

Proceedings of the Second Session of the Second Assam Legislative Assembly Assembled under the Provisions of the Government of India Act, 1935.

The Assembly met in the Assembly Chamber, Shillong, at 11 A. M., on Thursday, the 18th July, 1946.

PRESENT

The Hon'ble Mr. DEBESWAR SARMAH, Speaker, in the Chair, the seven Hon'ble Ministers and eighty-eight Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Assam Urban Areas Rent Control Order, 1944

Srijut RAJENDRA NATH BARUA asked:

*1. Will Government be pleased to state—

- (a) Whether the Assam Urban Areas Rent Control Order, 1944 is still operative?
- (b) If so, how long it will remain in force?
- (c) If not, when it was withdrawn?

The Hon'ble Srijut BISHNURAM MEDHI replied :

- 1. (a)—Yes.
- (b)—Until 30th September 1946.
- (c)—Does not arise.

****Srijut RAJENDRA NATH BARUA:** May I know from the Hon'ble Minister whether a Bill to extend this Rent Control Order is going to be introduced during this Session of the Assembly?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, Sir.

****Maulavi ABDUL BARI CHAUDHURY:** Are Government aware that in Bengal a similar Control Order has been extended for three years after the expiry of the present one?

The Hon'ble Srijut BISHNURAM MEDHI: Government is not aware of it, Sir.

****Maulavi ABDUL BARI CHAUDHURY:** Will it be possible for this Government to extend the Control Order similarly as in Bengal?

The Hon'ble Srijut BISHNURAM MEDHI: The hon. Member will be pleased to learn that according to a provision in the Rent Control Bill a clause has been inserted making provision for extension of the period by a Resolution adopted in the Assembly.

** Speech not corrected.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Permanently settled areas in Assam

Dr. EMRAN HUSAIN CHAUDHURY asked :

1. Will Government be pleased to state—
 - (a) The area of land which is under permanent settlement in the—
 - (i) Assam Valley ?
 - (ii) Surma Valley ?
 - (b) What is the yearly revenue of the owners of the permanently settled areas in the—
 - (i) Assam Valley.
 - (ii) Surma Valley ?
 - (c) How much of this revenue is paid to Government as revenue ?
 - (d) The amount of revenue earned up till now by the owners of the permanently settled areas since the introduction of the permanent settlement in Assam and how much of it has been paid to Government ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

1. (a)—(i) 15,19,410 acres.
(ii) 23, 99, 161 acres.
- (b)—Government have no information.
- (c)—The annual revenue payable to Government by proprietors of permanently settled Estates is Rs. 3,70,568.
- (d)—Government have no information.

***Dr. EMRAN HUSAIN CHAUDHURY :** With regard to answers to Question No. 1 (b) and (d), Sir, will Government be pleased to institute an enquiry?

***The Hon'ble Srijut BISHNURAM MEDHI :** The difficulty is that the Zemindars are not bound to give the necessary information as to what amount of rent is collected from their tenants. There is no law to enforce them to furnish the figures required.

***Maulavi DEWAN ABDUL BASITH :** Are Government aware that for the return of agricultural Income-tax the Zemindars are required to produce their account books before the Agricultural Income-tax Officers?

***The Hon'ble Srijut BISHNURAM MEDHI :** The difficulty is that those returns are confidential and cannot be published without any legislation.

***Maulavi DEWAN ABDUL BASITH :** May I know the reason why the returns are confidential ?

***The Hon'ble Srijut BISHNURAM MEDHI :** All those returns are submitted in connection with Agricultural Income-tax and relate to individual persons and they are not privileged to be disclosed

***Maulavi ABDUL HAMID :** The hon. Member in his Supplementary Question wants to know whether Government could institute an enquiry about the income of the Zemindars.

***The Hon'ble Srijut BISHNURAM MEDHI :** Unless there is a legislation the Zemindars cannot be enforced to give those details. So no useful purpose will be served by instituting an enquiry at present in absence of such a legislation.

Agricultural Schools in the Province

Maulavi Dewan ABDUL BASITH asked :

2. Will Government be pleased to state—

- (a) Whether it is a fact that the Government of Assam have lately decided to start some Agricultural schools within the Province ?
- (b) If so, whether they have decided upon the sites of the proposed Schools ?
- (c) If the answer to question (b) above be in the affirmative, the names of those sites and also the considerations which led to the selection of these sites ?
- (d) Whether Government propose to select Sylhet as the site for one of the proposed institutions ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

2. (a)—Yes.

(b)—Yes.

(c)—At Khanapara, Jorhat and at Sylhet ; the consideration being :—

(1) Farms already exist in these sites for students' practical training.

(2) Lands required for buildings and quarters will be obtained free.

(3) Extra costs in establishing a farm and in acquisitioning lands for such a school are extremely minimised.

(d)—Already selected.

***Maulavi DEWAN ABDUL BASITH** : May I know the number of students who are going to be admitted in the Sylhet, Jorhat and Khanapara Agricultural Schools?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : I want notice of this Question, Sir, as this is entirely a new Question.

***Maulavi MUNAWWAR Ali** : May I know when Government expect to start the Schools ?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : Next year.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY** : Do Government propose to start the Jorhat School first or both the Jorhat and Sylhet Schools together?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : If the constructions of the buildings in those three localities can be made ready at the same time Government expect to start the three Schools together.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY** : Sir, may I know what site has been selected for the Sylhet School?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : Somewhere near the Agricultural Farm, I suppose, of Sylhet.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY** : But there is no such farm, Sir, as Agricultural Farm at Sylhet.

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** I mean near the Cattle Farm.

***Maulavi ABDUL BARI CHAUDHURY:** Is the Hon'ble Minister aware that there is an Agricultural Farm at Karimganj?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Yes, I am aware of it.

***Maulavi ABDUL BARI CHAUDHURY:** Will it then be possible for Government to utilise that farm as an Agricultural School?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** I cannot say offhand, but I will consider that point.

***Srijut RAJENDRA NATH BARUA:** May I know, Sir, what will be the area of the land to be acquired for constructing each school?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** That cannot be answered offhand, Sir.

Nepalese in Assam

Srijut DALBIR SINGH LOHAR asked:

3. Will Government be pleased to state—

- (a) The present number of Nepalese now residing in Assam?
- (b) The number of those Nepalese who have permanently settled in Assam?
- (c) In what section of the population the Nepalese were included in the last census?
- (d) Whether those Nepalese who have permanently made Assam their home enjoy the same privileges and rights with other settlers with regard to (i) settlement of land, (ii) franchise and (iii) education?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

3. (a) & (b)—Since there was no tabulation by language or origin at the last census, Government regret that no figures are available.
 (c)—Generally under the head "Other Hindus".
 (d)—Yes.

***Srijut DANDESWAR HAZARIKA:** Will the Hon'ble Premier be pleased to state whether or not the Nepalese are classed as tribals also?

The Hon'ble Srijut GOPINATH BARDOLOI: It is very difficult to say now since the last Census Report was prepared some years ago, and no information is obtained from it. But it is believed that those people were classed as 'other Hindus'.

***Srijut DANDESWAR HAZARIKA:** Will the Hon'ble Premier be pleased to enquire whether they are classed as 'tribals' in certain places?

The Hon'ble Srijut GOPINATH BARDOLOI: As I have said just now, it is very difficult to say anything now; but to make a detailed enquiry just at the present moment, it will require considerable amount of money and time. I think the best way is to wait till we get the next census figures.

***Srijut DANDESWAR HAZARIKA:** Will the Hon'ble Premier please make an attempt to revise the last Census Report, and if not to make an endeavour to see that necessary correction is made therein?

The Hon'ble Srijut GOPINATH BARDOLOI: That is entirely a new Question, Sir. That does not come within the purview of this Question. That may come in another shape.

Srijut GAURI KANTA TALUKDAR: In the Lakhimpur subdivision, Sir, I understand that the Nepalese permanently settled in Assam and fully qualified for voting have not been recorded as voters and have thus been deprived from the privilege of exercising their right of franchise.

The Hon'ble Srijut GOPINATH BARDOLOI: That is also an independent Question.

Srijut GAURI KANTA TALUKDAR: That is not an independent Question, Sir, but quite relevant. For the Question No. 3 (d) (ii) raises the question whether the Nepalese enjoy the right of franchise and the Government's reply is in the affirmative. Hence it is quite pertinent, I think, that the Nepalese should be given the equal rights and privileges to vote for the purpose of election to Local Boards and to the Assembly. Do Government see that the reply is not correct? As a matter of fact they are not allowed the privileges of franchise.

The Hon'ble Srijut GOPINATH BARDOLOI: Government are not aware this way or that way or any way.

***Srijut RAJENDRA NATH BARUA:** Will Government be pleased to enquire whether those Nepalese who have permanently made Assam their home will enjoy the rights and privileges of franchise?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, if the representation to that effect reaches Government.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: Do Government admit that most of these Nepalese are graziers and they have no permanent residence in the Province and move from reserve to reserve with their herds of cattle?

The Hon'ble Srijut GOPINATH BARDOLOI: Certain percentage apparently must be so. But they also move about within the Province.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Are the Nepalese considered as the inhabitants of Assam?

The Hon'ble Srijut GOPINATH BARDOLOI: Of course, if they are domiciled.

***Maulavi ABDUL HAMID:** What requirements they are to fulfil to be domiciled?

The Hon'ble the SPEAKER: Order, order. How that Question arises?

***Maulavi ABDUL HAMID:** Sir, with regard to Question (d)—The Question is whether those Nepalese who have permanently made Assam their home enjoy the same privileges and rights with other settlers with regard to (i) settle-

ment of land, (ii) franchise and (iii) education? The answer is 'yes'. May I know whether any enquiry was made as to whether they have acquired the right of domicile or not before all facilities are granted to the Nepalese?

The Hon'ble Srijut GOPINATH BARDOLOI: All that I could tell my hon. Friend is that certain enquiries are made before a man of any community is recognised as entitled to the privileges mentioned.

***Maulavi ABDUL HAMID:** May I know if the same privilege of holding lands, etc., is given to other immigrants?

The Hon'ble Srijut GOPINATH BARDOLOI: Certainly this Question does not arise here within the purview of the main Question.

***Maulavi ABDUL HAMID:** The Hon'ble Prime Minister has said that every one is allowed to make Assam his home-land and in view of that may I know whether other immigrants of Assam are allowed to make Assam their home by getting the same privileges?

The Hon'ble Srijut GOPINATH BARDOLOI: If the hon. Member want to have any discussion on that point he should come with fresh Questions. Those enquires do not arise out of this Question. We are not here to discuss rights and privileges of the immigrants which are known to the hon. Member.

Habiganj Municipality

Maulavi Dewan TAIMUR RAZA CHOUDHURY asked:

4. (a) Will Government be pleased to state — (i) the number of Muslim population, (ii) the number of Caste Hindu population, (iii) the number of Scheduled population, within the Municipal area of Habiganj Town, in the district of Sylhet?

(b) Will Government be pleased to state the total number of seats of the Habiganj Municipality, both elected and nominated (to be shown separately)?

(c) Of the elected seats how many have been captured by the (i) Muslims, (ii) Caste Hindus, and (iii) Scheduled Castes during the last election?

