenty-five



332.—Salaries of the posts in regard to which the Commission advised are as follows :—

1. Rs.250—300—40/2—500—50/2—650—50/2—800 *plus* Rs.50 (Special pay) subject to a maximum of Rs.800 per month.

1 Rs.60—5—150—10—200.

1 Rs. 60—5—100—5—150.

3 Rs.50—5—120.

1 Rs.200—10—300.

7 Rs.60—4—100—5—140.

1 Rs.55—4—135.

16 Rs.75—4—115—4—155—4—175.

333.—Twenty five times.

MAULAVI ABDUR RAHMAN: Do Government propose to take step to abolish the Public Service Commission because they have got very little work to do ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I understand a cut motion has already been tabled on this question. The matter will come for discussion when the motion is moved.

MAULAVI GHYASUDDIN AHMED: Why the recommendation of the Public Service Commission was not given effect to in the case of the Assam Valley appointments in the Education Department while it was done so in the case of the appointments in the Surma Valley ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: How does that question arise from the answer given to these questions ?

MAULAVI GHYASUDDIN AHMED: It is stated the Commission advised in connection with appointments in the Education Department. Then why the appointments in the Assam Valley were not gazetted ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The Public Service Commission made certain recommendations and Government is considering them.

SRIJUT KAMESWAR DAS: Is Government aware whether the aggregate salary per month of the posts filled by the Public Service Commission comes to half of the salaries of the Commission per month ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is not so Sir.

### Staff of the Assam Legislative Council

KHAN BAHADUR MAULAVI KERAMAT ALI asked :

334. Will Government be pleased to state :—

(a) What is the strength of the staff of the Assam Legislative Council Office ?

(b) Whether the Clerks to the said office work late hours at night almost daily ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

334. (a)—There is at present only one Lower Division Assistant and one Typist borne in the Assam Legislative Council establishment. The staff is combined with the establishment of the Secretary, Legislative Department, Legal Remembrancer, Administrator General and Official Trustee. The total strength of the combined office is eight—six assistants including the Head Assistant, one Stenographer and one Typist.

(b)—There has lately been a general increase in the volume of work in the Legislative Department. So the staff have to work beyond the usual office hours to cope with the work.



MR. NABA KUMAR DATTA: Do Government contemplate to increase the strength of the Assam Legislative Council Office?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government has not come to any decision yet.

MAULAVI ABDUR RAHMAN: Do Government contemplate to do away with this Legislative Council? *(laughter)*

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It is not in the power of this House?

MAULAVI ABDUR RAHMAN:—Do the Government contemplate taking any steps to do away with the Legislative Council?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There is a resolution on the subject in this House. Perhaps we are going to discuss this.

KHAN BAHADUR MAULAVI KERAMAT ALI: Am I to understand that the question of increasing the staff of this office is under the consideration of Government?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As I have said, Government has not come to any decision on that point, but they will consider the question after the present session is over.

### **Number of Government Charitable Dispensaries in Jaintia Hills**

REV. L. GATPHOH asked:

335. Will Government be pleased to state what is the number of Government Charitable Dispensaries in Jaintia Hills?

336. Is it a fact that there is no Government Charitable Dispensary in the Headquarters of Jowai Subdivision?

337. Is it a fact that complaints have been made of the inadequacy of medical provisions in the Subdivision?

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

335.—One.

336.—Yes; but there is a Welsh Mission Hospital which receives aid from Government.

REV. L. GATPHOH: Is there any other mission in the subdivision which receives grant-in-aid from Government?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Perhaps there is another, Sir.

REV. L. GATPHOH: If there is another on what conditions is the grant-in-aid given to this mission?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not know these conditions now because this matter has not been examined by this Government. The grant was given in previous years.

REV. L. GATPHOH: When the grant-in-aid is made will Government see that those who are really poor are given medicine free?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That matter will be considered, Sir.

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

337.—Yes. Government hope to be able to provide further medical provision for this subdivision.



REV. L. GATPHOH : Do the Government propose to provide further medical provision by simply increasing grant-in-aid to the missions ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That is not the intention. The Government intends to open a new dispensary in the subdivision.

REV. L. GATPHOH : How soon do Government propose to do that ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : As soon as funds are available and schemes are sent up.

### Canteens in Tea Gardens

SRIJUT OMEO KUMAR DAS asked :

338. Is it a fact that canteens to sell country liquor to garden labourers are permitted to be run on tea gardens ?

339. If so, will Government be pleased to state :—

(i) the number of such canteens with the annual consumption of liquor on tea plantations in (a) the Assam Valley, and (b) the Surma Valley ;

(ii) the nature of Government control over such canteens ;

(iii) the hours of opening and closing of such canteens ?

340. Is it a fact that the canteen system conduces to a greater degree of drunkenness among the tea garden labourers than otherwise ?

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

338.—Yes. There are two systems. One is the canteen system and the other the lessee Manager system. The main difference is that under the canteen system the license is given to the Manager of the garden and under the lessee Manager system the license is given to an outsider selected by the Manager with the approval of the Deputy Commissioner.

SRIJUT MAHADEV SARMA : From what year has this system been introduced in tea gardens ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I cannot say exactly in what year this system was introduced. It is perhaps 3 or 4 years ago.

SRIJUT KRISHNA NATH SARMA : Has it been introduced at the suggestion of some garden managers ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I cannot say, Sir. I think it was introduced after consultation between the Excise Commissioner and garden managers.

SRIJUT LAKSHESVAR BOROOAH : Is liquor sold in sealed bottles under these two systems the Canteen System and the Lessee Manager system.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Yes, Sir.

SRIJUT KRISHNA NATH SARMAH : Is it introduced due to the prosperity of the Tea Industry.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I cannot say whether the system was introduced due to the reason stated by the hon. member ?

BABU HARENDRA NARAYAN CHAUDHURI : May I know whether the Excise Commissioner consulted European Managers only or Indian Managers also ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That I cannot say.

SRIJUT MAHADEV SARMA : Whether the Local Boards were consulted ?



THE HON'BLE REV. J. J. M. NICHOLS-ROY: That has nothing to do with the Local Boards.

KHAN BAHADUR MAULAVI KERAMAT ALI: Were the tea gardens consulted before canteens were started?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir.

SRIJUT OMEO KUMAR DAS: Is Government aware that some managers objected to taking licences for canteens in their own gardens?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: If there was any manager who objected, no shop was opened in his garden.

SRIJUT DEVESWAR SARMA: Will Government be pleased to state the policy underlying the system of opening liquor shops in tea gardens?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There is another question, question No.340 under which this supplementary question may be put.

SRIJUT JOGENDRA NATH BARUA: Is there any restriction to supply liquor to the tea garden population under the Canteen System?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes. There is a restriction that no one can buy liquor from the canteen more than one reputed quart bottle in one day.

MR. J. R. CLAYTON: Is not the object of the canteen system to reduce illicit brewing?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, that is one of the objects.

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

339.(i)—In 1936-37 there were in the Assam Valley 10 canteens and 20 Lessee Manager's shops with a total consumption of 35,303 L. P. gallons and in the Surma Valley 5 canteens and 24 lessee Manager's shops with a total consumption of 8,711 L. P. gallons.

(ii)—A copy of the license form for both kinds of shops is placed on the library table. Government exercise full control over such shops.

(iii)—Article X of the canteen license form and XII of the lessee Manager's license form regulate the hours of sale.

SRIJUT MAHADEV SARMA: How do the Government exercise full control over the operation of this system in the gardens?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The excise staff go there and examine the shops just as they do with any other shop.

SRIJUT OMEO KUMAR DAS: With regard to (i) will the Hon'ble Minister be pleased to state the figures of total consumption? Is it increasing or decreasing?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I cannot state any more figures than what are stated in the replies.

SRIJUT OMEO KUMAR DAS: Will the Hon'ble Minister be pleased to state why in Surma Valley the figure is lower than in the Assam Valley?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am sorry I cannot tell the reason why. It may be due to population.

SRIJUT BELI RAM DAS: To what extent Government has been successful in counteracting this evil of secret distillation by introducing the system?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The report is there that the system is working very satisfactorily.

SRIJUT BELI RAM DAS: Is Government able to substantiate this?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I have no other figure just now than the report that I have got from the Excise Commissioner.



SRIJUT MAHADEV SARMA : How will the hours of sale be regulated ? How can they check that these rules are followed ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The lessees are supposed to follow the rules.

BABU HARENDRA NARAYAN CHAUDHURI : May I have his personal view whether he encourages it or discourages the system ?

THE HON'BLE THE SPEAKER : Personal view should not be required.

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

340.—The whole object of the policy was to combat the evil of illicit distillation on tea gardens and to control, with the help of the Managers, excessive drinking among the tea garden population. This system openly provides the coolies with a legitimate source of supply of liquor, of standard strength, and thus counteracts the evil of secret distillation of crude harmful liquor of varying strength.

SRIJUT DEBESWAR SARMAH : I repeat my question, Sir.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The reply is already given.

SRIJUT DEVESWAR SARMAH : The reply is not there, Sir. I again request the Hon'ble Minister to state the policy underlying it.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The reply is clearly given there. The whole object of the policy was to control the excessive drinking habit among the tea garden population.

SRIJUT LAKHESVAR BOROOAH : Is liquor sold in sealed bottles in these canteen and the lessee Manager shops ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : To that question I can say, yes.

SRIJUT LAKHESVAR BOROOAH : Will the Hon'ble Minister please make an enquiry and ascertain ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : If the hon. member wants I may enquire but I do not see any necessity for enquiring.

SRIJUT LAKHESVAR BOROOAH : To check excessive drinking habit.

SRIJUT SARVESWAR BARUA : May I know whether Government gets a larger income due to the introduction of this system ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have not looked into that question.

SRIJUT SARVESWAR BARUA : Does not the Hon'ble Minister expect to get two lakhs of rupees more on account of too much drinking due to returned prosperity among the tea garden population ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That might be due to the better financial condition of the tea garden population.

SRIJUT RAJENDRA NATH BARUA : Are the Government aware that there have been more addicts due to the opening of liquor shops ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That I do not suppose.

SRIJUT RAJENDRA NATH BARUA : Has Government taken any census of figures in different tea gardens ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : No, we have not yet done so.

SRIJUT RAJENDRA NATH BARUA : Do Government propose to take any census ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Well, we are prepared to take census if necessary.



SRIJUT OMEO KUMAR DAS: Will the Hon'ble Minister in-charge be pleased to state whether drunkenness has increased due to introduction of this canteen system?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The report is that drunkenness has decreased instead of increasing.

SRIJUT OMEO KUMAR DAS: Is it a fact that there have been several rioting owing to opening of liquor shops within tea gardens?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have heard of no rioting anywhere.

SRIJUT OMEO KUMAR DAS: Is the Hon'ble Minister in-charge aware of the fact that owing to this a tea garden Manager was assaulted?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No, I am not aware of that.

SRIJUT SANKAR CHANDRA BARUA মদৰ দোকান খুলিলে যদি  
শাৰীৰিক আৰু মানসিক উন্নতি হয় তেনে-লে প্রত্যক গাঁৱতে মদৰ দোকান খুলিবনে ?  
(laughter).

### Nomination to the Municipal Boards

BABU DAKSHINA RANJAN GUPTA CHAUDHURI asked :

341 Will Government be pleased to state—

- (i) What is the basis of nomination to the Municipal Boards?
- (ii) Whether it is a fact that a representation was sent to the Hon'ble Minister, Local Self-Government, by the Hindu Sabha, Maulvibazar, to consider the question of Hindu representation by nomination in the Maulvibazar Municipality?
- (iii) What action, if any, have Government taken on this representation?
- (iv) Whether a seat was allotted in the Maulvibazar Municipal Board to the Hindu Community by nomination in past terms?
- (v) Whether the Hindu Community is entitled to one seat on population basis?

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

341. (i)—To provide for the representation of under-represented communities and interests.

(ii)—Yes.

(iii)—The matter was fully considered but Government were unable to accede to the request.

(iv)—Yes.

(v)—Both on a basis of population and of voters the Muhammadan community is entitled to 4 and the Hindus to 8 members on a Board of 12. As eight Hindus and only two Muhammadans were elected the Muhammadans were very much under-represented and both nominations had to go to them.

MR. ARUN KUMAR CHANDA: Is the Hon'ble Minister prepared to contradict me when I state that the policy of nomination which he enunciates is more honoured in breach than in observance?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: This question does not arise, Sir.



MR. ARUN KUMAR CHANDA: I just want to know whether the Hon'ble Minister is prepared to contradict me when I state that the policy of nomination which he enunciates is more honoured in breach than in observance.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir, I am prepared to contradict (*laughter*).

SRIJUT RAJENDRA NATH BARUA: Is it not the policy of Government to give nomination to the under-represented communities?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir, if the under-represented communities are not fully represented, then they get nomination.

SRIJUT SARVESWAR BARUA: Has any provision been made for the under-represented communities?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, provision has been made for the under-represented communities which have never got any representation.

BABU HIRENDRA CHANDRA CKAKRAVARTI: May I know whether Government considers the question of the minority communities?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Government consider the question of the minority communities.

SRIJUT SARVESWAR BARUA: Is the Hon'ble Minister aware that the Marwari community has not been represented in the North Lakhimpur Town Committee and that their repeated representations have failed to secure them any nomination so far?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Nominations in small towns are made by the Deputy Commissioners.

SRIJUT SARVESWAR BARUA: Are they not responsible to Government?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It is not a question of responsibility but it is a question of fact. The Deputy Commissioner nominates the members. If rate-payers will send recommendation to Government the matter will receive our best consideration.

MR. KEDARMAL BRAHMIN: Did anybody from the Marwari community at Tezpur stand for nomination?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not know, Sir.

SRIJUT SARVESWAR BARUA: Is it not the duty of Government to interfere with the action of the Deputy Commissioners when they go wrong?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, it is not a question of going wrong. The thing is this that no representation was sent to Government?