(d) Of the nominated seats, how many seats have been given to the (i) Muslims, (ii) Caste Hindus and (iii) Scheduled Castes?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied:

4. (a)—(i) Muslims	...	...	...	...	3,000
(ii) Other Hindus	...	...	...	...	7,659
(iii) Scheduled Caste Hindus	...	...	...	...	1,158
(b)—Number of elected members	...	...	...	...	13
Number of nominated members	...	...	...	...	3
			Total	...	16
(c)—(i) Muslims	...	...	...	...	Nil
(ii) Other Hindus	...	...	...	...	13
(iii) Scheduled Caste Hindus	...	...	...	...	Nil
			Total	...	13
(d)—(i) Muslims	...	...	...	...	2
(ii) Other Hindus	...	...	...	...	1
(iii) Scheduled Caste Hindus	...	...	...	...	Nil
			Total	...	3

Maulavi NASIR-UD-DIN AHMED: In view of the reply do Government propose to make necessary arrangement for the proper representation of minority communities, e.g., Muslims and Scheduled Castes?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I am afraid it is too late now. There was no move for nomination from the Scheduled Castes and the Government have no reason to suppose that the interest of the Scheduled Castes would not be safeguarded by the members of the other Hindu communities. And so far as the Muslim community is concerned Government think that two members of the Muslim community is enough seeing that the Muslim community did not propose to take part in the election and were unwilling to accept Government nomination.

Maulavi NASIR-UD-DIN AHMED: Is Government aware that the Muslim community did not participate because they did not get proper representation by the present system of election?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Government is not aware of that.

Maulavi NASIR-UD-DIN AHMED: Will Government please enquire?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That can be done.

* **Maulavi ABDUL HAMID:** Then are we to understand that people get nomination simply because they make a move to the Government?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: In certain case it becomes necessary to know the opinion of the public.

Babu AKSHAY KUMAR DAS: Does the Hon'ble Minister mean to say that the other Hindus represent the case of Scheduled Castes?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: In the present case the Scheduled Castes did not make any attempt or any move and naturally it was supposed that they were content.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: What does the Hon'ble Minister mean by 'any attempt'?

The Hon'ble the SPEAKER: Any expression of public opinion.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Is it not a fact that the Government are the custodian of the rights and privileges of all sections of the people? Does the Hon'ble Minister mean by saying that some particular sections of the people should move the Government and make Government aware that they exist? Is it not the duty of the Government to see that nominations are given only to the people who are under or un-represented?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Well, in certain cases co-operation is necessary and in the present case as I have already said, the Scheduled Castes people were silent and Government could not suppose that they did not like to be represented by other Hindus; that is the only reason.

***Babu RABINDRA NATH ADITYA:** Is it not a fact that the present system of nomination was in vogue even during the regime of the last Ministry?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Yes, Sir.

***Babu RABINDRA NATH ADITYA:** What was the special ground for the Muslims to boycott the election in Habiganj this time when they did not boycott then?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That is the question.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: What was the criteria of giving nominations to one caste Hindu and two Muslims?

***Babu KAMINI KUMAR SEN:** As the hon. Member was himself the Local Self-Government Minister he knows better.

The Hon'ble the SPEAKER: How does this Question arise? I find that Question No. 4, (a), (b) (c) and (d) seek certain facts and figures and those facts and figures have been stated in the reply. Will the hon. Member please state how that Question arises?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: Thirteen seats have been captured by caste Hindus and none by the Muslims or the Scheduled Castes and nominations were given for one caste Hindu and 2 Muslims. Now, the question necessarily arises as to what was the criteria by which Government was guided to give nominations to one caste Hindu Member and 2 Muslims.

The Hon'ble the SPEAKER: I have allowed enough of Questions, but certainly when an hon. Member of the position and Parliamentary experience of hon. Khan Sahib Maulavi Mudabbir Hussain Chaudhury, puts such a Question it is up to the Chair to be enlightened as to how this Question arises. Question (b) is—will Government be pleased to state the total number of seats of the Habiganj Municipality, both elected and nominated (to be shown separately)? We have got those figures. Question (c) is—Of the elected seats how many have been captured by the (i) Muslims, (ii) caste Hindu, and (iii) Scheduled Castes during the last election? Clearly the figures are given. Question (d) is—Of the nominated seats, how many seats have been given to the (i) Muslims, (ii) caste Hindus and (iii) Scheduled Castes? The figures are given here. How the Supplementary Question then arises?

Babu AKSHAY KUMAR DAS: Is it not a fact that hon. Babu Jagat Bandhu Sircar represented to the Hon'ble Minister for a nomination to the Scheduled Castes?

The Hon'ble the SPEAKER: The hon. Member will get a chance later; but I wanted to be told by hon. Khan Sahib Maulavi Mudabbir Hussain Chaudhury, how that Question arises.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: On what basis or criteria nominations were given to one caste Hindu and 2 Muslims?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Government wanted to make under-represented communities to be represented. That is the basis

***Maulavi MUHAMMAD MAFIZ CHOWDHURY:** Do Government realise that the introduction of separate electorate is necessary for the proper representation of every caste?

The Hon'ble the SPEAKER: That is a question of policy, and I am afraid according to rules it cannot be introduced here. I am sorry it cannot be permitted. I think hon. Mr. Das wanted to ask some Questions?

Babu AKSHAY KUMAR DAS: My Question is, is it a fact that Babu Jagat Bandhu Sircar approached the Hon'ble Minister to give nomination to a Scheduled Caste Member in the Habiganj Municipality? Hon'ble Minister told that the Scheduled Castes people did not move in the matter.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: He did not approach me as a member of the Scheduled Caste but as a Member of the Legislative Assembly.

Babu AKSHAY KUMAR DAS: Does the Hon'ble Minister admit that injustice has been done to the Scheduled Caste people of Habiganj?

Maulavi Dewan ABDUL BASITH: Is it not a fact that Mr. Sircar is a Member of the Legislative Assembly from the Scheduled Castes special constituency?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: He waived his right in favour of another Hindu Member.

***Maulavi MUNAWWAR ALI:** It seems that to secure a nomination it is the condition precedent that the Hon'ble Minister should be moved.

The Hon'ble the SPEAKER: Order, order. I shall now pass on to the next Question.

***Khan Sahib Maulavi NURUL HOSSAIN KHAN:** Sir, I think, Government is aware of the fact that during the last 25 years of election to the Municipality no Muslim could return in the Habiganj Municipality by election except on one single occasion.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: This is a new Question, Sir. Without going through the records how can I answer?

Khan Bahadur Maulavi MUHAMMAD ROUFIQUE: The Muslims boycotted the election because they did not want to participate in the Joint Electorate. In view of the fact that the Muslim representation is nil whether Government is considering the desirability of introducing separate electorate in the Municipalities?

The Hon'ble the SPEAKER: That cannot arise.

***Maulavi ABDUL BARI CHAUDHURY:** As the Hon'ble Minister has stated that two Muslims were nominated, may I know from him who are they and what political party they belong to?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I do not remember which political party they belong to. But nominations were offered to them and good sense prevailed ultimately and they accepted the same.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: Are Government aware that both these gentlemen nominated are not either residents or taxpayers of the Habiganj Municipality?

The Hon'ble Maulavi ABDUL MATIB MAZUMDAR: Government have no such information.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: May I know from the Hon'ble Minister from whom he got these names for nomination?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That does not arise.

Maulavi ABDUL BARI CHAUDHURY: The Hon'ble Minister has said that two Muslims have been nominated. May I know, Sir, to which political party these two nominated Muslims belong?

The Hon'ble the SPEAKER: The Hon'ble Minister has already replied to that Question to the effect that he does not recollect to what political party or parties these two nominated Muslim gentlemen belong.

Maulavi ABDUL BARI CHAUDHURY: In that case will the Hon'ble Minister take it from me that these two gentlemen belong to the Jamiat-ul-ulema Party.

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** That might be.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: The Hon'ble Minister has stated that unless the matter is represented to Government no nomination is made. May I know, Sir, who represented the case of these two gentlemen to the Hon'ble Minister-in-charge?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** That Question does not arise, Sir.

The Hon'ble the SPEAKER: I think I have given ample time for putting and answering Supplementary Questions under unstarred Question No. 4.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: Sir, my Question was: Are Government aware that these two gentlemen do not either reside within the Municipal area of Habiganj or pay any municipal tax?

The Hon'ble the SPEAKER: This Question does not arise.

Maulavi Dewan ABDUL BASITH: Will Government be pleased to enquire whether these two gentlemen are tax-payers and whether they reside within the municipal area of Habiganj?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** That can be done, Sir.

Tax from Tea-producers of Assam

Srijut GAURI KANTA TALUKDAR asked :

5. (a) Will Government be pleased to state whether it is a fact that a tax of Rs. 10 per maund of tea consumed in India is realised from the tea-producers of Assam by the India Government whereas no such tax is levied on tea exported out of India?

(b) If the reply to the above question be in the affirmative, will Government be pleased to state by ascertaining, if necessary, the reasons for such discrimination?

(c) Do Government propose to move the Central Government to withdraw this taxation in the interest of the tea consumers of Assam?

The Hon'ble Srijut BISHNURAM MEDHI replied :

5. (a)—Yes. The tax is an excise duty.

(b)—It is presumed that the reason for the discrimination which is more apparent than real, is that countries to which tea is exported all levy already a considerably higher import duty on tea which is passed on to the consumer. A small duty on tea consumed in India is therefore justifiable. Government understand that the imposition of this duty has not reduced the consumption of tea in India which is increasing annually. The matter however is one for the Central Government.

(c)—No. It affects tea consumers in every Province and not only Assam.

Srijut GAURI KANTA TALUKDAR : Is it a good ground that because other countries importing tea from Assam do levy high import duties on tea that the Government of India should also impose excise duty on tea consumed in India?

***The Hon'ble Srijut BISHNURAM MEDHI** : No, this is a matter pertaining to the Central Government. On what ground they consider it desirable to impose excise duty on tea is a matter for the Central Government to say. But, Sir, as regards this Government we have no control in the matter. So we are not in a position to say whether that excise duty is justified or not.

Srijut GAURI KANTA TALUKDAR : From the reply I find that our Government is trying to justify the tax on tea. That is why I am asking whether they support the position taken up by the Central Government.

The Hon'ble the SPEAKER : That is a matter of opinion. I think Mr. Talukdar would do well to put the Question in another form. The Question as put by him in the present form, I am afraid, cannot be allowed.

Srijut GAURI KANTA TALUKDAR : Sir, an explanation justifying the tax has been given by this Government. That is why I ask whether there is any substance behind it?

***The Hon'ble Srijut BISHNURAM MEDHI** : I think the reply has not been happily worded. It is considered justifiable by the Central Government and that is the sense of it. This matter is however one for the Central Government and this Government is not in a position to know the mind of the Central Government.

Srijut GAURI KANTA TALUKDAR : In reply to Question 5 (b) Government says that imposition of this duty has not reduced the consumption of tea in India which is increasing annually. Do Government consider the fact that if this duty is altogether withdrawn, consumption of tea will rapidly increase?