\*SRIJUT RAJENDRA NATH BARUA: Is it a fact that in Goalpara and Sibsagar where representation of electors was greater than the representation of Muhammadan communities, nominations have been made?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: In the nominations to the Municipal Boards we have taken population as the basis.

SRIJUT SARVESWAR BARUA: Will Government please make an inquiry as to the propriety of giving nomination to the Marwari community at North Lakhimpur.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, if there be any representation from any community, we shall consider the question.

#### **Procedure re Public Works Department Contracts**

BABU DAKSHINA RANJAN GUPTA CHAUDHURI asked:

342. Will Government be pleased to state—

(a) If Public Works Department contracts are given to persons who are neither natives of, nor domiciled in, the Province?

(b) If so, do Government propose to stop this practice?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

342. (a)—Yes.

(b)—No.

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Minister in charge be pleased to state why contracts are given to foreigners?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, contracts have been given to certain foreign contractors who have settled in this province and have got big establishments and are able to carry on with the work which the local people cannot do.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is the Hon'ble Minister aware that there are local contractors who have got big establishments and can carry on any big work if given?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If the local contractors can do the work they will be given preference.

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Minister please issue instructions to the authority concerned to give contracts to the local people, if available, instead of to foreigners?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, such instructions have already been issued.

MR. FAKHRUDDIN ALI AHMED: Are such instructions followed?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, to the best of our knowledge, such instructions are followed.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister prepared to issue definite instructions to the Chief Engineer that as long as local contractors are available, contract should be given to them in preference to other contractors.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, two instructions have already been issued by the Chief Engineer and and if my hon. friend wants that another instruction should be issued to him from Government, I am prepared to do that.

SRIJUT PURNA CHANDRA SARMA: Are Government aware that by giving contracts to the foreigners, all the profits are going outside the province?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Government have no knowledge of the cash balance of profit (*laughter*).

MAULAVI ABDUR RAHMAN: May I know, Sir, why Government do not propose to give contracts to the local people?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already answered that question, Sir. Preference will be given to local contractors if they are found able to carry on with the work.

### Representation of Ahoms in Public Services

SRIJUT RAMNATH DAS asked :

343.(a) Will the Hon'ble Minister in charge be pleased to state whether it is a fact that the Government of Assam very recently abandoned the rule under which the Ahom Community had been continuously enjoying the privileges of a separate and special allocation in the public services of the Province?



(b) Is it also a fact that the aforesaid rule came to be abrogated by the Government without the knowledge and consent of the community and to its great resentment ?

(c) Will the Hon'ble Minister be pleased to state whether Government propose to allocate in future a separate and adequate share of representation in the various branches of the Public Services of the Province to the members of the Ahom Community ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

343.(a), (b) and (c)—The hon. member is referred to the replies to the questions asked by Srijut Jogesh Chandra Gohain on this subject at this session of the Assembly.

### **Payment of land revenue by a raiyat in the permanently and temporarily-settled districts**

SRIJUT SIDDHI NATH SARMA asked :

344. Will the Hon'ble the Minister in charge be pleased to state the land revenue paid per head by a raiyat in the permanently and temporarily-settled districts of Assam ?

345.(a) Will the Hon'ble the Minister in charge be pleased to state the amount of grazing tax that has been realised from cattle and buffaloes during the last three financial years, showing the figure of every district separately ?

(b) What amount out of the figure referred to in question 345(a) has been realised as penalty during the last three years ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

344.—As the population of the temporarily-settled areas of Sylhet and Goalpara is not separately ascertainable, it is not possible to calculate an approximate figure for land revenue paid per head by raiyats in the permanently and temporarily-settled districts of the province.

SRIJUT SIDDHI NATH SARMA: Will the Hon'ble Minister in charge ascertain the population of the temporarily settled areas of Sylhet and Goalpara districts and forward the reply ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already explained, Sir. It is very difficult to separate the two, because some people who live in the temporarily-settled areas are tenants under the permanently settled areas. So it is very difficult to distinguish the two.

SRIJUT SIDDHI NATH SARMA: Is it impossible to find out ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I cannot say it is absolutely impossible.

SRIJUT SIDDHI NATH SARMA: Will the Hon'ble Minister please ascertain the figures and forward the reply or submit it or lay on the table for the information of the House ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I can make an attempt, but I am afraid it will not be very successful.



THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

345. (a)—The figures for the financial years are not available, and the figures for the revenue years 1933-34 to 1935-36 are as follows:—

Districts				1933-34	1934-35	1935-36
				Rs.	Rs.	Rs.
Goalpara	...	...	...	13,951	12,171	11,461
Kamrup	...	...	...	88,865	77,496	81,758
Darrang	...	...	...	52,433	56,038	60,066
Nowgong	...	...	...	13,916	16,539	16,272
Sibsagar	...	...	...	42,286	35,042	39,930
Lakhimpur	...	...	...	23,467	19,229	22,694
Garo Hills	...	...	...	22,202	21,571	20,140
Cachar	...	...	...	2,044	2,496	2,186
Sylhet	...	...	...	3,265	3,213	3,170
Khasi and Jaintia Hills...	...	...	...	12,674	13,598	12,730
Naga Hills	...	...	...	1,930	1,526	2,599
Lushai Hills	...	...	...	279	186	191

Figures for 1936-37 are not available.

(b)—This figure is not available in the Secretariat, and Government has called for the information which will take time to collect. It will be forwarded to the hon. member when it is received.

#### Establishment of a subdivision at Nalbari

SRIJUT GAURI KANTA TALUKDAR asked :

346 (a). Is it a fact—

(i) That the inhabitants of Nalbari, Rangia and Tihu Circles in the Kamrup District are persistently appealing to Government for establishing a subdivision at Nalbari ?

(ii) That memorials (dated 8th December 1935 and 24th February 1937) have been submitted to His Excellency the Governor of Assam by a large number of inhabitants of the said circles praying for establishment of the subdivision ?

(iii) That His Excellency Sir Michael Keane in reply to an address presented to him by the public at Nalbari expressed his opinion that Nalbari would make a natural subdivision ?

(b) Do Government propose to recognise the desirability of establishing a subdivision at Nalbari comprising the mauzas falling under the Nalbari, Rangia and Boroma thanas ?

(c) If so, will Government be pleased to state whether they propose to take early steps to do so ?

(d) If not, do Government propose to hold an enquiry and to ascertain if there is necessity of a subdivision there ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

346. (a) (i)—Yes.

(ii)—Yes.

(iii)—Yes.



(b)—Yes.

(c)—The scheme will be taken into consideration when funds permit.

(d)—Does not arise.

SRIJUT GAURI KANTA TALUKDAR: With regard to (c) do Government propose to ascertain the amount of money that will be required for giving effect to this scheme?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, we have ascertained. It is roughly two lakhs.

**Newspaper article re "Communalism and Favouritism"**

BABU LALIT MOHAN KAR asked :—

347. Has the attention of Government been drawn to the communication under the caption "Communalism and Favouritism" published in the *Sylhet Chronicle*, dated the 5th July 1937?

348. Will Government be pleased to state—

(a) Whether the Public Works Department authorities published any advertisement in the *Assam Gazette* for appointment of a tracer at Sylhet? If not, why?

(b) Whether the same authorities published advertisements in the *Assam Gazette* for appointment of tracers at Dibrugarh and Tezpur, as stated in the said Communication?

349. Will Government be pleased to state the names, qualifications and home districts of the candidates selected for the three appointments as aforesaid?

350. Will Government be pleased to state which, if any, of the candidates so appointed had certificates of the required survey qualifications from recognised Survey Institutions either in Bengal or in Assam stating the names of the institutions and the year of their recognition?

351. Will Government be pleased to state—

(a) If there were candidates trained in Government Survey Institutions of Bengal, and

(b) Whether they held certificates obtained from the "Survey Education Advisory Board" appointed by the Government of Bengal, showing the different subjects in which they were qualified?

352. Will Government be pleased to state whether it is a fact that the authorities in making the aforesaid appointments preferred candidates having no certificate from any recognised school, to those who held certificates of survey qualification from the "Survey Education Advisory Board" appointed by the Government of Bengal? and if so, why?

353. Will Government be pleased to state whether it is a fact that the appointment in the Tezpur vacancy was made before the last date of receiving applications had expired as advertised? if so, why?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

347.—Yes.

BABU KAMINI KUMAR SEN: May I know if in the advertisement published it was mentioned that persons without having necessary certificates will be given preference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, there was no such intimation in the advertisement.



BABU KAMINI KUMAR SEN: May I know also if there was any provision in the advertisement that over-represented communities need not apply?

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

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

348.(a) & (b)—An advertisement was published in the *Assam Gazette*, *The Times of Assam*, *The Batori*, *The Yugaveri* and *The Sylhet Chronicle* for a post of tracer in Dibrugarh. Meanwhile, pending receipt of the applications, vacancies occurred for tracers in Sylhet and Tezpur. The Executive Engineer published an advertisement in connection with the Tezpur vacancy without consulting Government in the matter. It was not considered necessary to readvertise the Sylhet appointment as these posts are on a provincial basis and the officers appointed liable to transfer to any part of Assam.

349.—The information is given below—

Name	Qualifications	Home district
1. Maulavi Mohammad Younuas Khan.	Surveyor's certificate from the Narapati Survey Training School in the Habiganj subdivision. (Appeared at a practical test before the Chief Engineer, Assam.)	Sylhet.
2. Srijut Kamal Chandra Saikia.	Possesses certificate of Survey from the Director of Land Records, Assam.	Sibsagar.
3. Babu Dharendra Kishore Roy.	Practical experience as a tracer in the Chief Engineer's office for a total period of about six months, as a tracer in the Executive Engineer's office, Sylhet for 2 months and in the office of the Superintendent, Assam Surveys, for one year ten months.	Domiciled (Hindu).

350.—None of the persons appointed has certificates from the recognised Survey Institution in Bengal or Assam.

351.(a)—Yes. Three from heavily over-represented communities, and one from a domiciled Hindu in Assam. None of them of outstanding merit.

(b)—Of the four candidates mentioned in question 351(a) above, three submitted certificates granted by the Survey Education Advisory Board, Bengal, showing the subjects in which they qualified, and one did not submit any certificate along with his application.

352.—No. Government filled in the posts by appointing—

(a)—One Mahomedan.

(b)—One Assam Valley Hindu.

(c)—One domiciled Hindu, son of a retiring Government official with many years' excellent service under Government. All of the men appointed were considered well qualified for the posts.

353.—No.



### Manumukh-Sherpur Road

MAULAVI NAZIRUDDIN AHMED asked :

354. Is it a fact that the alignment made for the proposed Manumukh-Sherpur road in the South Sylhet Subdivision in the district of Sylhet will run over graveyards standing on both sides of the river Barak ?

355. (a) Is it a fact that the proposed Manumukh-Sherpur Road will pass through paddy and sloping land between village Kalargaon and Sherpur ?

(b) Is it a fact that the proprietors of the land will be less affected if the road passes through the raised lands about 100 to 200 feet towards the West ?

356. Is it a fact that several representations have been made by the people of the locality to the Public Works Department authorities for changing the course of the proposed Manumukh-Sherpur road by 100 to 200 feet towards the West from Village Kalargaon to Sherpur ?

357. Is it a fact that representations have also been made by the people of the locality to the Subdivisional Officer, South Sylhet, in the matter ?

358. If the answers to questions 354, 355, 356 and 357 are in the affirmative, do Government propose to enquire into the matter immediately and to redress the grievances of the public ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

354.—No.

355. (a)—It will pass through some paddy land.

(b)—The question is not understood and cannot be answered in its present form.

356.—Several representations both for and against the present alignment have been received.

357.—Possibly.

358.—Government have already enquired into the matter and have selected the best alignment for the road and that causing the least inconvenience and giving the greatest good to the vast majority of the inhabitants of the area concerned.

### Tour of the Commissioner of Excise

MAULAVI NAZIRUDDIN AHMED asked :

359. Will Government be pleased to state separately the number of visits paid by the Commissioner of Excise on tour to Surma Valley and to Assam Valley since April 1935 ?

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

359.—He has paid 16 visits to the Assam Valley and 12 to the Surma Valley.

### Construction of a Railway bridge over the Brahmaputra river

SRIJUT GAURI KANTA TALUKDAR asked :

360. Is it a fact that a Railway Bridge is going to be constructed soon over the Brahmaputra river somewhere near Amingaon Railway Station ?



361. Will the Hon'ble Minister in charge be pleased to state if any provision has been made by the Railway authorities for a road for foot and vehicular traffic ?

362. Did Government receive any representation from the public and responsible persons for the provision of such a road ?

363. Do Government propose to take necessary steps for making provisions for such a road ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

360.—The construction of the bridge is under consideration by the Railway Board and the Eastern Bengal Railway.

361.—No provision will be made by the Railway authorities unless the Government of Assam pay a share of the cost of the bridge.

362.—The desirability of having a road bridge has been suggested.

363.—The matter is under consideration.

### Trunk road between Amingaon and Sorbhog

MR. KEDARMAL BRAHMIN asked :

364. (i) Is it a fact that the Trunk road between Amingaon and Sorbhog is impassable during the rains ?

(ii) Will Government please state—

(a) Whether most of the business centres of the Kamrup district are situated on the Trunk Road ?

(b) Whether there is the complaint from the public that due to the bad communication of the road, public is put to great inconvenience and the business suffers a tremendous loss ?

(c) Whether Government propose to undertake the metal-ling of this road in the near future ?

(d) If so when ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

364. (i)—The hon. member evidently refers to the North Trunk Road. Neither Sorbhog nor Amingaon is situated on the North Trunk Road. The portion of the route from North Gauhati to Jhargaoon is motorable throughout the year and the portion of the North Trunk Road from Char Ali to the junction of the Sorbhog Feeder road is probably not passable for motor during the period of excessive rain.

(ii) (a)—Probably in the area covered by the hon. member's question but not throughout the length of the North Trunk Road.

(b)—No.

(c)—No. It is however proposed to bridge, raise and gravel the road if the present proposal for improving communication in Assam materialises.

(d)—When and if funds are received from the Road Reserve Fund.