***The Hon'ble Srijut BISHNURAM MEDHI** : We do not want to increase consumption of tea.

***Mr. A. WHITTAKER** : Is the Hon'ble Minister aware that consumption of tea throughout India and in the province of Assam has been rising very steadily in spite of the excise duty on tea?

**Speech not corrected.*

***The Hon'ble Srijut BISHNU RAM MEDHI:** Probably that is right.

***Mr. A. WHITTAKER:** Certainly right, Sir.

Srijut HARENDRA NATH SARMA: Did the Hon'ble Revenue Minister before replying to Question No. 5 (b) consult a dictionary to ascertain what exactly "Excise Duty" means. So long as the present duty that is being levied on tea is termed "Excise duty" it can be levied and is now being levied only on such teas as are actually consumed within the limits of British India, i.e., the country in which excise legislation in question is in force and no duty can be levied on a single pound of tea that is exported outside India.

***The Hon'ble Srijut BISHNURAM MEDHI:** That is absolutely clear. Because in other Provinces excise duty or some other duties are levied on tea and this excise duty is limited to the consumption of tea in India.

Srijut HARENDRA NATH SARMA: My point is that excise duty on tea can only be levied on teas actually consumed within India and as such the reply of the Hon'ble Revenue Minister to Question No. 5 (b) is not to the point.

The Hon'ble Srijut BISHNURAM MEDHI: I do not agree with my hon. Friend.

Srijut GAURI KANTA TALUKDAR: May we not expect, Sir, that the tea producing Province should get some privileges in getting tea at cheaper rate?

The Hon'ble Srijut BISHNURAM MEDHI: No Provincial Government has any control in repealing the Act imposing excise duty on tea.

Srijut GAURI KANTA TALUKDAR: I know that, Sir. My point is: do this Government propose to move the Central Government in this matter?

The Hon'ble Srijut BISHNURAM MEDHI: I do not consider it necessary, because I do not want that people should unnecessarily take tea.

Srijut GAURI KANTA TALUKDAR: If so, will Government take effective steps to check consumption of tea in the Province?

The Hon'ble Srijut BISHNURAM MEDHI: I do not consider it desirable, Sir. (*Laughter.*)

***Khan Bahadur Maulavi MUHAMMAD ROUFIQUE:** Does the Hon'ble Minister represent the views of Government when he says that people should not take tea?

The Hon'ble the SPEAKER: Probably.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Does the Hon'ble Minister mean to enforce his will on the people that they should not take tea?

***The Hon'ble Mr. BAIDYANATH MOOKERJEE:** The Hon'ble Minister says that it should not be taken unnecessarily.

***The Hon'ble Srijut BISHNURAM MEDHI:** I say unnecessarily. If one feels one may take tea, if one does not one may not take it.

Srijut HARENDRA NATH SARMA: I am afraid the Hon'ble Revenue Minister has gone beyond his jurisdiction in advising this House and for the matter of that the public that they should not take tea. Perhaps the Hon'ble Minister of Medical would be the best person to tell us about the advisability or otherwise of asking the public to take to the habit of drinking tea.

The Hon'ble the SPEAKER: Order, order, we come to the next Question.

Taxes for grazing cattle in Garo Hills District

Mr. MANIRAM MARAK asked :

6. Will Government be pleased to state whether they propose to raise the taxes levied for grazing cattle belonging to non-Garos in the Garo Hills district from Rs. 6 to Rs. 12 per head ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

6.—No.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Do these graziers pay any tax or rent other than the tax on grazing cattle ?

***The Hon'ble Srijut BISHNURAM MEDHI:** That will all depend on whether they occupy any other land or whether house tax is leviable in Garo Hills. It is only for the purpose of grazing that they pay grazing tax.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Is it a fact that those graziers who have no land are to pay tax on grazing cattle ?

***The Hon'ble Srijut BISHNURAM MEDHI:** Yes.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Is not Rs. 6 a small amount ?

***The Hon'ble Srijut BISHNURAM MEDHI:** At present the prevalent rate is Rs. 3, so I do not think it requires increment.

***Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** May I know whether these non-Garos are Assamese or people coming from other Provinces ?

***The Hon'ble Srijut BISHNURAM MEDHI:** People from adjoining districts are non-Garos. They may have their buffaloes. I do not exactly know.

***Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Do Government propose to make any discrimination in levying taxes between those people coming from other Provinces and people coming from this Province ?

***The Hon'ble Srijut BISHNURAM MEDHI:** At present there is no discrimination regarding levying of taxes.

***Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Do Government propose to make any discrimination ?

***The Hon'ble Srijut BISHNURAM MEDHI:** This is a question of policy. I cannot reply to this in answer to a Question.

*Speech not corrected.

***Maulavi Dewan ABDUL BASITH:** Do Government propose to increase the rate of tax from Rs 3 to Rs. 6 ?

***The Hon'ble Srijut BISHNURAM MEDHI:** At present we do not consider it possible to increase the tax because the price of milk-produce is so high that Government consider that increase of tax may increase the price of milk and milk-produce also.

Kamrup Anusandhana Samiti at Gauhati

Srijut GAURI KANTA TALUKDAR asked :

7. Are Government aware—

(a) That the building of the Kamrup Anusandhana Samiti at Gauhati was grievously damaged on the night of the 26th February 1946 by a terrible fire ?

(b) That the building requires to be reconstructed at heavy cost which is beyond the resources of the Samiti ?

(c) That this Samiti is the principal Historical and Cultural Research Society in the Province ?

(d) That the said building of the Samiti had been used by the Curator of the Assam Provincial Museum also as his office ?

8. (a) Will Government be pleased to state whether they have since received a petition from the Samiti seeking a non-recurring grant for the reconstruction of the building ?

(b) If so, do Government propose to make a substantial non-recurring grant to the Samiti for reconstruction of the building without awaiting for public donation ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

7. (a)—Yes.

(b)—This might be the case.

(c)—Yes ; but there is also the Department of Historical and Antiquarian Studies.

(d)—Yes.

8. (a)—Yes.

(b)—Government are of opinion that before they could commit themselves to what grant they could make, the Samiti should raise some fund from the Public; and the Secretary of the Samiti has been informed accordingly.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state whether after receiving information of the destruction of the premises of the Anusandhana Samity Government asked for an estimate of the cost for reconstructing the building damaged by fire ?

***The Hon'ble Srijut GOPINATH BARDOLOI:** May be so.

Srijut GAURI KANTA TALUKDAR: Is it a fact that the Secretary of the Samiti in consultation with the Executive Engineer submitted an estimate ?

***The Hon'ble Srijut GOPINATH BARDOLOI:** Yes, that may be a fact also.

Srijut GAURI KANTA TALUKDAR: May I know if the Government means to say that unless some subscription is raised from the public, Government are not going to make any promise of contribution ?

***The Hon'ble Srijut GOPINATH BARDOLOI:** Asking for an estimate does not mean that they commit themselves to any expenditure. This is an aided institution. My hon. Friend on my right ought to know that the principle by which we are guided is "aid".

Srijut GAURI KANTA TALUKDAR: Are Government aware that the general public cannot be expected to take keen interest in an institution of this kind?

***The Hon'ble Srijut GOPINATH BARDOLOI:** The state of affair does not disclose the interest taken by them.

Srijut GAURI KANTA TALUKDAR: May I know if any subscription is not raised by the public Government will not come to the aid?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I maintain the principle of aid to any institution. If any response comes from the public Government is prepared to give aid to the institution.

Srijut GAURI KANTA TALUKDAR: If the public do not care to raise any subscription will not Government come forward with some substantial aid?

***The Hon'ble Srijut GOPINATH BARDOLOI:** Government will consider this.

Srijut GAURI KANTA TALUKDAR: Should the institution be ruined?

***The Hon'ble Srijut GOPINATH BARDOLOI:** If it is found that it is not people's concern then Government will consider the question of taking it up.

Srijut GAURI KANTA TALUKDAR: With regard to 8(b), what amount of money should be raised by the public? May I know what the words "some fund" mean?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I have already explained, Sir. I do not want to give all details of what amount of money should be raised by the public and what amount should be contributed by the Government. When an institution is aided then it is for the party to come for aid.

Ahsanulla School of Engineering, Dacca

Srijut GAURI KANTA TALUKDAR asked:

9. Will Government be pleased to state—

(a) The amount of annual contribution, if any, made by this Government to the Ahsanulla School of Engineering, Dacca; for its giving facilities of studies to students from Assam as well as the number of students entitled to admission there annually?

(b) The names of other similar institutions to which such contributions are made giving the amounts of contributions as well as the numbers of students for whose sake the contributions are made?

10. With a view to mitigate the difficulties of the youths of the Province in obtaining training in engineering, do Government propose to establish an Engineering School in the Province having provisions for imparting training up to the Overseer Course?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

9. (a)—The Government of Assam do not pay any fixed amount of contribution to the Government of Bengal. The amount varies from year to year as it depends on the actual expenditure incurred in the School and the number of students occupying the seats during a year. For the year 1944-45 this Government paid a contribution of Rs.6,186-2-11 to Bengal for the education of five students in the School.

At present there is a provision for the admission of 8 Assam students every session in the Dacca Engineering School.

(b)—This Government do not pay contribution to any other Engineering School for the training of Assam students in Overseer Course.

Srijut MAHENDRA MOHON CHAUDHURY: Is it a fact that the Assamese students who have completed their course of lower subordinate engineering either from Pabna or Rajshahi are not going to be admitted in the third year class of the Dacca Ahsanulla School of Engineering ?

***The Hon'ble Srijut GOPINATH BARDOLOI**: I want notice of this Question, Sir.

Srijut MAHENDRA MOHON CHAUDHURY: If I say that it is so, will Government take necessary steps to secure seats for the Assam students in the third year class of the Dacca School ?

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

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS**: Does Government pay any contribution to the Sibpur Engineering College ?

***The Hon'ble Srijut GOPINATH BARDOLOI**: We do pay.

***The Hon'ble Srijut GOPINATH BARDOLOI** replied :

10.—At present there is no proposal before this Government for the establishment of an Engineering School in this Province.

Srijut GAURI KANTA TALUKDAR: Are Government aware that for the Post-War Development of the Province a large number of youths with training in Engineering will be required ?

***The Hon'ble Srijut GOPINATH BARDOLOI**: Well, this is a matter of opinion. I think he is right in assuming that.

Srijut GAURI KANTA TALUKDAR: Are Government aware that our youths at present experience great difficulty in getting admission into engineering institutions of other Provinces ?

***The Hon'ble Srijut GOPINATH BARDOLOI**: It is admitted.

Srijut GAURI KANTA TALUKDAR: With a view to remove that difficulty do Government propose to start an Engineering School in the Province ?

***The Hon'ble Srijut GOPINATH BARDOLOI**: Government is considering to start not merely a school but an Engineering College.

Srijut GAURI KANTA TALUKDAR: Sir, cannot Government in the meantime raise the Prince of Wales Technical School at Jorhat to the standard of an Engineering School imparting education upto the Overseer-ship course ?

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

M. E. Madrassas in Biswanath Police Station**Maulavi Dewan TAIMUR RAZA CHAUDHURY** asked :

11. (a) Are Government aware that (i) Biswanath M. E. Madrassa, (ii) Eklimia M. E. Madrassa, (iii) Lamakazi M. E. Madrassa and (iv) Haziganj Madrassa, all located in the Biswanath side of the Sylhet Sadar Subdivision are being managed with a very low aid ?