KUMAR AJIT NARAYAN DEV: Is the Hon'ble Minister in charge aware that the major portion of the North Trunk Road in the district of Goalpara is impassable during the rainy season ?

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

KUMAR AJIT NARAYAN DEV: Will Government be pleased to take steps ?



THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA :  
The major portion of the North Trunk Road has been included in the new road programme.

### Affairs of the Habiganj Municipality

BABU SHIBENDRA CHANDRA BISWAS asked :

365. Is it a fact that the general revision of assessment has been made in the Habiganj Municipality by the Assessor appointed by Government ?

366. (a) Has the attention of Government been drawn to the resolutions passed at a meeting of the rate-payers held on 6th June last, the proceedings of which have been published in the issue of "Mukti", dated 9th June 1937, protesting against the fixation of annual valuation of the holdings and the percentage of taxation as highly exorbitant ?

(b) If so, will Government please state what action has been taken in the matter ?

367. (i) Will Government please state if the total amount of demand both for holding and latrine taxes has been increased by the revision, and (ii) if so, by what amount ?

368. Will Government please state the grounds on which such increment of taxes was thought necessary ?

369. Will Government please state what amount was spent for clearing latrines, urinals, cesspools, etc., during the years 1935-36 and 1936-37 ?

370. Will Government please state what amount has been allotted during the current year for clearing latrines, urinals, cesspools, etc. ?

371. Will Government please state the total net proceeds of the latrine tax assessed under the new assessment ?

372. (i) Will Government please state if any retrenchment has been effected since the supersession of the Municipality and

(ii) if so, on what items, and

(iii) the amount saved by such retrenchment ?

373. Is it a fact that tax on inhabitants was allowed to be retained by an enactment of Government until it would be abolished by passing of a resolution by the Municipal bodies concerned ?

374. Is it a fact that Government compelled the Habiganj Municipal Board to substitute holding tax in place of tax on inhabitants and a threat of supersession was held out by Government to the Board in case it failed to substitute holding tax for tax on inhabitants ?

375. Will the Hon'ble Minister in charge of the Local Self-Government be pleased to lay on the table all correspondence relating to the supersession of the Habiganj Municipality, that passed between Government and the Municipal Board prior to such supersession ?

376. Will the Hon'ble Minister in charge please state—

(a) (i) What were the complaints and counter-accusations of certain rate-payers as mentioned in paragraph 1 of the Order of Supersession as published in the *Assam Gazette*, dated 3rd February 1937, and

(ii) When, and to whom such complaints and counter-complaints were made ?

(b) (i) If any enquiry was made upon such complaints, and (ii) if so, by whom and when, and (iii) the result of such enquiry ?

(c) (i) If any definite scheme for improvement of drainage and water supply was ever suggested by either the Director of Public Health or the Assistant Director of Public Health and if so, (ii) when and what ?



- (d) If the Board made improvements in respect of drainage, water-supply, surface cleanliness and latrine arrangements during the last six years, as far as its fund permitted?
- (e) If the Board on several occasions was restrained from taking action against infringement of municipal laws by private individuals, e.g., closing of drains and water passage, etc., by executive orders under section 144, Criminal Procedure Code?
- (f) The number of blocks leased out permanently by the Board, and the year or years of such leasing out.
- (g) If such leasing out was effected by resolutions of the Board passed at meetings.
- (h) If the Commissioner or the Deputy Commissioner did exercise his vetoing power as conferred by law, in respect of those resolutions on the ground of there being in excess of the powers of the Board?

377. Is it a fact that the financial position of the Board was much improved since 1st April 1935 inasmuch as its net liabilities were reduced to Rs.4,629 and odds from Rs.15,128 and odds as shown in the Audit Note of the period from 1st April 1934 to 31st March 1935?

378. Is it a fact that such improvement effected in the face of the valuation of the holdings existing at the time?

379. Will the Hon'ble Minister in charge please state—

(a) The standard of valuation adopted at the time of the last revision of assessment by the Assessor appointed by Government?

(b) The grounds and materials upon which the previous valuation was deemed inadequate?

380. Is it a fact that Government under its order dated 18th November 1936, directed the Board to appoint a Sub-Deputy Collector as Assessor with a staff entailing a monthly cost of Rs.337?

381. Is it a fact that the Board considered the appointment of a Sub-Deputy Collector as Assessor a very costly burden on the Board in view of its bad financial position?

382. Is it a fact that the Board proposed to appoint a non-official gentleman as an Assessor on the ground that the costs would be less than the costs that would be involved in the appointment of a Sub-Deputy Collector?

383. Did Government consider the propriety of the proposal from the financial standpoint before it hastened to the order of supersession?

384. Is it a fact that Government did think it proper to postpone the question of supersession till the next general election which was nigh, in order to give the new Board a chance for bettering the financial position?

385. Is it a fact that the immediate cause for supersession was the refusal of the Board to appoint an official Assessor?

386. Is it a fact that Government ordered supersession on the plea of the inefficiency of the Board, for the purpose of increasing the burden of taxation of the rate-payers?

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

365.—Yes.

366.(a)—Government have seen the resolutions.

(b)—None. It is open to any aggrieved person to file a review petition under section 88 of the Assam Municipal Act.



BABU SHIBENDRA CHANDRA BISWAS: Will the Hon'ble Minister say that the objection raised in the resolution is about enhancement? Are not the rate-payers entitled to ask for a general enquiry?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not understand the supplementary question, Sir.

BABU SHIBENDRA CHANDRA BISWAS: Will the Hon'ble Minister say if there is a provision in the Municipal Act that the latrine tax cannot exceed the actual expense incurred for clearing the latrine, and has it been followed in this case?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: To what question is this supplementary, Sir. Only questions 365 and 366 have been called out.

THE HON'BLE THE SPEAKER: To which question is this a supplementary question?

BABU SHIBENDRA CHANDRA BISWAS: Questions 369—370.

THE HON'BLE THE SPEAKER: Question 369 has not yet been called out.

[Then questions 369 and 370 were called out]

BABU SHIBENDRA CHANDRA BISWAS: Will the Hon'ble Minister say is there a provision in the Municipal Act that the latrine tax cannot exceed the actual expense incurred for clearing the latrine, and has it been followed in this case?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, there is a provision, and as far as we know it has been followed.

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

367.—The assessment is not yet final but the anticipated increase, before review, is Rs.6,273 under holding tax and Rs.1,207 under latrine tax.

368.—The previous valuation was inadequate and only a fair and impartial valuation made by an official Assessor could restore financial equilibrium.

369.—Rs.10,736 and Rs.13,252 respectively.

370.—Rs.12,615 which includes previous liabilities under this head to the extent of Rs.2,700.

371.—Rs.10,835 before review.

372.(i)—Yes.

(ii) and (iii).—There has been a saving of Rs.2,256 as detailed below:—

	Rs.
(1) One office peon at Rs.14 ... ..	168
(2) One conservancy peon at Rs.10... ..	120
(3) One lighter at Rs.9 ... ..	108
(4) One bull-keeper at Rs.8 ... ..	96
(5) Foodstuffs for bulls ... ..	300
(6) Two Jamadars at Rs.13-8-0 each ... ..	324
(7) Two Teachers at Rs.12 each ... ..	288
(8) Two Arabic Teachers at Rs.8 each ... ..	192
(9) Abolition of posts of two tax sarkars at Rs.30 each and appointment of two tax darogas at Rs.20 each.	240
(10) Appointment of a part-time librarian in place of a whole-time one.	180
(11) Combination of the posts of vaccinator and petromax lighter.	240

2,256

373.—Yes,



374.—The late Government may be said to have put considerable pressure on the Board to introduce a holding tax.

375.—Government are not prepared to lay this voluminous correspondence on the table.

376.(a) (i)—These relate to the incompetence, abuse of power and neglect of the interest of the rate-payers by the Board.

(ii)—To the local officers and to Government at different times.

(b) (i)—No specific enquiry was made as all relevant facts were known to Government having been repeatedly brought to their notice by inspecting officers.

(b) (ii) and (iii)—Does not arise.

(c) (i)—The unsatisfactory condition of the water supply and drainage was brought to the notice of the Board many times by the Director of Public Health and Assistant Director of Public Health and in his inspection note of the 25th July 1935, the Assistant Director of Public Health suggested to the Board the best way of initiating a drainage scheme. As regards water supply a scheme was suggested to the Board by Government itself. In this connection a copy of letter No. 3115-L.S.-G., dated the 4th August 1936, is laid on the table.

## GOVERNMENT OF ASSAM

### THE GOVERNOR AND THE MINISTER OF LOCAL SELF-GOVERNMENT

#### LOCAL SELF-GOVERNMENT DEPARTMENT

##### MUNICIPAL BRANCH

Letter No.3115-L.S.-G.

From

H. G. Dennehy, Esq., I.C.S., Secretary to the Government of Assam,  
Transferred Departments,

To

The Director of Public Health, Assam.

*Shillong, the 4th August 1936.*

*Subject :—Water-supply and drainage of the Habiganj Municipality*

Sir,

In continuation of this Department letter No.4846-L.S.-G., dated the 3rd December 1935, and with reference to your letter No.5642, dated the 24th April 1936, I am directed to say that Government must express regret that the Board has not yet displayed any intention of tackling the questions of water-supply and drainage vigorously.

As to water-supply, Government have been advised that as isolated and comparatively shallow tube wells have proved unsatisfactory, the only methods of improving matters would be by getting into touch with a big tube well sinking firm like Messrs. Scott and Saxby, who guarantee the water free from organic bacteria after one month's pumping, or by pumping from the river or from a tank and chlorinating the water. In either case it would be necessary to resort to power for pumping purposes and an elevated storage tank. It has already been pointed out that the existing tube wells may be contaminated owing to the condition in which the vicinity and the drainage are kept. Further force is lent to this by the reports Government have had that a 120' tube well in the dispensary compound renders potable



water. It is unlikely that a pumped water-supply can be managed until the Board puts its finances in a satisfactory condition by collecting its dues and displaying a readiness to tax for improved services. Meanwhile, it is essential from the point of view of water purity as well as general hygiene that earnest efforts should be made to improve the drainage. The Assistant to the Director of Public Health has pointed out several ways in which this can be done, and Government again stress the importance of keeping road-side lands clear in order to prevent interference with the drainage: for this reason Government are taking such steps as are possible to procure the reversion of road side lands that have been alienated by this Board.

With regard to sewage disposal, you have advised that higher land should be acquired on the Shaistaganj road: apparently the Board has not seen fit to adopt this advice.

Your obedient servant,

H. G. DENNEHY,

*Secretary, Transferred Departments.*

MEMO. No.3116-L.S.-G.

*Dated Shillong, the 4th August 1936.*

Copy forwarded to the Commissioner, Surma Valley and Hill Division, for favour of action in continuation of this Department memorandum No.4847-L.S.-G., dated the 3rd December 1935.

By order of the Government of Assam,

N. N. PHUKAN,

*Under-Secretary.*

(d)—Very little. In fact the Assistant Director of Public Health remarked that during the 10 years he had known the town the water supply instead of being improved have been allowed to be polluted by allowing latrines and cesspools near the tanks.

(e)—No such case can be traced.

(f)—Twenty-two blocks were leased out on 17th April 1935.

(g)—Yes.

(h)—No.

377.—The net liabilities of Rs.4,629 on 31st March 1936 as shown in the Audit Report of that year were calculated on a different principle to the net liabilities of Rs.15,218 shown in the Audit Report for the previous year. Had the same principle been employed the net liabilities of Rs.4,629 on 31st March 1936 would have stood at Rs.12,667. Furthermore it was subsequently reported by the Auditor that the net liabilities of Rs.15,218 included a sum of Rs.2,470 which should not have been shown as liabilities. Hence actually there was no financial improvement.



378.—Yes.

379.(a)—The annual letting value as ascertained after local enquiry.

(b)—The assessment was made by a gentleman who was subsequently elected a member of the Board and who was alleged to have used his position as Assessor to further his candidature. The valuation, which was for the purpose of latrine tax, increased the demand by Rs.500 only which was quite inadequate. It may be noted that the Municipality itself accepted the suggestion of Government that the holdings should be revalued.

380.— Yes.

381.— Yes.

382.— Yes.

383.—Every aspect of the case was considered by the late Government before ordering supersession.

384.—Yes, in order to reduce the legacy of arrears to the new Board.

385.—Yes. Government were naturally reluctant to supersede the Municipality so long as there appeared to be any hope of reformation from within and the refusal of the Board to appoint an official Assessor was the last straw.

BABU SHIBENDRA CHANDRA BISWAS: Will the popular Government see if the order of supersession can be set aside in view of the fact that it has been too high for a self-governing body?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Does that question arise, Sir? I think that question does not arise.

MAULAVI ABDUR RAHMAN: Are the Government aware that by the rate of present taxation all the debts of the Board will be cleared very soon?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It is supposed Sir, that the debts will be cleared.

MAULAVI ABDUR RAHMAN: Do Government propose to withdraw the order of supersession after the debts of the Board have been cleared?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The question does not arise.

THE HON'BLE THE SPEAKER: The question is whether Government is prepared to consider that.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That question will be considered.

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

386.—Certainly not. The grounds for the supersession of the Municipality were stated at length in the Government order of supersession.



## DEMANDS FOR GRANTS.

## 25—GENERAL ADMINISTRATION.

THE HON'BLE THE SPEAKER: Order, order. I will now ask the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla to move his Demand for Grant.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 19,41,700 be granted 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".

There are several cut motions, Sir.

THE HON'BLE THE SPEAKER: The motion moved is that a sum not exceeding Rs. 19,41,700 be granted 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".

There is one cut motion in the name of Babu Kamini Kumar Sen.

BABU KAMINI KUMAR SEN: Should I begin, Sir? I think according to rules cut for greater amount should get precedence.

Sir, I beg to move that the provision of Rs 24,000.....

THE HON'BLE THE SPEAKER: What rule were you referring to in regard to the larger cut?

BABU KAMINI KUMAR SEN: Rule No.91.

RAI BAHADUR PROMODE CHANDRA DATTA: I think that a motion proposing a larger cut should be taken up first, so that motion No.2 should be taken up first.

THE HON'BLE THE SPEAKER: Yes, I quite agree. But there is one matter to be considered. The Hon'ble Mr. Sen is trying to reduce the provision of Rs.24,000 by Re.1, and Mr. Sarma's motion is to reduce the provision of Rs.41,000 of another item by Rs.100. The whole demand is for Rs.19,41,700, and from that if the largest reduction is to be taken first then there will be the difficulty of adjusting the various sub-heads. The previous practice was that the motions used to be arranged according to the minor heads. The real practice should be that the largest demand on the main grant should be taken up first, but for the sake of convenience, I am asking Mr. Sen to move his motion. If the House wants that the largest reduction should be taken up first then we shall have to take up cut motion No.11 first which is the largest reduction proposing that the whole provision of Rs.78,446 be refused.

BABU KAMINI KUMAR SEN: I have no objection to move my motion first if you will permit me, Sir.

I beg to move that the provision of Rs.24,000 under Grant No.9, Major head—25.—General Administration, Minor head—H.—Ministers, Sub-head 2.—Pay of Establishment, Detailed head—clerks and servants at page 63 of the Budget be reduced by Re.1. My object in bringing forward this cut motion is to criticise the financial policy of Government, namely their indifference to make adequate retrenchments in the cost of administration and to develop the resources of the province.

Sir, it is an undisputed fact that the cost of general administration is daily increasing. Only the other day the Hon'ble the Finance Minister in reply to a question put by my hon. friend Sriyut Krishna Nath Sarmah said that the general cost of the Secretariat during the Chief Commissionership was Rs.4,51,000 and that during Montford Reforms it was Rs.5,76,000,



and that at present it is Rs.5,98,000. Sir, by the inauguration of the Reforms our cost is further increasing and is likely to increase more and more. We are now to maintain besides the pre-existing establishment, one Public Service Commission, one Board of Revenue, an Upper House, and lots of other incidental establishments. So it is evident that our expenditure is going higher and higher day by day. On the other hand while the expenditure is going up there is no corresponding increase in the income. Rather there has been some decrease. We have been deprived of some of our major heads of revenue such as the excise duty on kerosene and petrol, our full share of the jute export duty, our full share of the income-tax duty, and the like. So under the circumstances we have no other alternative than to make drastic retrenchments and to develop the financial resources of the province. But what is Government doing so long ?

Sir, first we come to the question of retrenchment. Our past experience of retrenchment is very discouraging. In the year 1921 a Retrenchment Committee was appointed which was presided over by the Commissioner of the Surma Valley Division, Mr. Webster. The Committee took much labour and made a valuable report in which they made many useful suggestions and recommendations. After that, after 10 years (I think it was in 1931) another Retrenchment Committee was appointed, over which our present Finance Minister presided. He also laboured hard to find out ways and means of retrenchment and made a valuable report, but nothing was done on that report too—on the other hand some of the posts which were recommended to be abolished were increased in pay and personnel. So, Sir, it seems that while we were having decennial retrenchment reports nothing has yet been done in the course of these last 17 years, and this year too in the course of his introductory speech the Hon'ble the Chief Minister has promised us another Retrenchment Committee—(though to my mind this Retrenchment Committee ought to have been appointed in 1941 following the previous practice). But I am afraid that this Committee will have the same fate, as during the course of six months during which the Hon'ble Ministers have taken office we see no indication that they will make an earnest effort to make drastic retrenchment or to develop the resources of the province. We do not find any indication that the policy which has been followed so long—the policy of drift, will be departed from during the regime of the Hon'ble Ministers. We do not know how they are going to meet our daily increasing expenditure or raising our income.

Another thing, Sir, the Hon'ble Finance Minister has promised us that he will be again going up to the Government of India and try to get our full share of the excise duty on petrol, our full share of the jute export duty, our full share of the income-tax duty and other such heads of which we have been deprived by the Government of India.

I have every sympathy with his laudable effort ; but Sir, I must confess that I have no such pathetic confidence or faith on the generosity of the Government of India as my Hon'ble Friend the Finance Minister seems to have and I think that no useful purpose will be served by going to the Government of India. Moreover, Sir, I think, that unless the Government of India Act is amended, these heads which have been taken up as Federal Heads cannot be made provincial. And I have very grave doubts whether that can be done. Again, I do not at all think that this policy of mendicancy will help us. We must, therefore, develop our own resources and make drastic retrenchments and stand on our own legs. But from the manner in which the present ministry is going to take action, I think they are also going on in the same way as was being done by the previous Government



The purpose of my cut motion is to protest against this policy of drift and to say that it should not be continued any further. With these few words Sir, I beg to place my motion before the House and I hope the hon. members will give me their unanimous support.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, I am obliged to the hon. member for raising this question in the shape of a cut motion. And I also thank him that his cut is only to bring to the pointed notice of Government and the House our financial situation.

I have made it clear in my speeches during the last fortnight that we have been in session, that our aim is to effect retrenchment as far as we can and also to see that our provincial revenues are augmented. But my hon. friend was not quite correct when he enumerated that some of the provincial revenues have been denied to us by the present Government of India Act. And he enumerated three different items. First he mentioned about the excise duty on petrol, next he mentioned the jute duty and lastly the Income-tax. None of these were ever a provincial source of revenue. We have been fighting for the last six or seven years for getting a share of the excise duty on petrol and kerosene. But so far we have not been successful. But on the principle of "try, try, try again", we are once more going to the Government of India with our begging bowl. As regards the jute export duty, that also the hon. members know that shortly before the introduction of this New Reforms, the Government of India were good enough to give to the growing provinces fifty per cent. of the income and now that duty has been increased to 62½ per cent. and we are getting our share of that. As regards the Income-tax, formerly we received a small amount; pursuant to a formula on some peculiar calculation the Income-tax realised from the provinces in a particular year was taken as a standard and the amount collected over that standard in the subsequent years a portion was given to the provinces. Now under the Government of India Act a complicated system has been introduced, about the distribution of money from the proceeds of the Income-tax. Under the present system, Assam stands to gain by about Rs.12 lakhs as against Rs.3 lakhs during the last regime from Income-tax but this receipt will be deferred and it will start to benefit us only five years hence, and not before. But then as I have said we stand to gain by about Rs.12 lakhs ultimately by the present system.

So, Sir, my hon. friend is not quite correct in saying that we have been deprived of some of the provincial revenues and at the same time that the Ministry is not doing anything to increase the resources. We have been at it ever since we came to office.

Next he says that there is no sign of retrenchment although the Ministry have started work from the 1st April. Sir, to use a very hackneyed expression in this matter, the Ministry is between the devil and the deep sea. If anything is done without consulting the House I am criticised and criticised severely. The fact that I and my Deputy Secretary went to Bombay to attend the Financial Representatives' Conference, was severely criticised here because we did not take the permission of the House although it was not in session at the time. Sir, if I introduce some sort of retrenchment, I will be criticised again. Therefore, it has been the policy of this Government to take the help of this House. We want to go through the whole field of administration and see what retrenchment is practicable. My hon. friend has referred to the Retrenchment Committee of 1921 which was presided over by Mr. Commissioner Webster. If I remember aright, the hon. member Rai Bahadur Promode Chandra Datta was also a member of that



Committee and it is not quite correct to say that no retrenchment whatever was effected as a result of their deliberation. Again, it will also be incorrect to say that nothing whatever was done as a result of the Retrenchment Committee of 1931, under my Presidency. If I remember aright, my Hon'ble Colleague Srijut Rohini Kumar Chaudhuri was a member of that Committee. Sir, speaking from memory we recommended that retrenchment to the extent of about Rs.20 lakhs should be carried into effect and I am glad to inform the House that immediately after the Report, Government accepted retrenchment to the extent of about Rs.8 or 9 lakhs. But subsequently, some of the posts that were retrenched were again restored on account of the policy of the then Government. For that, this Ministry is not responsible.

Sir, I have already proposed that we should have a Resources and Retrenchment Committee and I am going to consult the hon. the leaders of the Opposition and of the other groups how best such a Committee may be constituted and we will be sitting some time after the session is over. In that Committee all questions of retrenchment will be gone through over again. In passing, Sir, I may also say that some small retrenchment has in fact been effected after the Ministry has taken over.....

MR. BAIDYANATH MOOKERJEE: Without the permission of the House ?

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

MR. BAIDYANATH MOOKERJEE: You should not have done so.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, I should not have done so. But these were on such minor matters that I have hopes that the hon. member will accept them, Sir, after the facts that I have placed before the House and on the assurance that I have given, the hon. member may be enquired if he is going to withdraw the motion.

BABU KAMINI KUMAR SEN: I think, Sir that the assurance given by the Hon'ble Finance Minister is very encouraging. But my point is that a Committee should be appointed without delay and its recommendations should be given effect to at least before the next budget is submitted before the Assembly. With this assurance, Sir, I beg leave of the House to withdraw my motion.

The motion was with the leave of the House withdrawn.

SRIJUT DEBESWAR SARMA: I beg to move, Sir, that the provision of Rs.41,000 under Grant No.9, Major head 25.—General Administration, Minor head H.—Ministers (total), at page 64 of the Budget be reduced by Rs.100.

This cut motion has been tabled with a view to criticize Government for not taking steps for retrenchment and for adopting delaying tactics in getting the Minister's Salaries Bill passed.

Sir, the grounds covered by these two issues have already been thrashed and beaten and I have as a matter of fact very little to add. The first issue is, Sir, to criticize Government for not taking steps for retrenchment in the matter of administration. The Hon'ble Finance Minister has said that the financial position of this province is not as strong as it should have been. He laments the injustice that has been done to this province by the Central Government. He has also told us that he is planning to approach the Central Government in the matter. Sir, every one is entitled to his own views. If I may be permitted to use the term that was just a minute ago



used by my hon. friend, Mr. Sen, the language of the Finance Minister is the language of a mendicant. I would not debase my soul by mendicancy. But what I would very much wish him to do is to register a demand in the name of this province. If the Central Government curtly refuses, then, Sir, refuse to recognise the Central Government (*laughter*). Yes, Sir, I repeat in a spirit of humility and service that I would advise the Finance Minister to refuse to recognise the Central Government in that event. The Central Government gets an assistance from this province in the matter of the discharge of its administrative functions. What will it do Sir? It will call upon the Governor of this province to ask this Government to comply with its requisition. In that case I would advise the Finance Minister to have the backbone to stand up and say that, unless the injustice is repaired, he is not in a position to comply. In that case, Sir, possibly the Constitution of the province may be dissolved, and the country wants no better thing at the moment than that. The population of Assam, the cultivators of Assam, who form the backbone of this province and who supply the bulk of its revenue, need no better thing at this moment. The Finance Minister in that case, I beg to submit, will have added to his moral stature and acquired a backbone with which he will be a fit soldier to fight for the country's freedom.

Now, Sir, leaving alone the question of going with a begging bowl to the Central Government, let us see if the Ministry of this province is doing what it should have, and could have, done. Has it done all that could be done? We are told, that is to say, this House has been told that the Ministry is waiting to have the verdict of this House in the matter of retrenchment. The revenues of this province, Sir, come up to Rs.2 crores and 84 lakhs. Out of it, 43 per cent. goes towards salary charges. Add to that about 22 lakhs for pension charges and about 9½ lakhs for travelling allowance and other things of the sort. Roughly this amounts to—of course, I am speaking subject to correction—53 per cent. When the province has to pay its employees about 53 or 54 per cent. of its total revenue, does the Finance Minister want the approval of this House to effect a retrenchment? Would any hon. member of this House believe that he, I mean the Chief Minister, was waiting for a verdict of this House to encourage him to effect a reduction in a matter wherein 53 per cent. of the total revenue receipts has been swallowed up by salary charges? Sir, a Retrenchment Committee was instituted in the year 1931 and the Hon'ble Finance Minister was presiding over it. This Committee was actually instituted at the instance of the Assam Legislative Council at that time. The entire report of that Committee was not published. We were told that the Secretary of State prohibited the publication of the entire report. That was a regime when there was no responsibility to the Provincial Legislature in most matters. We happen to hear the same reply under a new era—under an era of provincial autonomy. I should have very much desired that the Finance Minister should have taken up courage in both hands and should have put that report of the Retrenchment Committee before this House, because after all there could not have been any trade secrecy in it. Certain members of this House were constituted into a committee of enquiry. They gave a report. The report was not entirely published. But we are told by the Finance Minister of a responsible Government—'You cannot be taken into our trust to hear what the report says'. If certain of the recommendations of the Retrenchment Committee put forward by the Finance Minister, as President, were effected, several lakhs of rupees would have been saved for the province. That was not done. What prevented him from doing so? To-day we hear, Sir, that he feels that



he was criticized for taking his travelling allowance to Bombay to discuss financial matters without permission of the House. If I can rightly guess or gather what was the sense of the House, it was not so much for going to Bombay without permission as it was for the fact that what he had gone there for he has not been able to say. Whether his going to Bombay was on private business or matters of State or matters relating to finance of this province, he has not been pleased to enlighten us about. This House Sir, has a right to criticize such actions of the Minister. When we pay for the piper, are we not entitled to call for the tune? Even under this provincial autonomy we have been denied the right to call for the tune, Sir. What we feel is this—and we may be excused for frankly stating that—that these retrenchments have not been brought in, because the retrenchment involves something more than that in its train. Until and unless the Ministry is prepared to take a reduced salary, until and unless their Salary Bill is passed by this House, how can a Ministry which is demanding for itself exorbitant rates effect a retrenchment or reduction in the salary of the officers. Considering the poverty of this province—permission of this House for retrenchment can be safely presumed. Sir, we are yet left in the dark as to whether it is due to want of permission from this House that this retrenchment has not been effected or whether it is so with a view to avoid the delicacy of the position of effecting retrenchment in the salaries of officers and at the same time asking an exorbitant salary for themselves. We very much desire that the Ministry will be pleased to effect drastic retrenchments before very long, because a province which is so poor as ours cannot afford to give 53 per cent. of its revenue towards salary charges.