(b) Do Government propose to raise the grants of these institutions ?

12. (a) Are Government aware that the Elaka of Biswanath Police Station of the North Sylhet Subdivision is situated in a very backward locality ?

(b) Do Government propose to establish some night schools, increase the number of primary schools and help the public to start some cottage industries there ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

11. (a) & (b)—If the existing aid of these Madrassas are considered very low, the Madrassa authorities may represent the matter to the Director of Public Instruction through proper channel for increase of grant which will receive his consideration along with other deserving cases.

12. (a)—This is a matter of opinion.

(b)—These matters will receive consideration of Government in due course if and when represented through proper channel.

***Maulavi Dewan TAIMUR RAZA CHAUDHURY:** With regard to answer to question No.12 (b) will the Hon'ble Minister please explain what he means by "represented through proper channel" ?

The Hon'ble Srijut GOPINATH BARDOLOI: The Hon'ble Member very well knows that there is a Board for Madrasa education. There is also a Special Officer for Madrasa education and apparently he should understand that these are the regular channels through which he should come.

R. N. Handique Girls' College at Gauhati**Srijut DANDESWAR HAZARIKA** asked :

13. (a)—Will Government be pleased to state the number of male teaching staff in the R. N. Handique Girls' College at Gauhati ?

(b) Do Government propose to abolish the male staff when qualified and suitable female teachers are available ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

13. (a)—Nine.

(b)—Yes, if and when qualified women teachers are available.

Land permanently settled with the proprietors in the Province of Assam**Maulavi NASIR-UD-DIN AHMED** asked :

14. Will Government be pleased to state—

(a) The area in acres of the land permanently settled with the proprietors and also the total annual revenue the Government receive from these proprietors within the Province of Assam ?

(b) The average revenue per year per acre the proprietors pay and the average rent per year per acre the proprietors realise from the tenants in the permanently-settled areas ?

*Speech not corrected.

(c) Whether Government propose to lay on the table a statement showing the total revenue the proprietors pay and the total rent they realise from the tenants every year in the permanently-settled areas in the Province ?

(d) The area of Khamar lands in the possession of proprietors for which they do not realise any rent from the tenant ?

(e) Whether Government are aware that the proprietors generally realise 16 to 20 times the revenue they pay as annual rent from their tenants ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

14. (a)—Area of land permanently settled—3,918,571 acres.

Revenue realised by Government Rs.3,70,568.

(b)—Average revenue per year per acre—0-1-6·2 pies approximately.

The realisation of rent from the tenants is regulated by the tenancy laws which do not lay down any fixed standard rate of rent which varies from locality to locality and even from proprietor to proprietor in the same locality. It is not, therefore, possible to give any idea of the average rent realised by the proprietors.

(c)—*Vide* replies to (a) and (b) above.

(d)—Government have no information and cannot compel proprietors to give the figures.

(e)—This is quite probable, *vide* reply to (b) above. Economic values have changed considerably since 1793.

STATEMENT RE FLOOD SITUATION OF THE PROVINCE

The Hon'ble Srijut GOPINATH BARDOLOI: With your permission, Sir, I would like to make a statement before the House regarding the flood situation in the Province—a matter that concerns us all. I thought I would be failing in my duty if I did not bring to the notice of this House the serious loss of property and cattle that had taken place throughout the Province during the last few days. I am afraid, Sir, there has not been sufficient publicity of this calamity. I am therefore taking the opportunity of making this statement to inform you all the serious time the country had to pass through during the last week, and, I am afraid, shall have to pass through for many weeks to come. I would take, Sir, the conditions of the Province by the two valleys. Although occurring in two different places, Sir, the source of this devastating flood might have been the same. For sometime there have been heavy rainfall in the Patkai, Naga, the Manipur and North Cachar Hills. On account of this heavy downpour during the last 4 or 5 days in the last week, the whole country was inundated more or less. But so far as the district of Cachar in the Surma Valley and the North Lakhimpur district in the Assam Valley were concerned, the floods, have assumed such fury that the situation was really very bad. I would now like to place before you, Sir, the condition of these two places first before I refer to other places.

The Cachar flood rose almost to the level of 1929 which possibly was the highest water level that had ever been reached in that district at any time. It rose up to 71·76 feet with the result that all the low-lying areas of the town were flooded, the entire country, by which I mean the whole of the district of Cachar went under water excepting perhaps a few high places and the hills and Tilas. The result was that communication was entirely cut off. Upto the 12th July we could get into touch with Silchar over the 'phone. But from the 12th July till to-day all the communications we are having from Silchar is by the wireless. In the town itself as many as 8,000 homeless people have taken shelter in places which have been specially arranged for them; and relief is being given to these distressed people.

When we first heard about this over the 'phone from the Deputy Commissioner and Mr. Satindra Mohon Dev we had to request the Deputy Commissioner of Sylhet to rush to the aid and the most important aid that was necessary and, possibly, even yet necessary, was some boats in which relief could be sent from place to place, but as ill luck would have it, Mr. Khurshid could go up only to Karimganj and the current from there was so strong that he could not expect to reach those boats in less than 3 or 4 days. The next best thing that he could do in this respect was to have made use of some launches—the Government launch Esmev and I think one from the Cement Company with which some boats were taken. Some other boats were taken by train as far as Katakhal, beyond which the whole thing was under water. In this way some boats could reach ; but even as late as yesterday news came from the Deputy Commissioner, Silchar, that some boats were yet necessary in order that the relief might be sent out to the villages from the places where there were stocks of grains and other edibles. Mr. Khurshid was also kind enough to respond to the wishes of the Deputy Commissioner, Cachar, in being able to send some tins of milk, potatoes, *chira* for immediate relief. We also arranged to send preventives and medicine which would be immediately necessary after the subsidence of flood, *viz.*, for treatment of people who might be affected by dysentery, cholera, etc., which follow in the wake of floods. These have reached Silchar and you will be glad to know that the last message was more re-assuring. Mr. Stewart has informed us by wireless that the situation although yet serious is under control and what the Government was required to do was to arrange for supply of seeds immediately so that the cultivators could take up cultivation well in time. I could tell you, Sir, that the report regarding the destruction of Aus crop is rather alarming. Secondly, the seedlings which had been prepared for Sali crop in the meanwhile had also been washed away. Therefore, we had to ask the Agriculture Department to do all that was possible and I could inform the House that wires have been sent to all district officers of the districts where flood has caused damage to get the full services of the agricultural staff for not merely procurement of seedlings, but also for service in any other manner. This refers to Cachar where the flood seems to have taken the most devastating form.

But no less was the damage done to Dibrugarh also. The report is not very clear from the Dibrugarh side but there is sufficient information to cause us alarm. The railway communication between Sibsagar and Dibrugarh was suspended, the larger part of the Trunk road also went under water. There the people had the same difficulty of communication excepting the steamer service as the people in Silchar are having even now. As regards damages by flood we have read in papers that 2 or 3 dead bodies have been found floating. But we have not yet received any authenticated report about this. So far as the destruction of crops and cultivation is concerned which has been so widespread that if it was confined only to these two subdivisions, *viz.*, Dibrugarh and Sibsagar, we might not have to think in terms of such grave alarm. But possibly it has become common in all the districts except Goalpara. In Sibsagar, the Dissang and the Brahmaputra are in high flood, cattle have been reported to have been washed away. Here also any number of as Golaghat ; the Bokajan-Dimapur Public Works Department road is under three feet of water. The Assam Trunk road was impassable for two or three days; the usual has suffered; the Kakilamukh bund which was there near Jorhat has also been washed away. In Nowgong all the area which falls within the riverain tract of Kapila has gone under water. Telegraphic communications speak of the necessity for immediate relief and an emergency has developed there also. In the BARPETA created sufficient havoc for Government to consider what relief has got to be given. Even the district of Sylhet has not been quite free. The waters that had all come to Silchar are gradually and slowly flowing into the district of Sylhet and Karimganj has been the one place which has been rather seriously affected by this flow. We expect that the flow will be gradual, and therefore there will not be such difficulty

in meeting the situation as there was for Silchar. But nevertheless the damage to Aus crop particularly and to the seedlings of Sali crop can very well be anticipated. Government have therefore been faced with a rather bad position so far as their resources and finances are concerned.

Srijut GAURI KANTA TALUKDAR: Sir, may I know whether the Hon'ble Prime Minister has got any report about the damage caused by the flood of the rivers, Pagladia, Puthimari, Baralia Jan and Mora Pagladiya and Noona, to several mauzas in the Gauhati subdivision?

The Hon'ble Srijut GOPINATH BORDOLOI: This has been continuing for some time past so far as Pagladia is concerned. As I have already said, the situation in the Barpeta subdivision is no less acute than in other places.

Srijut GAURI KANTA TALUKDAR: May I be permitted, Sir, to bring to the notice of the Hon'ble Prime Minister the havoc caused by the flood of the above named rivers is no less serious. It requires serious consideration of the Government as regards relief to be given to the affected people of the mauzas damaged by flood.

The Hon'ble Srijut GOPINATH BARDOLLOI: I agree; steps are being taken. I was going to state what steps Government was going to take. We have already made provision for Rs. 20,000 for Sylhet district, Rs. 70,000 have been sanctioned for Cachar with the assurance that if more is necessary it will be available to the Deputy Commissioner. In so far as Dibrugarh subdivision is concerned, the Deputy Commissioner has been authorised to spend Rs. 25,000 for gratuitous relief; the Deputy Commissioner has also been asked to report whether he will need more when he receives full reports from the officers who have been deputed to the various affected areas. Authority has also been given to the subdivisional Officer, Sibsagar, to spend money for relief. I forgot to mention about two seriously affected mauzas of Jorhat from where two deaths have been reported. Here also the Deputy Commissioner has been authorised to meet the situation with expenditure which will be sanctioned by Government. Then, similar instructions have been given to the Deputy Commissioners of the threatened areas of Nowgong and Kamrup and Rs. 10,000 have been placed at the disposal of each for gratuitous relief. Further reports have been called from them and they have also been instructed to come up for more funds if found necessary.

This is, Sir, in short, the situation which prevails to day. The floods may have subsided but the after-effects of the flood will be there for some time. I will be excused, Sir, if during the session I have got to leave the station for a while to enquire into some of the places in order to see what else could be done for affording relief to the affected areas. I shall not be surprised if another Minister has to go to the Dibrugarh subdivision for the same purpose.

***Maulavi ABDUL HAMID:** May I make one suggestion to the Hon'ble Prime Minister, Sir? I do not think, considering the seriousness of the situation, that either gratuitous relief or loan of seeds will meet the situation. Will Government consider the question of granting agricultural loans where it is thought necessary?

The Hon'ble Srijut GOPINATH BARDOLLOI: Yes, Sir, the whole matter shall have to be considered in the light of information that we receive, as also the expenditure on loss and damage done to the people, particularly those who cannot on their own resources take up cultivation.

***Maulavi ABDUL BARI CHAUDHURY:** May I know from the Hon'ble Prime Minister whether he has received any report that the subdivision of Sunamganj has also been flooded and an extensive crop area has been ruined?