As regards dilatory tactics in the matter of passing the Ministers' salaries, this matter was discussed at considerable length the other day when we discussed the principle of the Salary Bill.

I was told, Sir, that I could not appreciate the cause of delay or the reasons for delay because I was a new member of this House and as such I had no experience. I do admit that it is for the first time in my life that I have had the privilege of entering into a Council. But, Sir, at the same time one may be permitted to confess that in a House like this, one does not feel quite at home and to gather experience. And what sort of experience we gain? When you ask the Minister about the introduction of compulsory primary education you are simply bluffed by saying that it is a matter for the local bodies to take initiative and that Government has very little to do in this respect. Then again when you come to ask what steps are taken for the eradication of water hyacinth another Minister would jump up to say that it is a matter for the local bodies and Government have nothing to do in it. When in matters like these which concern vitally the existence and growth of the people of this province you get such evasive replies how can you feel quite like at home? We were told by the Hon'ble Finance Minister that he has a greater sporting spirit, as he was pleased to say in regard to this question the other day, but if I am permitted to observe, that little bit of information was not necessary in this House, because he is too prominent a person in this province not to have attracted notice in respect of his sporting in Calcutta during the last 2 or 3 years.

Sir, I confess that I do not see how and why this Ministers' Salaries Bill could not be introduced in the first meeting of this Assembly. Under the new order of things the Governor is to be advised by his Ministers in most matters. Leaving alone the matters which will be decided by the Governor in his individual judgment or discretion, in all matters that concern the administration of the province it is the responsible Ministers



who advise the Governor. Sir, I would like to be enlightened to-day why the Ministry could not advise the Governor for this Assembly to be held on or about 15th or 20th April last? Why the Ministry could not advise the Governor that the sitting could be delayed for a few days so that these important Government Bills might be introduced in that session? Sir, I raise this question because it is a great constitutional issue. When the constitution lays down that the Ministers' salary is to be voted by the Legislature, how does it happen that the Ministers should be getting their salaries without the sanction of the Legislature for these five months? Again when the Ministry was asked by most of the prominent members of this House as to why a retrenchment from the beginning of this year was not effected, the Chief Minister said that he was waiting for the permission of the House for it. But on the other hand we find that while the Ministry has been marking time for permission to effect retrenchment, the provincial revenue of our province is depleted by a sum of Rs.55,000 being drawn by the Ministers as salary for 5½ months without this House having had any opportunity to say a word about it. I submit, Sir, no useful purpose will be served by discussing this matter any further. Only to discuss an important constitutional issue and another issue with regard to retrenchment that I brought forward this cut motion.

(The Hon'ble the Speaker at this stage put the motion.)

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, one of my friends had stated—"if human memory is short, official memory is shorter still". The same applies to my hon. friend who has just spoken. The question about the dilatory tactics adopted by the Ministry in introducing the Salary Bill was discussed threadbare according to his own admission only three days ago. But it seems that he thought it fit to introduce the subject again simply because he wanted to show his 'sportsmanship' in getting an occasion to reply to what I had said the other day. I congratulate him on the sportsmanship he is showing. If I show the same sportsmanship, my hon. friend will probably again smart. Therefore I would not follow friend's sportsmanship and indulge in the bantering tone that ran throughout his speech. But I would say this much.

Only a few days ago this House was reminded by the mover of the cut motion, Babu Kamini Kumar Sen, that unless we effected an amendment of the Government of India Act, it is impossible for us to get any sum out of the excise duty on kerosene and petrol. As the Act allows, we are again prepared to approach the Centre with a begging bowl for a share of that excise duty. My hon. friend whose goal is independence has asked me to develop a back-bone which, according to him, I do not possess and which is, according to him, the means of attaining freedom of the country. I can tell him that since 1931 not only myself as Finance Member but the whole House—the predecessor of this Assembly—joined with me not in begging for our share but in demanding, as of right, the proceeds of that excise duty. But, Sir, as I have said, we had to beat our heads against a stone wall and all our efforts went in vain. If we are to succeed, as sportsmen we must approach the Central Government within the four corners of the Government of India Act. If we want to show 'back-bone' and claim the whole, we will find the gates closed on us by the Constitution Act.

Sir, my hon. friend who is out to have our resources augmented has given us a very good piece of advice and that is we must revolt against the Centre and refuse to do their agency work. But I can inform the House that we are not doing Government of India's work in this province



gratis. Our small budget receipts show a certain sum of about half a lakh of rupees which we are getting from the Central Government for the little work we have to do for them. So if we refuse to do those, we must forego that little bit of income.

The next thing that my hon. friend urged is retrenchment. He says what can we do? What retrenchment can we effect when we have no heart, when we are taking a big salary and when the Salary Bill of this Government stood at 1 crore and 20 lakhs? Sir, this House knows that the 1931 Retrenchment Committee effected a considerable saving under salary charges. It has introduced a new scale—a reduced scale for the various grades of provincial services. In certain cases the reduction amounted to 25 per cent. and the effect of that retrenchment is borne in the budget estimates to-day.

Sir, my hon. friend thinks that we are shy in effecting retrenchment, because the Ministers themselves are drawing an "exorbitant" salary. Sir, "exorbitant" is a relative term. What may appear exorbitant to him may not be exorbitant to others. Ministers in previous constitution used to draw a sum of Rs. 3,500. The average salary which the present Ministers are getting is less by Rs. 1,500 than what their predecessors used to get. It requires no expert mathematician to find out the percentage of reduction which has been effected in the Ministers' salary. My opposition friends are wedded to the scale that has been prescribed by no less a person than Mahatma Gandhi. They are welcome to follow the Mahatma's views, though not adopting his ideals, and I am welcome to hold my own views. Ministers' salary is entirely dependent upon the vote of the House. Let us wait and see whether the House accepts the salaries which are proposed by my friend on the opposite or any other salary.

Now, as regards dilatoriness, I want to say only one word. My friend says that we could have waited a little longer in April than starting the Assembly on the 7th April in order to be ready with our Ministers' Salaries Bill. Sir, if we waited a few days more for the purpose of introducing this, that would not have helped our friends. A mere introduction will not help us to see the finale of that Bill. It must pass through three stages in this House and must go to the Upper House for ratification. So introduction of the Bill in April would not have achieved the end they have in view. Another argument has been advanced why the Bill could not have been passed in the beginning of this session. It could not have been passed early in the session, as, if rushed through there would have been no chance for hon. members to submit their amendments. Then it would have been said that discussion has been stifled. I have already explained why we had to call the session in August. I need not repeat it.

Lastly, Sir, my friend has stated that the report of the last Retrenchment Committee was not made public. Of course the discussions were not made public, but the conclusions were published in the shape of a resolution showing the recommendations, its ultimate reduction in cost and the present saving and what portion of that was given effect to by Government. That, I submit, provided the public, including members of the old Council, sufficient materials for knowledge of retrenchments proposed and effected. We could not make the entire discussion public, owing to orders from above.

In these circumstances, I feel that I have sufficiently replied to the second charge of the cut motion. And as regards the first, the House has already allowed the previous mover of the cut to withdraw his motion on the assurance that I have given to the House. I state, Sir the same assurance still continues and I believe that the House is of the same opinion.



SRIJUT GAURI KANTA TALUKDAR: Will the report of the Retrenchment Committee proposed be placed before the House in the next session of the Assembly?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Not the discussion, but the recommendations. Government's conclusions are in the resolution about which I mentioned the other day in reply to certain questions. This resolution is on the Library of the Assembly.

MR. FAKHRUDDIN ALI AHMED: On a point of information, Sir. Is the Hon'ble Finance Minister prepared to give us an assurance that he will make arrangements for the passing of the Salaries Bill before this House is prorogued; that the Bill will be taken up on the 1st September. Is the Hon'ble Minister prepared to approach His Excellency for extension, by a day or two, of the session?

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Do we gather that the *Assam Gazette* of October 7th, 1931, contains all the recommendations?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, all the recommendations.

BABU HIRENDRA CHANDRA CHAKRAVARTI: Is it a fact that the Hon'ble Minister is going to finish the question of Ministers' Salaries Bill in this session? I have seen in the *Amrita Bazar Patrika* that the question of Ministers' Salaries Bill will not be disposed of in this session by the Council.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, the Council is summoned by His Excellency and the duration of the session is in the discretion of His Excellency. I find that there will be a session of three days. It starts from to-day and finishes on Wednesday. Therefore it is apparent that the Council will not be in session on 1st September. The present session of the Assembly will continue till 1st September and we propose to finish the Ministers' Salaries Bill in this House.

THE HON'BLE THE SPEAKER: Does the hon. member want that his motion should be put to vote?

SRIJUT DEBESWAR SARMA: In view of the assurance given by the Hon'ble the Finance Minister, I may be permitted to withdraw the cut motion.

The motion was with the leave of the House withdrawn.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: I beg, Sir, to move that the provisions of Rs. 41,000 under grant No. 9, Major head—25—General Administration, Minor Head H.—Ministers (total), at page 64 of the Budget be reduced by Rs. 50.

Sir, in discussing this question I want to raise the question of the advice which this Government tendered to His Excellency in regard to the formation and the expenditure to be incurred in the formation of the Public Service Commission.

Sir, I think the House is unanimous in holding that the expenditure under the head Public Service Commission which comes to more than Rs.63 thousand is very large and is not proportionate to the financial condition of the province. It adds, I submit, to the financial burden of the over-burdened province.

We have, Sir, as members, two gentlemen; without meaning any personal disrespect to them, who are Government pensioned officers, they are getting good pension. Over and above, a salary of more than Rs.1,800 per mensem has been provided for the President and more than Rs.1,200 for each of the Members. Again, Sir, there is a



Secretary with a salary of more than Rs. 500 per mensem. Adding other establishment charges the whole expenditure comes up to more than Rs. 63,000 annually. So, I submit, Sir, that the interests of the masses have been ignored. We have heard enough of it in this House and we are here to represent the interests of the masses. They do not care for any constitution whatsoever if they are not supplied with a full meal. I therefore, submit, Sir, that the huge expenditure will not bring any relief to these poor people; rather it will add to their burden. The Ministers are also the children of the Assembly and they are also the representatives of the people and of the country. It is their duty to carry the wishes of the mass people to His Excellency the Governor and to give them proper and adequate advice in the matter.

It may be argued that it is a matter which appertains to the special responsibility of His Excellency the Governor in which he is to act in his discretion. Sir, in the message which His Excellency the Viceroy delivered to the people of India he made clear the duties of the Ministers as regards the subjects which were absolutely in the discretion of the Governor. In fact, that message is rather an instrument of instruction both to the Governors and to the different provincial Ministers. He clearly spoke out that it is the duty of the Minister to tender advice to His Excellency the Governor in every matter of the Executive Government including the range of matters in which the different provincial Governors are to act in their discretion. He also spoke out that if His Excellency differs on any point with the Ministry, he is to place the whole thing before the Ministry and to try his level best to come to some agreement with the Ministry. In case the Governor finds it impossible to follow the advice of the different Ministers in regard to any subject on matters of discretion, it is up to the Ministers to inform the public that they have no responsibility in the matter and that they are opposed to it. In this way I submit, Sir, the responsibility of the Ministers comes in, in regard to matters which are to be dealt with by His Excellency the Governor in his discretion. Here I find Sir, the Ministers did not say publicly that they were opposed to the establishment of the Public Service Commission at such a huge cost. We are therefore to take it that the Ministers agreed to it. I therefore submit that the Ministers failed, and failed hopelessly, to carry the wishes of the people to His Excellency the Governor and thereby failed to give proper advice. I therefore say, Sir, considering the huge expenditure, that we could have got the Public Service Commission at a much less cost to the province. The expenditure under head 'Public Service Commission' is too high and it should be the look out of the Ministers to press His Excellency the Governor to cut down the expenditure to what is reasonable. With these few words I resume my seat.

**THE HON'BLE THE SPEAKER:** The motion moved is that the provisions of Rs.41,000 under grant No.9, Major head 25—General Administration, Minor head H.—Ministers (total), at page 64 of the Budget be reduced by Rs.50.

**MAULAVI ABDUL MATIN CHAUDHURI:** Sir, I have got nothing to say against the personnel of the Public Service Commission. I respect their integrity; I respect their ability and I hope they will be impartial in the discharge of their duties. But I think, Sir, I shall be failing in my duty if I do not give expression to the sense of dissatisfaction and discontent that prevails amongst the Mussalmans of the Surma Valley that their claims for the appointment of a member to the Public Service Commission have been ignored. The Surma Valley Muhammadans form two-thirds of the entire population of Assam and there were highly competent persons available for



that post but for reasons just known to the Ministers themselves, the claims of these highly competent men have been ignored. I agree with the hon. mover of the motion that the Hon'ble Ministers have not properly discharged their duties in tendering their advice to His Excellency the Governor regarding the selection of a Muhammadan Member from the Surma Valley or of the Secretary of the Commission. With these few words I support the motion.

**KHAN SAHIB MAULAVI SAYIDUR RAHMAN:** On a point of information, Sir. Will the hon. member please inform us whether the present Ministry had any hand in the appointment of any member to the Public Service Commission? I remember the Hon'ble Ministers and the members of the Public Service Commission were appointed on the same date.

**MAULAVI ABDUL MATIN CHAUDHURY:** I think, the Hon'ble Chief Minister is in a much better position to reply to that question.

**THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA:** Sir, I listened very patiently to understand what was the aim of my hon. friend who moved this cut motion, but I could not get any illumination. Sir, may I ask the hon. mover for a reply whether his contention is that the present Ministers tendered their advice to His Excellency the Governor as regards the pay and personnel of the Public Service Commission?

**BABU DAKSHINARANJAN GUPTA CHAUDHURY:** My point is to discuss the action of Government in not tendering proper advice regarding the Public Service Commission.

**THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA:** Is it regarding the appointment of the Members or the salary of the members of the Public Service Commission?