*Speech not corrected.

The **Hon'ble Srijut GOPINATH BARDOLAI**: I have not received any detailed information, but I am prepared to accept what my hon. Friend says. Sunamganj has always been a flood area and I do not know whether the situation has not been aggravated by the recent floods.

Srijut RAJENDRA NATH BARUA: Sir I have to-day received a letter from a gentleman of Kajiranga where it is stated that the Manager of the Hathikuli Tea Estate has refused shelter to the people of the flood-affected areas and their cattle have been driven away. What I would suggest to my hon. Friends of the European Group is that the Indian Tea Association might circularise the Managers of the tea gardens of the flood-affected areas that they should help the flood-affected people. I hope Mr. Whittaker will issue a circular to the Managers not to trouble these people and not to drive away their cattle.

Mr. A. WHITTAKER: Mr. Speaker, Sir, a few words on the last point and also about Cachar floods. Telegrams have already been issued to all the Managers of the tea gardens in the Surma Valley to use all their high land for protection of cattle and also for people and to regard their reserves of foodstuffs as available for meeting emergencies. Such a telegram has not been sent to any area in the Assam Valley because until we heard the statement of the Hon'ble Prime Minister this morning we were not aware of the extent of the damage in the Assam Valley. Regarding Mr. Barua's suggestion, I will certainly take this up with that particular garden.

There is one point about Cachar which I hope the Hon'ble Prime Minister will consider. Immediately the floods recede large stretches of roads will have been breached, bridges will have been smashed. The state of finances of the Local Boards in the Cachar district is such that they are incapable of getting on with the job of restoring communications quickly. Would he therefore consider large scale rescue operations for restoring communications by the Public Works Department without all the Local Board formalities of tenders, prices and interminable delays which have of necessity to be gone through by the Local Board for asking grants-in-aid from Government? Could Public Works Department be asked to undertake rescue operations to restore not only the Public Works Department arterial roads but also all Local Board roads damaged by floods?

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS: May I request the Hon'ble Premier, Sir, through you to send similar instructions to the Deputy Commissioner of Goalpara to meet the situation in case there be a flood (laughter). We have got to accept that the floods in Upper Assam may also affect the condition of Goalpara because the flood water will go down that side. Almost all the District Officers should be instructed to meet such an emergency as far as practicable.

The Hon'ble the SPEAKER: Does the hon. Member mean to say that the flood water of other Districts might affect his District as well? (Laughter.)

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS: We must anticipate it. When flood water can take a very bad form within 3 or 4 days as in Cachar, perhaps it is not an uncommon thing to occur suddenly in our locality as well.

Maulavi MUHAMMAD ABUL KASHEM: Sir, there is every chance of flood occurring in our area. In the month of June the southern bank of Dhubri Subdivision was affected by heavy downpour. So I requested by a telegram the Hon'ble Minister in charge of Agriculture to send immediately the Irrigation Inspector to take up the works of digging 'nuala' for getting water on.

I also suggested, Sir, that some Irrigation Inspector should be sent to help to see how things can be improved to remove the cause of damage to crops due to heavy downpour.

I therefore think that the Hon'ble Premier will please instruct the Deputy Commissioner of Goalpara to give relief to the public if actually those areas have been affected by recent floods.

The Hon'ble the SPEAKER: Now let us come to next item on the agenda.

Srijut OMEO KUMAR DAS: In this connection, Sir, I want to add one thing.

Maulavi MAYEEN-UDDIN AHMED CHOWDRY: We have Adjournment Motions to move, Sir.

Srijut OMEO KUMAR DAS: In this connection may I draw the attention of the Hon'ble Premier that I have received information from Tezpur that due to high flood in the river Bharali the village of Marankuri has been eroded. Since some years this river Bharali has been eroding village after village on the east bank. Last year I drew the attention of the Government to get some protective work done to stop the erosion of the villages. But nothing was done up to May last. After much representation the protective work by way of floating cages has been commenced only in May last and these have not been able to stop the erosion of the eastern bank.

If some protective measure is not taken up immediately the whole of the eastern bank, particularly the whole locality of Jamaguri on the eastern bank, is likely to be washed away. I trust the Government will take steps to save the people of Jamaguri.

ADJOURNMENT MOTION

Adjournment Motion *re* destruction of paddy by Government in some of the villages in the Mangaldai Subdivision

***Maulavi Dewan ABDUL BASITH:** Mr. Speaker, Sir, I have given notice of two Adjournment Motions. One is that this House do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, to wit, the destruction of about 400,000 maunds of paddy by the Government in villages Maumari, Hatipuri, Bagpuri, Misapari and Kharpuri in the Mangaldai Subdivision, inasmuch as the Government did not allow the growers to reap the crop nor did they make any arrangement for harvesting the same.

Sir, I had been to Mangaldai on the 11th and visited the areas myself in a small country boat and I have seen the damage done to crops. I had with me Maulavi Abdul Matin Choudhury and a representative of the 'Daily Azad' in order to ascertain whether the crop was under water. We went into the interior of several areas and saw that the crop had actually gone deep under water. I being closely connected with agricultural affairs found first class paddy in those areas under water—this paddy was quite ready for harvest at that time. Government did not make any arrangements to reap this paddy for the use of other people. Just we have heard from the Hon'ble Premier about the damage done and that Government is going to make arrangements for protecting the crop in the Districts of Cachar and Lakhimpur Subdivisions. At this stage I think this crop which has been destroyed or allowed to be destroyed could have been used inasmuch as Sylhet, was first class.

*Speech not corrected.

Sir, this modest calculation of 4 lakhs maunds was made by the relief camp that was under the charge of a Muslim Leaguer who was there in the flood affected areas, and I am sure this calculation is not wrong.

I can assure the Government that if they visit those flood-affected areas, they will find that the allegation about the destruction of crops was quite true.

The Hon'ble the SPEAKER: May I know when did the flood occur ?

***Maulavi Dewan ABDUL BASITH:** It was 10th of this month and I left for the place on the 12th, Sir.

On the 12th the river was further rising and there was no arrangements whatsoever to get the crop reaped and so all these crops are going to be washed away or destroyed now. Sir, even before the flood there was sufficient time to get the paddy reaped and thus saved. I think every hon. Member who has seen this site will agree with me that it was for the neglect on the part of Government that this huge amount of crop has been allowed to be destroyed.

With these words, Sir, I move this Adjournment Motion.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, this is a very highly exaggerated statement made by my hon. Friend on the floor of this House. The fact that Government made no arrangements for harvesting the crop is without any foundation. This Government had long before issued an instruction to the Subdivisional Officer and the Deputy Commissioner to make arrangements for harvesting the crop of those evictees and to dispose of it by public auction. But in the absence of sufficient labourers probably the entire crop could not be harvested before flood. I have learnt from the Subdivisional Officer that in fact he made arrangements and in cases where the recent encroachers gave an undertaking not to re-encroach the Professional Grazing Reserves they were allowed to take their crop and some of them as a matter of fact gave undertaking and took away the crop with the permission of the Subdivisional Officer. But due to the agitation that is going on—external agitation—to incite and instigate the people to violate the law and also to re-encroach upon the land subsequently some of these people refused to give any undertaking and that is why the Subdivisional Officer is making all possible arrangements to harvest the crop or to dispose of the crop by sale. That was the instruction and he is strictly following it. There is no destruction of the crop. That is absolutely baseless and without any foundation. The Subdivisional Officer of Mangaldai is strictly following the Government instructions and there is no reason to disbelieve him. As a matter of fact he is strictly following the instructions and no crop is being destroyed there. About the figure which has been mentioned by the hon. Mover of adjournment motion, so far as my information goes, this figure seems fabulous.

Maulavi ABDUL HAMID: May we know the source of the Hon'ble Minister's information, Sir ?

The Hon'ble Srijut BISHNURAM MEDHI: The Subdivisional Officer, the Deputy Commissioner and the evicting officer gave all these detailed reports about this and as a matter of fact at the beginning, the encroachers went away when they were asked, after service of notice. But the responsibility lies with the gentlemen who came from outside and incited these people to defy the law ; otherwise there would not have been any difficulty whatsoever. This matter I submit, Sir, does not come under the purview of an adjournment motion because it has got no foundation.

The Hon'ble the SPEAKER : I have heard the arguments advanced in support of seeking leave to move this Motion and I have also heard what the Hon'ble Revenue Minister has stated in reply. I confess I have not been able to clearly follow the matter. If the statement made by the hon. Mover in moving the adjournment motion is vague, the Hon'ble Revenue Minister has introduced in it matters which I do not quite follow. I fail to see how the question of encroachment or re-encroachment comes in. It is a simple motion; the allegation against the Government is its utter indifference to provide any relief to these extremely stricken people of certain villages. I am to decide whether this motion has fulfilled the requirements of the rules prescribed for an adjournment motion. In my opinion it has not. Undoubtedly it is of recent occurrence but the hon. Mover has not been able to show that a large number of the public have really suffered owing to the callousness of the Government. The hon. Member has not shown how the Government were under any obligation to get this crop harvested. I think the hon. Mover ought to have made this point clear. When the growers were prevented from taking their crop apparently it was the right of the growers to move the law court or the Revenue Tribunal or even they could approach the Federal Court and the growers were at liberty to take this legal step.

Maulavi Dewan ABDUL BASITH : My humble contention is that the crops were allowed to be destroyed by the action of the Government. I am not concerned whether these crops were taken by the growers. My contention is that these crops were allowed to be destroyed and this was due to the action of the Government.

The Hon'ble the SPEAKER : I want to hear the Hon'ble Revenue Minister about the crops which were allowed to be destroyed, and probably Government has got something to say.

***Maulavi MAYEENUDDIN AHMED CHOWDRY :** Mr. Speaker, Sir, the Hon'ble Revenue Minister will admit that he had a legal obligation to protect the crops as well as the right of the growers to harvest.

The Hon'ble Srijut BISHNU RAM MEDHI : Mr. Speaker, Sir. All these people who encroached certain grazing reserves were evicted and as a matter of fact the crops, under the law, were attached and arrangement was made for harvesting and, wherever possible, to put up to auction sale, and concession was given to the evictees only when they gave an undertaking not to re-encroach those reserves, and on giving such undertaking only they were allowed to take away the crops as a concession; all arrangements have been made by the Subdivisional Officer for the disposal of the attached crop and I think there was no damage as alleged by the hon. Member in his statement.

Maulavi Syed ABDUR ROUF : I have got a word to add, Sir.

The Hon'ble the SPEAKER : Order, order. This Motion is not in discussion stage. Now there is one statement from the hon. Member that certain crops were allowed to be destroyed by the callousness or carelessness of the Government, and there is a counter statement from the Hon'ble Revenue Minister that, all that was needful and possible had been done; no crops were allowed to be destroyed by the callousness of the Government.

I think, I will follow the established principle in such matters not only followed in other Legislatures but also in this House, viz., when there is a Motion in respect of which proof or evidence is necessary but the House is not in a position to take such proofs or evidence, nor the Members on the floor of this House are in a position to supply and furnish those materials which will go to prove or disprove the matter, those Motions are not allowed. That is the principle accepted on the floor of this House. Therefore, I think, without taking further

time of the House, in view of the fact that the statement of the hon. Member has been traversed, and there has been a counter statement from the Hon'ble Minister and the House will not be in a position to decide one way or the other without having further proof or further evidence on the subject, I rule that this Motion is not in order.