**BABU DAKSHINARANJAN GUPTA CHAUDHURI:** The discussion is only with regard to the salary of the members.

**THE HON'BLE THE SPEAKER:** I find that different points of discussions have been raised in this House. The hon. mover moved this motion for one particular point and Maulavi Abdul Matin Chaudhury has suggested another point. I think, on such cut motions if such different points are introduced, the House will be in an embarrassing position. If the hon. member wanted to discuss this matter he ought to have tabled another motion for that.

**THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA:** Sir, the matter remains where it was. In the note which the hon. mover was pleased to give along with his cut motion, to indicate to the House, as well as to Government the intention of his cut motion, I find the word 'to discuss the action of the Government' and not this Government. I think my hon. friend has got the article 'the' purposely there. I state to this House that this Ministry had absolutely no hand either in the establishment of the Commission and the appointment of members or in the settlement of the scale of their salary. As the hon. members are aware, under section 264 of the Government of India Act, the Public Service Commission is one of the committance of the new constitution. Subject to the provisions of this section, there shall be a Public Service Commission for the federation and a Public Service Commission for each province. The question whether this provincial Government shall have its own Public Service Commission or whether they should combine with the neighbouring province or whether they would request the Central Public Service Commission to take up their work was discussed and settled long before this Ministry came into existence. Therefore, Sir, if my hon. friend's intention is to censure the present Government, he is hopelessly out of the mark. As regards the point raised by my hon. friend Maulavi Abdul Matin Chaudhuri that the claims of the Surma Valley



Muhammadans have been ignored, I plead ignorance of what led to the appointment of an Assam Valley Muhammadan rather than a Surma Valley Muhammadan. Moreover as you yourself, Sir, mentioned, this brings in another factor into discussion which is not intended by the original mover himself. He never raised any question why a particular Valley or a particular interest was not represented in the Public Service Commission, but his contention is, why such a high scale of pay was granted by His Excellency the Governor of Assam to the personnel of the Public Service Commission.

The next point that I must place before the House is that under section 268 of the Government of India Act, the expenses of the Federal or provincial Public Service Commission shall be charged on the revenues of the Federation or the province and therefore I do not think, Sir, that this House is competent to reduce the amounts that have been provided in the budget.

**BABU RABINDRA NATH ADITYA :** On a point of information, Sir. Is it not the duty of the Ministry to advise on appointments, which have already been made without their advice.

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** If His Excellency asks our opinion on the matter, a matter which is in his discretion, surely the Ministry will tender their advice.

**BABU RABINDRA NATH ADITYA :** Can they not tender advice even if it is not sought ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** It is perfectly clear, Sir, that matters which are in the discretion of His Excellency the Governor, are entirely out of the jurisdiction of the Ministers and, therefore, unless and until His Excellency seeks the advice of the Ministers, in matters concerning his 'discretion' field the Ministers do not tender their advice or opinion.

**BABU KAMINI KUMAR SEN :** On a point of information, Sir. As regards provisions which are charged, is not this House entitled to discuss them ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** They can discuss, but they cannot reduce. The motion is for a reduction of Rs. 50 of the provision.

**KUMAR AJIT NARAYAN DEV :** On a point of information, Sir. Are the members of the Public Service Commission responsible to the present Ministry ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** No, Sir, they are not responsible at all.

**BABU DAKSHINA RANJAN GUPTA CHAUDHURI :** Do the Ministry consider it their duty to advise His Excellency in matters which are entirely in his discretion ?

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

**RAI BAHADUR PROMODE CHANDRA DATTA :** May I be permitted to point out, Sir, that if this House does want to reduce the salaries of the members of the Public Service Commission, it can present an address to His Excellency to that effect ; Ministers can do nothing.

**THE HON'BLE THE SPEAKER :** This is a cut motion not on the amount provided for the Public Service Commission but on the amount provided for the Ministers.

**BABU DAKSHINA RANJAN GUPTA CHAUDHURI :** On a point of information, Sir. May I take it that the Hon'ble Chief Minister is ready to convey to His Excellency the wishes of the House in matters of discretion ?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: As my hon. friend Rai Bahadur Promode Chandra Datta has already indicated, there is a definite procedure laid down in the Act, and if that procedure is followed there will be no difficulty. Even if that procedure is not followed, I am sure His Excellency will read the proceedings and know the wishes of the House in the matter.

SRIJUT GOPI NATH BARDOLOI: Will not, in such circumstances, the Ministry be pleased to advise His Excellency?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I already said that in matters, which are entirely in his discretion, the Ministry do not advise unless and until their advice is sought.

SRIJUT GOPI NATH BARDOLOI: Even for the purpose of conveying the wishes of the House?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: As I said, His Excellency will read the proceedings and know the wishes of the House.

SRIJUT GOPI NATH BARDOLOI: Is it not to be carried through the Ministry?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Not necessarily.

THE HON'BLE THE SPEAKER: There is a rule according to which the daily proceedings are reported to His Excellency.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: May I read an extract from His Excellency the Viceroy's speech?

THE HON'BLE THE SPEAKER: The hon. member ought to have mentioned this in the course of his speech.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: I have done it, Sir. Here is an extract from His Excellency the Viceroy's speech and I have it from the *Statesman* of 22nd June.

"I have already stated that Ministers have the duty of advising the Governor over the whole range of the executive government within the ministerial field, including the area of the special responsibilities".

I want to know from the Hon'ble Chief Minister whether he is ready to abide by the suggestion given by His Excellency the Viceroy.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am perfectly ready; it is no suggestion, it is in the Act itself but it is limited by the words "ministerial field". The limitation is there.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: What about "including the area of the special responsibilities"?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am coming to that.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Within the sphere of ministerial activity the Governors are bound to follow the advice of the Ministers, but in regard to matters in his discretion it is the duty of the Ministers to advise him. It is up to His Excellency to agree to that advice or not to agree. But Ministers must go on advising.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, my friend is rather confusing two matters. According to the Government of India Act there are three different spheres of action of His Excellency. The first is the sphere of pure ministerial activity in which His Excellency is bound to accept the advice of the Ministers then functioning. Then there is the second field, i.e., matters in the individual judgment of His Excellency the Governor. There the Ministers are entitled to give advice, but it is open to His Excellency to accept that advice or not. This field is referred to by His Excellency the Viceroy. There is a third field,



i.e., the field of activity in which His Excellency's discretion is supreme. There the Ministers' advice is untenable. He may ask the advice of his Ministers, he may accept or may not accept it. He need not ask for their advice at all. This is a sphere which is beyond the jurisdiction of ministerial activity.

BABU RABINDRA NATH ADITYA: It is not covered by special responsibilities. It is the question of the Public Service Commission, and there is no legal bar for the Minister to advise His Excellency.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is a matter of "discretion", and not of special responsibility.

BABU RABINDRA NATH ADITYA: Is there any legal bar?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The hon. member may form his own opinion. There is no legal bar, but no statutory enforceability of acceptance of advice given.

THE HON'BLE THE SPEAKER: The Hon'ble Chief Minister has made his views perfectly clear. Unless his advice is sought he is not going to thrust it upon His Excellency; if his advice is sought he is willing to give advice.

BABU RABINDRA NATH ADITYA: I wanted to know, Sir, whether there is any legal bar in advising the Governor, even if the advice is not sought.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have made it perfectly clear. I have nothing to add.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Is he not prepared to create a convention?

THE HON'BLE THE SPEAKER: No question of convention comes in. Now the hon. mover will decide what he will do with the motion.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: I beg leave of the House to withdraw my motion.

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

SRIJUT MAHADEV SARMA: Sir, I beg to move that the provision of Rs.35,260 under Grant No. 9, Major head 25.—General Administration, Minor head—K.—Provincial Legislative Council (total), at page 65 of the Budget be refused.

(Abolition of the Provincial Legislative Council.)

সভাপতি ডাঙৰীয়া, সমগ্ৰ দেশবাসিন্দাৰ প্ৰতিবাদ, আওকান কৰি ১৯৩৫ চনৰ Government of India Act এ দুখীয়া আশায় প্ৰদেশৰ ওপৰত যি দ্বিতীয় পৰিষদ জাপি দিছে সেই পৰিষদৰ বিৰুদ্ধে কাৰ্য্যকৰী ভাৱে প্ৰতিবাদ জনাবৰ কাৰণে আকতাক যিমান দূৰ সম্ভৱ কাৰ্য্যকৰী কৰিবৰ কাৰণে আমাৰ ওচৰত যি প্ৰথম পস্থা উপস্থিত হৈছে তাৰ সন্মোগ লৈয়েই মই এই প্ৰস্তাব আনয়ন কৰিছোঁ। সভাপতি ডাঙৰীয়া, এই দ্বিতীয় পৰিষদক আমাৰ দেশৰ মানুহে "মহতকৈ শিং চৰা" বুলি বিবেচনা কৰে। তেওঁবিলাকে বিবেচনা কৰে যে তেওঁবিলাকৰ আৰ্থিক অৱস্থালৈ চালে তেওঁবিলাকে প্ৰতিক্ৰিয়াশীল আৰু অনিষ্টকাৰী, এনে ধৰণৰ পৰিষদৰ ব্যয় বহন কৰিবলৈ অক্ষম। প্ৰজাপক্ষৰ প্ৰতিনিধি হিচাবে আহি প্ৰজাৰ সেইমত স্পষ্ট ভাবে ব্যক্ত কৰিবৰ এয়ে সন্মোগ। এই সন্মোগ এৰিব নোৱাৰি স্পষ্টভাৱে এই অভিনত প্ৰকাশ কৰোঁ যে এই পৰিষদ আমাৰ প্ৰদেশৰ নিমিত্তে অতি অনাবশ্যক। যিসকলে দ্বিতীয় পৰিষদৰ আবশ্যকতা অনুভৱ কৰে তেওঁবিলাকে পোন প্ৰথমতে এটা যুক্তি দেখুৱায়। তেওঁবিলাকৰ



যুক্তিটো হৈছে এই যে, যি গবৰ্ণমেণ্টৰ জৰিয়তে আমি শাসন বিষয়ক এই ক্ষমতা পাইছোঁ সেই গবৰ্ণমেণ্টৰে দুটা পৰিষদ আছে। সেই দুটা পৰিষদ থকা গবৰ্ণমেণ্টৰ পৰা আমাৰ প্ৰস্তাব ক্ৰমে যেতিয়া আহিছে, দায়িত্বপূৰ্ণ শাসন পাবলৈ গলে তেওঁবিলাকে আমাৰ প্ৰদেশবিলাকতো সেইদৰে দ্বিতীয় পৰিষদ থকা শাসন বিধান দিবলৈ ইচ্ছুক। মই বিবেচনা কৰোঁ যে তেওঁবিলাকে যি যুক্তিৰ ওপৰত নিতৰ্ৰ কৰি এই দ্বিতীয় পৰিষদৰ আৱশ্যকতা প্ৰতিপন্ন কৰি চেষ্টা কৰে, সেই যুক্তিত কোনো সাৰ নাই। আক সেই যুক্তিত বহুতো আলোচনাই আছে। প্ৰথমতে, যি দেশৰ পৰা সেই আদৰ্শ অনা হৈছে সেই দেশ স্বাধীন। ভাৰতবৰ্ষ স্বাধীন নহয়। ভাৰতীয় প্ৰজা সকলে স্বাধীনতা লাভৰ কাৰণে অহা পুৰুষাৰ্থ কৰি অহা স্বাৰ্থও যি ক্ষমতা এই আইনৰ জৰিয়তে দিয়া হৈছে, মই বিবেচনা কৰোঁ যে সেইক্ষেত্ৰত ক্ষমতাও এই দ্বিতীয় পৰিষদৰ দ্বাৰা অপহৰণ কৰা হৈছে। লিথিয়ান কমিটিৰ বিপৰীতে এই বিষয়ে সঠিক মিমামসা আমাক দিয়া নাই। আমি বৰ্ত্তমান সময়ত আমাৰ দেশৰ অৱস্থা বুজি যি কাৰ্য্যপদ্ধতিতলৈ আগ বাঢ়িব খোজোঁ, এই দ্বিতীয় পৰিষদৰ দ্বাৰা সেই কাৰ্য্যপদ্ধতিক বাধা দিয়া হৈছে। আমি ধন্য চুখীয়া আৰু ৰাজনৈতিক মতামত বা সম্প্ৰদায় সকলো মিলি স্বাধীনতা পাবলৈ আগ বঢ়াত ই বাধা হৈ দিব, সহায় নকৰে। ই আমাৰ ৰাজহুৱা মত পদদলিত কৰিব আৰু আমাৰ যিবিলাকৰ দ্বাৰা নিৰ্দ্ধাৰিত হৈ এই সন্থাতলৈ আহিছোঁ তেওঁবিলাকৰ উন্নতিৰ কাৰণে আমি কোনো ভাল বিধান কৰিলে উচ্চ পৰিষদে সেই বিধানবিলাক নাকচ কৰিবও পাৰে। তেনে অৱস্থাত আমি কেতিয়াও এই দ্বিতীয় পৰিষদ মানি লব নোৱাৰোঁ। প্ৰথমৰ দৰা আৰম্ভ কৰি এতিয়ালৈকে আমাৰ প্ৰদেশত এই দ্বিতীয় পৰিষদ স্থাপন বিষয়ে যিবিলাক ঘটনা দেখা পাইছোঁ তাতে স্পষ্টকৈ প্ৰমাণ হয় যে আৰম্ভৰে পৰা আমাৰ দেশৰ মানুহে এই পৰিষদৰ বিৰুদ্ধে মতামত প্ৰকাশ কৰি আহিছে। আন কথা নালাগে। ১৯৩২ চনত যোৱা লেজিচলেটিভ কাউন্সিলত দ্বিতীয় পৰিষদ লাগে নোৱাৰে বুলি এটা প্ৰস্তাব অনা হৈছিল।