Maulavi MUNAWWAR ALI: The hon. Member was speaking about what he saw.

Khan Sahib Maulavi MADABBIR HUSSAIN CHAUDHURI: He is an eye witness, Sir.

The Hon'ble the SPEAKER: The hon. Member who raised this question particularly hon. Member, Maulavi Munawwar Ali, will probably appreciate the difficulties of the position. There is a categorical statement against a statement; neither the Speaker nor the House will be able, or be in a position, to weigh the evidence for or against a particular statement. That is why this particular principle is accepted on the floor of the House. It will only increase bitterness if we pursue the matter because one member will make a statement and another member will make a counter-statement and there will be no finality. Therefore, such matters must not form the subject matter of the Motion. Therefore, I am obliged to give this ruling following the good old principle.

Maulavi Syed ABDUR ROUF: I have got an Adjournment Motion, Sir.

The Hon'ble the SPEAKER: I have been supplied with a bunch of Adjournment Motions. Let me count how many are they. I was just going to make a mistake by reading one Motion when in fact leave was sought in respect of another motion, both standing in the name of the same hon. member. It reminds me of one of the cases in North Lakhimpur, where a wrong man was whipped under mistaken identity by orders of the Court.

The first one was delivered in the Office at 10-35 a. m., it was marked No. 1, that has lapsed; No. 2 was delivered at 10-45 a. m.; that also lapsed. I would invite the attention of the hon. Members to this rule. A copy of the book was furnished to every hon. Member. I will stick to it particularly because on the last occasion some Members committed the same mistake, but considering that they are new members and might not have got the opportunity to go through the rules I waived the rule. They will find at page 26 of this book that the hands of the Speaker are bound; if I had any latitude about it, I should have considered it, but under rules 88 and 89 my hands are tied down.

* **Maulavi MAYEENUD-DIN AHMED CHOWDRY:** We have been misled by some hon. Members.

The Hon'ble the SPEAKER: I am coming to that aspect of the matter. I am willing to help, but only those who help themselves and not others. The third one was received at 10-45 a. m.; so No. 3 also has lapsed. Another was delivered at 10-45 a. m. by Maulavi Mayeenud-Din, and that also lapsed, and No. 5 we have dealt. Now we shall come on to No. 6. But before we come on to 6, any hon. member may speak on this if he likes.

* **Maulavi MAYEENUD-DIN AHMED CHOWDRY:** What I want to say is that, as for myself, I could not go through the rules, and we were given to understand that even before 5 minutes to 11 if Adjournment Motions are tabled they are in order; so I thought that I was quite ahead of the time. It was only 10-45 when I submitted my Adjournment Motion. That is the reason why we could not submit them before 10-30 a. m. Of course if the rules are to be accepted *in toto*, then, of course I cannot be allowed to move my Motion. But I submit, Sir, Motion, Sir.

* Speech not corrected.

***Maulavi NASIRUDDIN AHMED:** Mr. Speaker, Sir, I also submitted one Adjournment Motion at 10-45 a. m. I think my case also deserves consideration.

The Hon'ble the SPEAKER: What I was saying was that in this particular matter my hands are tied down under these rules. Therefore, I hope, hon. Members will not take me amiss. I would also mention that after the question hour and before the Hon'ble Prime Minister sought the permission to make a statement the hon. Members should have risen. I have waived that considering that the Hon'ble Prime Minister introduced a matter which was not foreseen by other Members as it was not on the agenda. I do not consider that that should stand in the way of hon. Members mentioning it. Hon. Members may move Adjournment Motions by way of Cut Motions at the time of the Supplementary Demands and the same purpose will be served.

Maulavi ABDUL HAMID: May I submit, Sir, that the statement of the Hon'ble Premier was not entered into the list of business. Therefore, that statement will not in any way interfere with Adjournment Motions.

The Hon'ble the SPEAKER: I have said that already, that was not mentioned. Therefore, I do not think that they stand in the way of the hon. Members mentioning their Adjournment Motions. But those hon. Members who were sleeping over their right now at the proper moment, if I may be permitted to say so, will get opportunity to move cut motions at the time of Supplementary Demands for Grants.

Maulavi ABDUL HAMID: Sir, I was referring to rule 89 (1) of the Assembly Rules which runs as follows:—

“Before the commencement of the sitting of the day, leave with the Secretary a written statement of the matter proposed to be discussed,”

The Hon'ble the SPEAKER: But you will please refer to the succeeding clause, just below.

Maulavi ABDUL HAMID: Rule 89 (2) runs as follows:—

“After questions and before the business on the list for the day is entered upon, ask for the leave of the Assembly to make the motion.”

The first clause refers to the fact that it is to be handed over to the Secretary and the second clause refers to the time when leave of the House is to be sought.

The Hon'ble the SPEAKER: Exactly. Therefore I am taking up No. 5 which was received at 10-35 a. m. and next I come to No. 6 which was received at 10-45 a. m. I now call upon Maulavi Dewan Abdul Basith. I think it is for him to mention.

Maulavi ABDUL HAMID: Sub-clause (1) referred to by me just now does not give any time limit. Moreover, I had not been able to find out the mention of time limit of 10-30 a. m. in the rules. May I know, Sir, how this time limit of 10-30 A.M. for handing over the motion to Secretary comes in?

The Hon'ble the SPEAKER: That question has not arisen. I think I take it that these Adjournment Motions have been made *seriatim*.

***Maulavi ABDUL BARI CHAUDHURY:** May I submit, Sir, that all these numbers were put by the department. We do not know what number is given to what motion. We have not been supplied with the list. When we are not being supplied with the list how is it possible for us to know the number of the motions?

The Hon'ble the SPEAKER: Have not hon. Members got copies of the Adjournment Motions?

(Voices—'No' 'No' from all sides of the House.)

The Hon'ble the SPEAKER: I am told that owing to shortness of time my office could not type out all the copies and therefore it has not been possible to supply copies of the Adjournment Motions to all the hon. Members.

Babu KAMINI KUMAR SEN: It is not the practice, Sir. It has never been supplied before.

The Hon'ble the SPEAKER: Of course in view of this fresh knowledge that the hon. Members do not get copies of the Motions, I think, I shall allow all the hon. Members to mention their respective Motions.

Maulavi ABDUL HAMID: Will you please enlighten me, Sir, as to where in the rules the mention of time limit of 10-30 a. m. is made?

The Hon'ble the SPEAKER: Except in the imagination of the hon. Members I also do not find it.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is I who stated that normal procedure to follow, if possible, would be by 10-30 a.m. to submit Adjournment Motions. Sir, even as the Leader of the Opposition I do not know of any Adjournment Motion and not a single copy of the Motion has been placed on my table. The conventional procedure was to present Motion by 10-30 a. m. so that notices of Adjournment Motions may be typed and circulated to the hon. Members.

The Hon'ble the SPEAKER: For the present, of course, we shall overlook that fact, but is it the sense of the House that henceforward all written Adjournment Motions are to be filed in the office at or before 10-30 a. m. and that typed copies should be given to all the hon. Members?

Maulavi ABDUL HAMID: I am doubtful, Sir, whether half-an-hour will be sufficient for supplying copies to all the members. I may suggest that the Leader of the Opposition as well as Members of the Government Benches should be supplied with the copies.

The Hon'ble the SPEAKER: I think it is the sense of the House that Adjournment Motions should be filed half-an-hour before 11 a. m. As regards supply of copies of the Adjournment Motions to all hon. Members I agree with my Secretary that it is not possible to type out all the copies within such a short time. I, therefore, direct that henceforward copies will be supplied to all the Hon'ble Ministers and the Leader of the Opposition and the hon. Member who seeks to move the Motion.

The Hon'ble Mr. BASANTA KUMAR DAS: If this should be accepted as a rule, it would be against the provisions of the existing rules regulating the business of the Assembly in that behalf. And it will be necessary to make another provision to the effect that a member getting news of an urgent matter of public importance and of recent occurrence after 10-30 a. m. and before 11 a. m. on a particular day will get the right to table an Adjournment Motion on that matter on the following day.

The Hon'ble the SPEAKER: I think what the Hon'ble Mr. Das has stated is very reasonable. If any hon. Member receives information of such an urgent nature he will simply mention this on the floor of the House and he will be allowed to seek to move it on the next day.

Adjournment Motion re acute scarcity of food-grains within the Lakhai and Madhabpur Thanas in the Habiganj Subdivision.

Maulavi NASIRUDDIN AHMED : Mr. Speaker, Sir, I beg leave of the House to move that this House do now adjourn to discuss a definite and urgent matter of public importance and of recent occurrence, to wit, the acute scarcity of food-grains within the Lakhai and Madhabpur thanas in the Habiganj subdivision of the Sylhet district and the callous indifference of Government to meet this acute situation.

Sir, in moving this Motion, first of all, I like to state that the low-lying areas of Lakhai.....

The Hon'ble the SPEAKER : I am not concerned with this. What is the urgency, please ?

Maulavi NASIRUDDIN AHMED : The urgency, Sir, is this. These two thanas are inhabited by more than one and half to two lakhs of people. There is acute scarcity of rice and paddy at present. For the last two months the people were on the verge of starvation. At first there was scarcity of rice and now people are starving, and if things are allowed to go on in this way, people will die out of starvation. So there is the urgency, Sir. This scarcity is affecting so many people of my constituency in Lakhai and Madhabpur, that it is a matter of utmost public importance.

The Hon'ble the SPEAKER : Are these two thanas within the constituency of the hon. Member ? Did the hon. Member write to Government ?

Maulavi NASIRUDDIN AHMED : Yes, Sir.

The Hon'ble the SPEAKER : Got any reply ?

Maulavi NASIRUDDIN AHMED : There was no reply from the Government.

As the market was rising I myself and my hon. friend Khan Saheb Maulavi Nurul Hossain Khan sent wires to the Hon'ble Supply Minister and the Hon'ble Prime Minister intimating the food position of our subdivision. Probably it was by the first week of June ; then the situation deteriorated and I visited some of the affected areas of these two thanas. Then again I sent a wire on the 20th June to the Hon'ble Supply Minister urging him to visit the locality and to make immediate arrangements for supply of sufficient rice to this area. Then I again went to the constituency. I visited some other places and then I sent another statement to the Hon'ble Supply Minister on the 29th June but to my utter disappointment I did not get a single reply. I do not know up till now what Government is doing in this connection. So I say in spite of all these things, Government was very indifferent and callous. I do not know, whether Government has done anything up till now after receiving my telegrams.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Sir, before I reply, may I request the hon. Member to enlighten the House by reading the contents of the telegrams and letters from the copies.

The Hon'ble the SPEAKER : The hon. Member may read those telegrams and letters.