তেতিয়া যি আলোচনা হৈছিল তাত দেখা যায় যে আমাৰ দেশত দ্বিতীয় পৰিষদ নালাগে বুলি মতামত প্ৰকাশ কৰা হৈছিল। সেই প্ৰস্তাব অগ্ৰাহ্য হৈছিল চাইমন কমিচনে যি ৰিপোৰ্ট দিছিল তাত আসাম প্ৰদেশৰ কাৰণে দ্বিতীয় পৰিষদৰ ব্যৱস্থা কৰা নাছিল আৰু লিথিয়ান কমিটিয়েও সেই বিষয়ে কোনো সঠিক মতামত দিয়া নাছিল। ১৯৩৫ চনৰ আসাম লেজিচলেটিভ কাউন্সিলত যেতিয়া সেই সম্বন্ধে আলোচনা হৈছিল, তেতিয়া দেখা যায়, অধিকাংশ সভাই এই পৰিষদ স্থাপনৰ বিৰুদ্ধে মত প্ৰকাশ কৰিছিল। কাজেই অন্যান্য কথা নকলেও ইয়াৰ পৰাই বুজা যায় যে উক্ত সভাই সেই মত কেতিয়াও গ্ৰহণ কৰা নাছিল। দ্বিতীয় পৰিষদটো আমাৰ পক্ষে বহণ কৰিব নোৱাৰা বোজা, আৰু ইয়াৰ দ্বাৰা আমাৰ ককাল ভঙা হৈছে। আমি এইটো কথা সকলোৰে জানো যে যিবিলাক অৱস্থাৰ ভিতৰেদি আমাৰ প্ৰদেশত এই পৰিষদ হবলৈ



সুযোগ পালে সেই কথা বহুলাই কবৰ দৰকাৰ নাই। যি সকলে সম্ভৱ বাঞ্ছা, সিবিলাকে  
 জানে যে আমাৰ গৱৰ্ণমেণ্টে কি কাৰণে বাধ্য হৈ একেবাৰে সুবাসুৰি সময়ত (১৯৩৫ চনৰ)  
 দ্বিতীয় পৰিষদ অনুমোদন কৰিলে। ১৯৩৫ চনৰ কাউন্সলৰ আলোচনা প্ৰসঙ্গত  
 এই দ্বিতীয় পৰিষদ নালাগে বুলি মতামত দিয়া লোক সকলৰ ভিতৰত আমাৰ বৰ্তমান  
 মন্ত্ৰী ডাঙৰীয়াৰ ছুজনৰ নামো ওলাইছে। মই অৱশ্য কব নোৱাৰো, ৰাজনীতি ক্ষেত্ৰত  
 পৰি তেখেত সকলৰ মহামত বৰ্তমানে পৰিবৰ্তন হৈছেনে নাই। কিন্তু তেতিয়া হলে স্পষ্ট  
 ভাবে সিবিলাকে এই দ্বিতীয় পৰিষদ আমাৰ নিতান্ত অনাবশ্যক আৰু ইয়াত কাৰো  
 সমৰ্থন নাই বুলি মত প্ৰকাশ কৰিছিল। অকল সেই দুজন সভ্য অৰ্থাৎ বৰ্তমান  
 স্বায়ত্ব শাসন বিভাগৰ মন্ত্ৰী আৰু ৰাজহ বিভাগৰ মন্ত্ৰী এই দুজনেই তাত আপত্তি কৰা  
 নাছিল। সেই দৰে বিবেচনা কৰা বহুতো সভাৰ নাম সেই লিখিত দেখিবলৈ পাইছো  
 খান বাহাদুৰ মৌলবী কেৰামত আলী, শ্ৰীযুক্ত হীৰেন্দ্ৰ চন্দ্ৰ চক্ৰবৰ্তী, মৌলবী মনাওৱছালী  
 প্ৰভৃতি পূৰ্বৰ আৰু আমাৰ দলত থকা বৰ্তমান সভ্য সকলৰো সেই সেই বিষয়ে কেইবা  
 জনৰ মতামত তেনেকুৱাই আছিল। মই আশাকৰো যে এতিয়া এনে অৱস্থাৰ পৰিবৰ্তন  
 হোৱা নাই, যি অৱস্থাত পৰি সিবিলাকে সেই ভাব পৰি ৰ্তন কৰিব লগীয়া হৈছে,  
 যি সময়ত এই বিষয়ে আলোচনা চলিছিল, সেই সময়ত আমাৰ ফাইনান্স মিনিষ্টাৰ  
 ডাঙৰীয়া তেতিয়া Executive Councillor আছিল। তেখেতে তেতিয়া (১৯৩২ চনত)  
 কোনো মতামত প্ৰকাশ কৰা নাছিল। তেখেতৰ মনোভাবৰ পৰা বুজিব পাৰি যে  
 তেখেতে এনে পৰিষদৰ কথা তেতিয়াও সমৰ্থন কৰা নাছিল। ভাৰতৰ অন্যান্য সিবিলাক  
 প্ৰদেশ আমাৰ দেশতকৈ সকলো বিষয়ে উন্নত, সেই বিলাকৰ ভিতৰৰ বা বহুত প্ৰদেশত  
 দ্বিতীয় পৰিষদ দিয়া হোৱা নাই। পাঞ্জাব, চেণ্ট্ৰেল প্ৰভিন্স, উড়িষ্যা, নৰ্থৱেষ্টেৰ্ন,  
 ক্ৰিষ্ণাৰ প্ৰভিন্স, সিন্ধু প্ৰদেশ এই বিলাকতো দ্বিতীয় পৰিষদ নাই। মই এই আশা কৰো  
 এই বিলাক প্ৰদেশ আমাতকৈ বহুতো বিষয়ত উন্নত। এনে উন্নত প্ৰদেশতো দ্বিতীয়  
 পৰিষদৰ আবশ্যকতা হোৱা নাই। সেই বিলাক প্ৰদেশত লগত আধিক্য অৱস্থা হিচাবে ও  
 আমাৰ প্ৰদেশৰ তুলনা কৰিলে এইটো কথা স্পষ্টকৈ ওলাই পৰে যে আমাৰ প্ৰদেশ  
 আমাৰ ৰাজহৰ তুলনাত এনেধৰণৰ ব্যয় বহুল অনুষ্ঠান বহন কৰিবলৈ নিতান্ত অক্ষম।  
 আপোনালোকে জানে যে যি নতুন শাসন নীতি আমাৰ দেশত প্ৰৱৰ্তিত হৈছে, সেই  
 শাসন নীতি আনিবৰ কাৰণে ৬ বছৰ মান আগৰে পৰা যি বিলাক কমিটি, বাউণ্ডেবুল  
 কনফাৰেন্স আদি হৈছিল, তাৰ কাৰণে যিমান খৰচ হৈছে আৰু তাৰ বিধান বিলাকৰ  
 পৰা ৰায়তৰ ওপৰত যিমান বিলাক খৰচৰ বোকা পৰিছে সেই বিলাককে আমি  
 বহন কৰিব নোৱাৰা হৈছোঁ। সেই বিলাক ব্যয় বাহুল্য ক্ষমতাকে আমি বহুত  
 দানদি কিনিব লগীয়া হৈছোঁ। এনে পৰিষদৰ দ্বাৰা আকৌ আমাক শাসিত হবলৈ



দিয়া লৈছে আৰু আশা আকাঙ্ক্ষাৰ বিৰুদ্ধে যাবলৈ বাধ্য কৰিছে। সেই গতিকে মই আশা কৰো যে কোনো প্রতিনিধিয়ে তেওঁবিলাকৰ দাবী কিংবা কোনো বিষয়ত সিবিলাকৰ আশা আকাঙ্ক্ষাৰ সিদ্ধান্তলৈ আহি কেতিয়াও এনে এটা পৰিষদৰ দ্বাৰা তেওঁবিলাকৰ যেই সেই সিদ্ধান্ত অগ্রাহ্য কৰিবলৈ নিদিব। কাৰণেই, আমাৰ প্রধান আপত্তি দুটা—নীতি দিচাবে আৰু আমাৰ অৰ্থকৰী নীতি হিচাবেও মই প্রস্তাব এই বিধানৰ বিৰোধ কৰা হিচাবে উপস্থিত কৰিছোঁ। মই আশা কৰো আপোনালোক সকলোৰে মোৰ এই প্রস্তাব সমর্থন কৰিব।

**MAULANA ABDUL HAMID KHAN:** Sir, দ্বিতীয় পৰিষদেৰ আবশ্যকতা আছে, ইহা কোন রকমই স্বীকাৰ কৰিতে পাৰি না। শুধু বাঙ্গাল খেদা আন্দোলনেৰ ফলেই ইহাৰ আবশ্যকতা রহিয়াছে। আসামে অসমীয়া, বাঙ্গালী, আসাম ভেলী, হুংমা ভেলী ইত্যাদি নানা প্রকাৰ ভেদবুদ্ধি স্থিতি হওয়ায় পরস্পরের মনে নানা রকম সন্দেহের উদ্ভেদ হইয়াছে। বিশেষতঃ আসামে বাঙ্গালীৰ সংখ্যা এত মুষ্টিমেয়—তাহাদেৰ সংখ্যা এত লঘু যে সংখ্যাগুরু অসমীয়াদেৰ দ্বাৰা যে তাহাদেৰ স্বার্থ আদায় হইবে তাহা মনে হয় না। যদি আমাদেৰ মধ্যে মিলন সম্ভবপর হইত তাহা হইলে এই অনাবশ্যকীয় জিনিষটা উঠাইয়া দেওয়া কোন ক্রমেই অমুচিত হইত না। যেখানে 'বাঙ্গাল খেদা আন্দোলন' পূৰ্বাপর প্রবল ভাবে চলিতেছে সেখানে Upper Chamber উঠাইয়া দিলে বাঙ্গালীদেৰ স্বার্থেৰ হানি হইবে যেহেতু তাহারা সংখ্যায় লঘু। আমি আশা কৰি যে Upper Chamber উঠাইয়া দিবান্ন সঙ্গে সঙ্গে সমস্ত আশাম প্রদেশেৰ হিন্দু-মুসলমান, আসাম ভেলী, হুংমা ভেলী এবং বাঙ্গালী এবং অসমীয়া দেৰ মধ্যে মিলন স্থাপন করা উচিত। মিলনেৰ অভাবে অনেকট হয়ত বলিবেন যে Upper Chamber থাকা উচিত। সমস্ত সম্প্রদায়ের মধ্যে মিলন স্থাপন না হওয়া পর্যন্ত Upper Chamber আমি সমর্থন কৰিতেছি। বাঙ্গাল খেদা আন্দোলন উঠিয়া গেলে, আপাৰ চেম্বাৰ রাখিবাব কোনই আবশ্যকতা থাকিবে না।

**MR. NABA KUMAR DUTTA:** I do not want to waste the valuable time of this House by dilating elaborately on the uselessness of a second chamber. Even the most properly constituted Second Chamber, that is a Second Chamber elected wholly by the lower House or elected on the same principle as the lower House is absolutely useless. It is only a duplication of the lower House and involves considerable waste of time and money. But, Sir, wherever it is constituted on principle quite different from that on which the lower House is constituted, it becomes a tremendous evil and if any power is given to such a House it means a negation of democracy. Sir, the British House of Lords is allowed to stay only because it has been deprived of its power by the Parliament Act of 1911. The noble Lords adorn the House of Lords more by their absence than by their presence. In this province the Upper House is so constituted that I should like to call it a cancer on the provincial autonomy that has been granted to this province. It is supposed to represent the minorities and special interests. It is ridiculous that not a single Assamese Hindu can be elected to this House and hence an Assamese had to be given a seat by nomination. In a House of 21 members there are only



5 Assamese members out of whom three are nominated. Out of these three one is a Hindu, one a Muhammadan and one a scheduled caste. This is the state of affairs in this Noble House of our province. Is there any sense in craving for such a House? Now Sir, if we examine its utility, we shall be still more disappointed. Great care has been taken to see that special interests and minorities are well protected in this Assembly by the Government of India Act. Again the special interests and minorities are well represented in the Assembly. Then again the Governor has adequate power to prevent any inequitable legislation. On the top of all these it is quite meaningless to plead that the Upper House is required for the protection of the minorities and special interests.

Now comes the question of finance. Why was this unwanted and harmful project imposed on this province at so much cost and why is Government wasting this money? It is no use saying that the Upper House is an established fact and we must allow it to stay. It is better to prevent a malady. But if we do not succeed in doing this we must try to cure it. Now as we have failed to prevent this malady from our body politic, in the nature of a Second Chamber, we must now try to remove it. I know that the process by which the Second Chamber may be abolished is a very complicated one. But that is no reason why we should not now record our protest. I hope the Ministry will respect the sense of this House by moving to have this House removed.

KHAN BAHADUR MAULAVI KERATAT ALI: I support this motion. This is a subject which divides father from son. Sir, though I opposed the creation of this House in the last Legislative Council, it will be found that my hon. friend Rai Bahadur Nilambar Dutta, who is the father of Mr. Naba Kumar Dutta, supported the establishment of this House. I am glad to find that Mr. Naba Kumar Dutta, supports my view. I opposed the establishment of the Upper House from the point of view of finance and because a poor province like Assam cannot afford to have an Upper Chamber which is not at all necessary. You will be surprised to hear that the building alone has costed us about a lakh of rupees. This was surely a waste of money and in a province like ours, I do not know who advised the Government to have a Council like this.

MR. JOBANG D. MARAK: I shall say only a few words. His Excellency the Governor has the power to check whatever resolution is passed by this House with regard to the Upper Chamber. We are not in position to take action finally and I do not think it is necessary to waste our time now. The building has been finished for the Upper Chamber and every thing has been finished. It is too late to decry that now. Unless we get any information from Government whether they are prepared to take action, it is no use taking into consideration this motion.