Maulavi NASIRUDDIN AHMED : Sir, I have not got copies of those telegrams and letters but I can give gist of those telegrams and letters.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I do not require the gist. I am now ready to reply. Sir, I received only one telegram and that was to the effect that the export of rice and paddy from the Habiganj subdivision

should be stopped because there might be a great scarcity of rice in some parts of the Habiganj subdivision. Now, Sir, the real fact is that so far as Madhabpur thana is concerned that was declared a deficit area. About two months ago Government on the report of the then Subdivisional Officer appointed a wholesaler who was asked to supply rice and paddy at the controlled rate to the ration-card holders. It is well known to hon. Members that Madhabpur thana is just on the border of Bengal and there is every likelihood that rice and paddy from that deficit area might go out to Bengal. Two shops were opened—one at Telia-para and the other at Noapara—by Government. A firm of Shaistaganj was given licence to sell rice and paddy to the people of the locality from these two different centres and the quantity was mentioned in the ration cards.

So far as Lakhai thana is concerned—(both Lakhai and Murakori) Government received the information from the Subdivisional Officer on the 20th June that the area was going to be short of rice and paddy and something should be done soon. Rice and paddy were sent to the Habiganj subdivision which was booked in the name of the Subdivisional Officer, Habiganj, from Cachar. There was some surplus at Baniachung, Nabiganj and other centres at the Government stores. All these were diverted to the deficit areas to meet the emergency there.

Now, Sir, on the basis of the information that was received by the Government, they did all that was necessary to meet the situation. The Subdivisional Officer is there. There are other hon. Members—he is not the only hon. member who represents the subdivision—they never informed the Government that people were starving. Now, Sir, the hon. Member is charging the Government that the Government is callous. I will leave it to the hon. Members of this House to judge whether the Government is callous or the hon. Member who has tabled this adjournment Motion is callous, on the basis of some telegrams and letters which he sent to me. He has not cared to keep copies of the same with him. Sir, Government is never callous and will never be callous. This Government stands for the people. Whenever any information of any calamity to the people of the Province will be brought to the notice of the Government by any one, certainly this Government will do all that is possible. The statement of the hon. Member is not a fact.

Maulavi ABDUL HAMID: May I know whether the Hon'ble Minister has received both the telegrams?

The Hon'ble BAIDYANATH MOOKERJEE: I received only one telegram from him.

Maulavi ABDUL HAMID: Who is the sender?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: The hon. Member himself and Khan Saheb Maulavi Nurul Hossain Khan. The request therein was that paddy should not be allowed to go out of the subdivision, because the subdivision might go short of paddy and that was immediately done and it was even published in the Gazette that nothing should go out of the district of Sylhet, not to speak of Habiganj subdivision.

The Hon'ble the SPEAKER: Is it the information of Government that the people of Lakhai and Madhabpur were getting rice and paddy at controlled rate? (Hon'ble Mr. Baidyanath Mookerjee:—Yes.)

Maulavi NASIRUDDIN AHMED: The Hon'ble Minister said I was not the only member. Hon. member Babu Nirendra Nath Deb also represents Madhabpur Thana but he lives generally at Sylhet. These two shops which are opened cannot supply paddy and rice at the controlled rate.

The whole thana is affected. Hundreds of people are flocking to the shops and the shop-keeper is saying to the people that there is no paddy. People coming from 8, 9, 10 miles off are not getting even half a maund of paddy after coming 3 or 4 days. This is the misery of the people and this is my definite knowledge, Sir. This arrangement of starting two shops could not meet the demands of the people. These two shops are nothing in comparison with the demand of the locality.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, now the truth is coming out. The two shops might not be sufficient. If this is the point certainly I will consider starting another 2 shops. But, Sir, he was purposely suppressing the fact. If two shops are not sufficient, I am ready to open some more.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, may I suggest a *via media*. Both my hon. friend, the Member representing the constituency as well as Government admit that there is shortage of rice and paddy in this area. My friend was not callous inasmuch as he sent two telegrams to Supply Minister; Government was not callous because they took some steps. The Hon'ble Minister for Supply admits that two shops were opened—one at Teliapara and the other at Noapara. The police station, Madhabpur thana which is the centre of the area is situated 14 miles from these places. So I think there is a genuine case of opening some more shops. If my hon. Friend agrees to open some more shops, I will request my hon. friend, the Mover of the adjournment motion to withdraw.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I have already agreed to that Sir.

Maulavi NASIRUDDIN AHMED: In view of this, Sir, I do not press for the leave of the House.

Babu SURESH CHANDRA BISWAS: Sir, may I speak a few words as I come from the same subdivision?

The Hon'ble the SPEAKER: Perhaps the hon. Member is aware that a compromise has been arrived at and the hon. Member is not pressing for the leave of the House and so it is not necessary.

Adjournment

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

After lunch

The Hon'ble the SPEAKER: We have dealt with only two Adjournment Motions and six yet remain. As the hon. Members know, there is a heavy agenda for this Session, I would therefore request hon. Members just to touch the points required under the Rules, *i. e.*, urgency, definiteness and public importance. I would also request the Hon'ble Minister concerned only to show how the points urged by the hon. Member seeking leave to his Motion are not tenable, so that we can expeditiously finish the business of the day.

Adjournment Motion re: the failure of Government to implement their assurance of postponing eviction in Mangaldai and Barpeta Subdivisions

Maulavi Syed ABDUR ROUF: Mr. Speaker, Sir, I beg leave to move the adjournment motion standing in my name, which runs as follows: "This House do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, to wit. the failure of Government to implement their assurance of postponing eviction in Mangaldai and Barpeta subdivisions".

I must confine myself to the admissibility of this Adjournment Motion. Sir, it is known to all that eviction of immigrants was being carried out by Government in Barpeta and Mangaldai subdivisions since the middle of April. Now, on the 18th or 19th of May, the Government gave an assurance that eviction of all immigrants would be stayed during the rainy season. The term "rainy season" has got a definite meaning; in the district of Darrang it begins from 1st of June, as also in the subdivision of Barpeta. The term "rainy season" has been defined in both the Civil and Criminal Office notifications when we have got to pay additional charges for our summons and other things as boat hire. Therefore Government by their assurance were bound to stay eviction from 1st June to 31st October. Now, what is that eviction, Sir? Government were carrying on eviction and that eviction was certainly one which is described in Rule 18 (1) of the Settlement Rules contained in the Assam Land Revenue Regulation. Government were carrying on eviction under that Rule and therefore when they stayed eviction they certainly stayed eviction as described in Rule 18 (1). The provisions under Rules 18 (2) to 18 (6) are mere procedures of eviction and therefore my contention is this: that from June 1st to October 31st nothing under Rule 18 could be done by Government if they were to stick to their word. Unfortunately, Sir, even after giving this assurance the Government officers continued evicting the immigrants from the 3rd of June to, so far as my information goes, 5th June, and if my information is correct the process of eviction still continues. The only defence Government can put forward is this: that the evictees re-entered the area and therefore they were evicted and these are the persons who are dealt with. It is however quite contrary to facts; even admitting the fact for argument's sake that some of the evictees re-entered, Government in the face of their clear assurance cannot do anything under Rule 18 (2) because they were bound in honour to keep their word. If Government say that they are not responsible for what is being done by their officers Government deserve to be censured. If on the other hand they have gone back on their word then also they should be censured, and if they say their officers have been doing something which it was not their intention to do, then also they have got to be censured. Therefore, Sir, this adjournment motion is in order and I hope the House will allow the matter to be discussed.

The Hon'ble The SPEAKER: Will the hon. Member please state how this is a matter of public importance?

Maulavi Syed ABDUR ROUF: Sir, Government gave us assurance that there would be no eviction during this period, but evictions are being carried out and thousands of people who are members of the public are being subjected to most inhuman treatment. Therefore if this is not a matter of public importance I don't know what else is. If we have not got to depend on the assurance of Government I do not understand on what else we can depend.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, my hon. friend has absolutely misunderstood the Government Communique that was issued. As I have already stated on previous occasions, on account of instigation and incitement of outside people a large part of grazing reserves had been encroached upon in defiance of law and order. As it was not possible for Government to tackle all the grazing reserves at the same time what Government intended to do was to tackle a few reserves which are easily accessible from the headquarter towns and to finish operations on those reserves before the end of May and undertake extensive eviction operations in all the other grazing reserves and not to certainly not the intention of Government that after clearing up certain reserves they would allow encroachers and trespassers to re-enter again the reserve from which they had been evicted. Government never undertake to stand by and take

no action at all while all the persons evicted in the month of May, returned after 1st June and re-established themselves on the Professional Grazing Reserves. That can never be the intention of the Government. Government wanted to tackle certain reserves and get them free from encroachers. Guards were appointed to watch the Professional Grazing Reserves so that no one could re-encroach. Some of those who stealthily re-entered the reserves retired voluntarily and others had to be ejected. What we undertook was to refrain from starting eviction operations in any area not already taken up before the end of May. That was the assurance that was given by the Government. So the present policy of the Government was to keep those Reserves clear of encroachment and all steps would be taken next cold weather to evict encroachers from other Professional Grazing Reserves. And that is the policy the Government propose to follow. In view of this I think it is not an urgent matter of public importance of recent occurrence. According to law the officers were carrying out our policy which need not be interfered by a Motion of this kind.

In view of this, the Motion is not in order.

Maulavi ABDUL HAMID: If the Hon'ble Minister will please look into the communique he will find a different thing than what he has just now stated.

The Hon'ble Srijut BISHNURAM MEDHI: I am sorry the communique is not with me at present. However, I may say that this was the intention of Government which has been following this policy consistent with the Government communique.

Maulavi Syed ABDUR ROUF: Sir, does it mean that the eviction will be carried out in full during this rainy season?

The Hon'ble Srijut BISHNURAM MEDHI: No eviction operation in Professional Grazing Reserves which had not been tackled will be taken in land.

The Hon'ble the SPEAKER: After hearing the Hon'ble Minister will the hon. Member press his Motion?

Maulavi Syed ABDUR ROUF: Sir, I want to press my Motion.

The Hon'ble the SPEAKER: In this respect I propose to follow a ruling which was given by my predecessor in office in a similar case. It is this: "On the 13th March 1944 Srijut Rohini Kumar Chaudhuri wanted to move an Adjournment Motion regarding forcible occupation of some land in the District of Kamrup and the ruling was: I do not think that the Adjournment Motion is in order. It appears that the object of the Motion is really to discuss a certain much talked of policy of Government with regard to occupation of land in Assam. That policy has very often come for discussion on the floor of this House during these years either in the shape of a Question or in the shape of some Motion and is likely to be discussed during the session of the House also. So I do not think that that policy can be discussed in an Adjournment Motion like this in which the occupation of some Government land by a number of immigrants has been made a subject of the complaint". In that case, as it appears from this ruling, Mr. Rohini Kumar Chaudhuri was complaining against occupation of a certain land by outsiders. This case is analogous to that and therefore I wish to give the same ruling *in toto* that was given by my predecessor and add that a much-talked-of matter cannot be a subject matter of discussion through an Adjournment Motion particularly when it relates to the policy which still stands. I therefore rule that the Motion is out of order.

Adjournment Motion re: indiscriminate and ruthless eviction by Government in the Mangaldai and Barpeta Subdivisions

Maulavi MAYEEN-UD-DIN AHMED CHOWDRY: Mr. Speaker, Sir, I beg leave of the House to move an Adjournment Motion. It runs as follows:—

“This House do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, to wit: indiscriminate and ruthless eviction by the Government in the Mangaldai and Barpeta subdivisions entailing destruction and burning of houses, household articles, food-grains and standing crop”.