SRIJUT MAHI CHANDRA BORA: Sir, I shall be failing in my duty if I do not add a few words to the motion before this House. During the lifetime of the last Council an hon. member from the constituency from which I hail moved a resolution for a Second Chamber or the House of elders for Assam. The theme of the argument of the supporters of the resolution, was that the Lower House was expected to be unruly and of an extremist character, and that people might even mean license when they would cry for liberty and as such a curb on their enthusiasm was a necessity. The House of elders was justified as a sort of break on our constitutional car. The Hon'ble the Revenue Minister who was then a toiling member like ourselves opposed the resolution with all the vehemence he could command, and the result was that



the resolution met with the fate it deserved. But, inspite of the clear verdict of that House and the report of the Simon Commission to the contrary this Chamber has been thrust upon this poor province. Sir, this Upper Chamber is a fifth wheel to our constitutional coach, and the intentions of those who have introduced this Chamber are clear and apparent. We have realised by now how vested interests in our House are secured, how a particular group has been securing the key position in this Chamber and how the balance of power has been actually lying in their hands. And yet the institution of a Second Chamber has been deemed proper by the powers that be, without the assignment of any reason therefor. It is intended to serve as an additional check—a sort of counterpoise or safeguard for vested interests.

Sir, let us compare the powers and functions given to either Chamber, the difference in the life-time of the two Chambers and their relations to one another. Sir, the Second Chamber has concurrent and equal powers in matters of legislation and general supervision of the administration with our House. Section 74(1) of the Government of India Act contemplates that all Bills, subject to certain exceptions, must be passed by both Chambers in an identical form. Note the word "identical". Sir, what will be the fate of our Sylhet Tenancy Bill for example, when it is passed in this House in some form, and it is returned to this House by the Upper House after incorporating some amendments? If this House refuses to pass the Bill as amended, then its fate is almost sealed. Unless it is passed in an identical form, it can never be forwarded to His Excellency the Governor for assent. Moreover there are certain provisions in the Bill which says that this Upper Chamber will be entitled not to consider a Bill for 12 months unless His Excellency intervenes.

Then, Sir, what about the difference in the life-time of the two Chambers? The life-time of the Lower House is limited to five years and His Excellency in his discretion may dissolve this Chamber sooner. But the Upper House is a permanent body and its tenure is permanent. Only within three years one-third of the members composing that body will be changed. And thus it is likely to be out of touch with the people whom it represents. Again, Sir, none of the Hon'ble Ministers in this House are members of that Chamber, and there will be legal complications and difficulties, if they want to initiate any legislative measures in that Chamber, because they are not members of that House. Again, Sir, all the Hon'ble Ministers and ourselves have been lamenting over the paucity of funds for the amelioration of the condition of the people. I think, Sir, the expenditure over the Upper Chamber can better be utilised in removing some of the glaring grievances of the poor and distressed people of the province. From whatever point of view we look at it, Sir, I think the sooner the Upper Chamber is abolished, the better for all concerned. I therefore support the motion which has been moved by my hon friend.

MAULAVI DEWAN MD. AHBAB CHAUDHURY VIDYABINODE: Sir, on the principles of democracy and economy, I agree with my hon. friend that the Upper House should be abolished. But there are also other questions which await solution, the most important of which is the protection of minorities. Unless and until this urgent question is solved, we are not ready to surrender ourselves to the mercy of the majority community. We the Musalmans in Assam are a minority community and we feel it to be unsafe to surrender our rights to them. One point should be made clear. We are also advocates of freedom and are not an inch behind in our demand for freedom than our friends opposite. But before we come to a solution, we must discuss this point and then come to a conclusion. Sir, we have



not yet got that assurance from the organ of the majority community, mean the Congress, and that is why Mr. M. A. Jinnah has raised the standard of revolt against the Congress. So if, the problem of minority is solved I shall gladly support the motion moved by my hon. friend.

The question is an all-India one. I think the question will be discussed seriously and a way will be found out to bridge the differences between the two communities. I would have supported the motion, if it were not for the question of minorities and the safeguarding of religion. I would therefore request him to postpone the question so that the question may be discussed.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, the hon. mover is fairly correct in the history which he has given regarding the creation of a Legislative Council for this province. It is indeed true that the Assam Legislative Council of the past recorded its protest against the establishment of such a House for this province. But I must state in fairness that the resolution was defeated with the help of the casting vote of the Chairman.

SRIJUT SARVESWAR BARUA: Was the resolution passed or negatived Sir?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The protest against the establishment of the Council was expressed by the casting vote of the Chair and the resolution was negatived.

As I have already stated, Government before 1935 had also expressed the opinion that no such House was necessary in this province. But suddenly in the year 1935, the Government recommended that there may be a Second Chamber in this province and they did so without consulting the old Legislative Council. I am not in a position to say what were the reasons which prevented the Government of that time from consulting the House. I think this subject will be much better discussed in the resolution which has been tabled by my hon. friend Srijut Kameswar Das and that resolution has taken a fairly high place in the ballot. Sir, even though this House may be agreed that there is a demand for abolition of the Upper House, the difficulties of fulfilling that demand are rather great. Even if the resolution which has been tabled by my hon. friend Mr. Kameswar Das is carried and Government gives consent to that resolution, the difficulty still remains that no action can be taken before the expiry of 10 years from this day. In this connection I would draw the attention of the House to sub-section (3) of section 308 of the Government of India Act, 1935, which runs as follows:—

"So far as regards any such amendment as is mentioned in paragraph (c) of the last preceding sub-section, the provisions of sub-section (1) of this section shall apply to a resolution of a Provincial Legislature whenever passed, but, save as aforesaid, those provisions shall not apply to any resolution before the expiry of 10 years, in case of a resolution of the Federal Legislature, from the establishment of the Federation, from the commencement of Part III of this Act."

The only other course which is left open for Government would be to forward the proceedings of this House for an action under sub-section (4) which reads thus.—"His Majesty in Council may at any time before or after the commencement of Part III of this Act, whether the 10 years referred to in the last preceding sub-section have elapsed or not and whether any such address as is mentioned in this section has been submitted to His Majesty or not, make in the provisions of this Act any such amendment as is referred to in sub-section (2) of this section." So, Sir,



that is the position and I hope, in these circumstances, the hon. member would do well to withdraw this motion and if he wishes that further discussion should take place this can be done when the resolution of my friend Mr. Kameswar Das comes before the House.

BABU KAMINI KUMAR SEN: Does the question of abolition of the Upper Chamber come under sub-section (3) of section 308?

THE HON'BLE THE SPEAKER: Yes, it comes under section 308(3). It provides that such a resolution can be moved recommending any such amendment of the Act and it also prescribes a time limit after which the procedure laid down in section 308(1) is to be followed. Then sub-section (4) provides that His Majesty can at any time abolish the Chamber. Therefore other members are quite entitled to move a resolution, even though the Ministry do not propose to do so. Then the attention of the authorities may be attracted and if His Majesty be pleased he may take up the matter even before 10 years from the date on which Part III of the Act came into force.

BABU KAMINI KUMAR SEN: So far as I can see, the question of abolition of the Upper Chamber is contained in sub-section (2)(b) which is as follows:—"any amendment of provisions relating to the number of Chambers in a Provincial Legislature or the size or composition of the Chamber, or of either Chamber of a Provincial Legislature, or to the method of choosing or the qualifications of members of a Provincial Legislature."

THE HON'BLE THE SPEAKER: The hon. member will please read sub-section (3)—latter portion.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not quite finished. Another complaint which has been made by my hon. friend Mr. Naba Kumar Datta is as regards the paucity of Assamese members in the Upper House. I think the only remedy for this is to recommend the lowering of franchise. Until and unless franchise is lowered that cannot be remedied.

Then another suggestion which has been given by my hon. friend Maulavi Dewan Md. Ahab Chaudhuri comes rather as a news to me because we have throughout seen that the Muslim community as a whole in the past were opposed to the establishment of the Second Chamber.

MAULAVI MUNAWWARALI: I support this motion whole-heartedly (applause). As it is well-known since the very beginning of the movement towards this Reform the Muslim community by an overwhelming majority in this Province has been opposed to the institution of a Second Chamber in this province. In their Memorandum presented to the Simon Commission the Assam Muslims strongly opposed the establishment of a Second Chamber. Then came the Lothian Committee before whom the final opposition was made. Sir, what was the decision of the old Council? The decision was that this province did not want a Second Chamber. What was the opinion of the Assam Government that preceded the present? They also opposed before the Simon Commission the establishment of a Second Chamber in Assam and that was during Sir Laurie's time. Then the Second Chamber by surprise came upon us in spite of our wishes and desires not to have it. Why do we oppose a Second Chamber? Are we alone in our opposition? It is not so. It has been said by one hon. member on the floor of this House that it is an all-India question. I repudiate that it is not an all-India question. It is a provincial question, it is a domestic matter. What do we find in the 11 provinces of India? Out of 11 provinces 6 have supported or perhaps got it in spite of their desire as here in Assam and five others. A province with Muslim majority



like the Punjab has refused this Chamber. That is the Muslim idea of the thing and on what is this idea founded? This is not necessary. This is an additional cost which any province in India cannot bear. It is a mere duplication of the Lower House and whether or not it is a duplication will be found by a reference to the composition of the two chambers. What do we find in the proportion of seats allotted to different communities? What do we find here in the Second Chamber? The proportion of seats allotted to different communities is reflected from the Lower House to the Upper House. The proportions are practically the same.

One of my hon. friends on this side has raised the question of protection of minorities. Does the Second Chamber in Assam protect minorities? There are 21 members including the three nominated members. The number of Muslims comes to 7 as against 12. Have my hon. friends a protection thereby? It is not so. Even by a combination of all the minority community members which comes up to 9 including the two Europeans, that great object of my hon. friend cannot be achieved.

Sir, one very important point involved in this is the difficulty of His Excellency the Governor. The Second Chamber is a duplication of the Lower House and as it is the case in this province, when a Bill is passed by the Lower House it is bound to be endorsed by the Upper House. If it is passed against the interests of the minorities, what happens? The Governor's difficulties become all the more great. He can veto the wishes of one chamber, but he cannot perhaps, persuade himself to veto the decision of two Houses concurrently. Does it serve as a buffer? At all events the Second Chamber in Assam is perhaps, not so.

Time is short and the question has been discussed in this province threadbare in and outside the Chamber and it needs no reiteration.

Sir, various other constitutional issues are involved in this which I shall bring to the notice of this House. The Second Chamber has been tried in various countries in the world and I invite hon. members of this House to tell me, whether it is a success or failure. Even regarding the House of Lords which is the greatest buffer, there is the question raised very prominently if the House of Lords should not be abolished. It is in these days of democracy that we have a buffer like this. This buffer is a stumbling block—a dilatory House. What has been experienced in these few days here? We cannot do anything. This is a stumbling block. We have not been able to achieve anything on account of that great demon. Therefore, I hope the hon. members will be at one with the hon. mover of the motion in supporting him. At the same time I wish to speak one word to the Ministry. As the Leader of the House, it was the incumbent duty of the Hon'ble the Chief Minister to echo the opinions of the people of the province that they do not want a Second Chamber here.

**SRIJUT GOPI NATH BARDOLOI:** Sir, I want to add one word to the debate. That is in respect of the difficulty which has been raised by the Hon'ble Revenue Minister. It is a well known constitutional principle that we can attack the position of the Government from two different standpoints, we can criticise the Government for the purpose of a cut motion; but when the House is very emphatic, it can also refuse to vote supplies. We have taken this latter course to show very clearly what the opinion of this House is in regard to this matter. I therefore think that the motion is quite in order and should be supported by every section of the House.

**THE HON'BLE THE SPEAKER:** Hon. members have stated their difficulty in the way.



**SRIJUT GOPI NATH BARDOLOI:** Then as regards the necessity for the Second Chamber I would like to add one word also. In all countries where there are various and conflicting interests, there may be some justification for a House like that. For example in England there are the landed classes and in the early centuries there might have been some justification for a Second House, the House of Lords; but even there advanced opinion is now in favour of abolishing that Chamber. On the other hand ours is an agricultural country. Ninety per cent of the population are agriculturists. What justification can there be for a Second Chamber? As a matter of fact this House is properly represented. Every section of community, interest and even areas are represented in this House; I think, therefore, there is absolutely no necessity for a Second Chamber in this province.

Sir, I was pained to hear certain communal and racial issues being raised in this discussion. When we moved this motion we were absolutely free from any such consideration. We say, the maintenance of this House involves a lot of expenditure. If we could get rid of it this money could be diverted for the benefit of the masses.

I lend my support to this motion and would request hon. members to support it wholeheartedly.

(A voice—what about the provision for the minority?)

I think that matter has been so adequately dealt with by Maulavi Munawwarali that I need not give any reply. As a matter of fact there is no question of minority here. I can congratulate my hon. friend Maulavi Munawwarali for what he has said. I think this is an adequate reply.

**KHAN SAHIB MAULAVI SAYIDUR RAHMAN:** Sir, it is admitted on all hands that this Legislative Council has been thrust upon us in the teeth of opposition. It is laid down in the Act that the Legislative Council gives permanent body. That being so, this eternal evil must be quite in order cost. But our hands are tied. I find that ~~section~~ <sup>it</sup> if we could force the hands of us no remedy. But this motion ~~for~~ <sup>is</sup> it if we could force the hands of and I would have been, Ministers cannot do anything in the matter, I think, the Ministers, ~~have~~ <sup>been</sup> Ministers cannot do anything in the matter, I think, it will be futile to refuse the supply. It will only embarrass Government because as has been said by my friend, the building is there and a session of the Council is going to sit and in the circumstances no useful purpose will be served by refusing the supply. Only it will embarrass Government. So I hope the best course for us will be to move a resolution to that effect, so that the wishes of this House may be conveyed to His Majesty for taking necessary action in the matter

(Discussion was postponed for want of time)

**THE HON'BLE THE SPEAKER:** The hon. members might have noticed that I did not fix any time limit so long. From to-morrow I intend to do it. We got 28 cut motions out of which only three have been disposed of to-day. So I fix a time limit from to-morrow and I request the hon. members to be brief in stating their points only in connection with the cut motions they would move.

The House stands adjourned till 10 a.m. on Tuesday the 17th August 1937.

Shillong,

The 22nd September 1937.

A. K. BARUA,

Secretary, Assam Legislative Assembly.