Sir, in order to confine myself to the points which are necessary and admissible, I should like to say that this is a matter which concerns the public of Assam in general. Thousands of people are being evicted, thousands have already been rendered homeless and their households have been burnt. Not only that; they have been deprived of their crops but that the rice and paddy that they had, had been taken away by those who accompanied the Government Officers, rendering them homeless, foodless and destitutes. This is therefore a matter of great public importance as it concerns the public of Assam.

Secondly, Sir, it is of recent occurrence because the occurrence took place after the last session of the Assembly and we had no opportunity to discuss it before, except this afternoon. I had been to Mangaldai myself and on my arrival there, after I have seen things of course I stayed in the Dak Bungalow there, a portion of which is styled as Circuit House, I found rooms were reserved for the Hon'ble Premier and the Hon'ble Revenue Minister. I thought within myself that I would get a chance to show the Hon'ble Premier and the Revenue Minister personally as to what sort of inhuman methods were being adopted in the case of these immigrants. But to my utter disappointment I found that neither the Hon'ble Premier nor the Hon'ble Revenue Minister had gone there, I should rather say, had the courage to go there and see facts personally. Sir, this has been agitating the minds of the public, not only of the Assam Valley, but also of the whole Province because no human being can tolerate such inhuman action. This sort of inhuman activities have been taking place at the instance of this Government; and being a matter of recent occurrence it can rightly be a subject matter of a Motion like this. If I am permitted to say I may further add that if inhumanity has ever crossed the limits of brutality and barbarism I should say this is an example which has been set up by the so called popular Ministry of Assam. I therefore beg leave of the House, to move the motion for the acceptance of the House.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, this statement made by the hon. Mover about the destruction of household articles, foodgrains and standing crop is absolutely incorrect. The evictees were as a matter of fact given sufficient time to remove their moveable properties and food-grains and they were given assistance by the Nazarat peons to remove those things. So this statement of facts, as has been stated, is without any foundation.

Further he makes a personal reference to me and to Hon'ble Premier that rooms were reserved for us in the Circuit House. Yes, that is so, as the Hon'ble Prime Minister of Bengal wanted to come and visit the place and as a matter of course myself and Mr. Bardoloi wanted to accompany him and show him things so that he could get first hand information about the things that were going on there and know about the eviction operation. As the Hon'ble Premier of Bengal had to leave for Delhi he sent a telegram to the Hon'ble Premier that he had postponed his coming to Assam for the purpose and we had also to postpone our visit. It is not that we wanted to avoid my hon. Friend and that we did not want to see things for ourselves. But the hon. House will be surprised that taking advantage of the proposed visit of the Hon'ble Premier of Benga

and the Hon'ble Premier and my presence at the place, a large number of people, under the instigation of some outside gentlemen, numbering over ten thousand arranged a demonstration and organised a procession along the streets and interfered with the traffic on the road and surrounded the court compound and also the treasury with shouts of objectionable slogans.

Maulavi MAYEEN-UD-DIN AHMED CHOWDRY : That is all false, Sir.

The Hon'ble Srijut BISHNURAM MEDHI : I see that my Friend is a partisan of the party and that is why he is denying even such a procession which continued from about 8 A. M. to 1 P. M. There was a huge procession and all of them were armed with *lathis* and other arms. Also they were brandishing the *lathes* and moving about to terrify the entire population of that locality. It is fortunate that the Subdivisional Officer did not take any drastic measure in this matter. Afterwards there was an open meeting and these gentlemen were inciting openly the immigrants who at first peacefully left the place with their bags and baggages and removed their materials of their huts, to go and trespass and re-occupy the Reserve and erect skeleton huts ; under that incitement some of the people went there and re-encroached again. There was no destruction of crop. And what action has been taken by the Government was done in pursuance of the policy that was adopted by Sir Muhammad himself. This Government issued definite instructions to the officers not to destroy any crop in these days of scarcity and to allow the encroachers even to take away their own crop as a concession provided they give an undertaking that they will not re-encroach again. So, Sir, these allegations that crops were destroyed and household articles were damaged are absolutely baseless. In view of all these I submit that there is no substance in the allegations made in this adjournment motion and that it is out of order.

The Hon'ble the SPEAKER : I have listened to the arguments advanced for and against this Adjournment Motion. Before I come to deciding its admissibility I feel the painful necessity of referring to two matters : One that it is not at all edifying for an hon. Member to make a statement and another hon. Member saying that it is absolutely false and *vice versa*.

It does not add to the dignity of the House, and it is hoped that every hon. Member will be conscious of the fact that to preserve a high level of debate and to maintain the dignity of the whole House is to the advantage of each hon. Member, individually and of the House collectively. I hope we shall not have similar painful experience in future.

The second point I would refer to, for the convenience of all the hon. Members, is the rulings Nos. 1-231, given by my predecessor and appearing in the Assam Legislative Assembly selection from the decisions of the Chair, illustrative of the procedure of the House drawn from the Sessions of 1937 to 1945. Free copies of this book have been provided to all the Members of the House. It will be helpful if the hon. Members consult this book before tabling Adjournment Motions. On more than one occasion it has been pointed out that an Adjournment Motion is not a regular business of the House. It is meant for an urgent piece of business. While I request the hon. Members to look into the book, I do not mean to say that they are always bound within the four corners of the rulings which were given some time back and found in this handbook. It may not be suitable or may not be applicable in a subsequent case. But on the whole, the wholesome precedent will be followed and the hon. Members may spare themselves and the House a lot of time and trouble if they study the Assembly Rules and the handbook I just mentioned.

Now, referring to our present business, I invite the attention of the hon. Members at page 15 of this book to ruling No. 24. It is this—"Adjournment motion ; not in order when the charge of positive act of commission brought against the authorities remains a question of proof." Here, for instance, one

party will say that houses are broken and another will say no, the houses are not broken. It means a question of proof. In such circumstances when this principle is applicable, and it has been a very healthy principle, such a motion should not be brought before the House. And the second point which I stated, a few moments ago, in respect of the first Adjournment Motion is ruling 32 at page 20. It is—"Adjournment Motion; not in order when a certain much-talked-of policy of Government is wanted to be discussed."—Following this ruling which is based on a sound principle this motion is not in order. An Adjournment Motion is an extraordinary piece of business, the time for which is limited for two hours only. Perhaps the hon. Members also know that the time limit for every hon. Member for his speech is 15 minutes and if the whole debate cannot fructify within two hours it is talked out. When an Adjournment Motion is talked out, no party gains anything, because such a motion is a censure motion but the valuable time of the House is lost. When a policy is sought to be adumbrated or sought to be reversed the proper procedure is to come by way of a Motion or to table Cut Motions refusing demands, refusing certain items for grants. There are various other ways. Therefore, the hon. Members will appreciate the sound principle underlying this ruling. On these considerations, I propose to follow the sound principle and ruling that a much-talked-of policy of Government must not form the subject-matter of an Adjournment Motion. There are other ways the hon. Members can take recourse to. I, therefore, rule this Motion out of order.

The Hon'ble Mr. BAIDYANATH MOOKERJEE Sir, may I make a suggestion? We have already taken too much time on this matter. Adjournment Motions may be taken up next day or on any other day so that we can take up the regular business of the day as per agenda. We have devoted much time, on one day. The procedure on previous occasions also was just the same as I am placing now. It is of course up to you, Sir, to decide whether the remaining Adjournment Motions should be taken up to-day or on some other day.

The Hon'ble the SPEAKER: That is a good suggestion. I shall be guided by the opinion of the House, because under the rules I am to take up to-day Adjournment Motions tabled to-day. What is the opinion of the hon. Leader of the Opposition?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I agree with the view expressed by the Hon'ble Supply Minister. If you permit, Sir, all the Motions may be taken up to-morrow.

The Hon'ble the SPEAKER: As I have said I shall be guided by the sense of the House. Then, the Adjournment Motions stand over for consideration till to-morrow.

Now I come to the next item on the agenda: item No. 2 of the list of business to-day. The Secretary will please read out the message from His Excellency the Governor.

Governor's Message communicating allotment of days for the presentation of the supplementary statement of expenditure for the year 1946-47.

Secretary to the Assembly: The message from His Excellency the Governor is as follows:

Order

For the purposes of section 81 read with sections 78, 79 and 80 of the Government of India Act, 1935, and in pursuance of rules 18(1), 18(2)(a) and 19 of the Assam Legislative Assembly (Governor's) Rules, I, Frederick Chalmers Bourne, hereby appoint the following days, for the presentation to the Legislative

Assembly, of the Supplementary Statement of Expenditure for the year 1946-47 and for the subsequent stages thereof in the Legislative Assembly during its July Session, 1946, namely :—

Thursday, the 18th July	}	Presentation of the Supplementary Statement of Expenditure.
and Friday, the 19th July		
Thursday, the 25th July	}	Voting on Demands for Supplementary Grants.
and Friday, the 26th July		
Monday, the 29th July ...		Placing of the authenticated Schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1946-47.

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

Shillong
The 10th July, 1946. }

F. C. BOURNE,
Governor."

Allotment of days for Private Members' Business by the Hon'ble Speaker

The Hon'ble the SPEAKER: Now I announce the number of days allotted for Private Members' Business during the present Session :—

In pursuance of Rule 17 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Prime Minister the following days for Private Members' Business during the present Session of the Assam Legislative Assembly :—

Saturday, the 20th and 27th July	{	1. Private Members' Bills. 2. Private Members' Motions and Resolutions.
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Monday, the 22nd July ... Private Members' Motions and Resolutions.

Private Members' Resolutions will also be taken up on the following days, if time permits, after disposal of Government Business :—

Friday, the 19th July.

Monday, the 29th July.

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

Statement *re* Course of Government Business

The Hon'ble Srijiit GOPINATH BARDOLOI: With your permission, Sir, I desire to make a statement about the course of Government Business during this Session.

2. The Government Business which is to be taken up to-day and to-morrow is shown in the agenda, a copy of which has been placed on each Member's table. I need not detail it again. If the motions for taking into consideration of (1) The Assam Urban Areas Rent Control Bill, 1946, (2) The Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946, (3) The Industrial Statistics (Further Provisions and Validating) Bill, 1946, (4) The Assam Committees of Enquiry (Evidence) Bill, 1946, and (5) The Assam Land and Revenue (Amendment) Bill, 1946, are accepted by the House either to-day or to-morrow we propose (i) that these Bills be considered clause by clause and (ii) passed, on the 23rd July, 1946.

If the Motion for reference to a Select Committee of the Sylhet Non-Agricultural Tenancy Bill, 1946 is also accepted by the House either to-day or to-morrow, we propose, if possible, to present the Report of the Select Committee on the 23rd July, 1946 and then to move that the Bill, as reported by the Select Committee be taken into consideration. If this motion is adopted by the House on that day, i.e., on the 23rd July, 1946, we propose to take up the 2nd and the 3rd readings of the Bill on the 29th July, 1946.

3. After disposal of the Sylhet Non-Agricultural Tenancy Bill, 1946 on the 29th July, we propose to present the Appropriation Accounts for the year 1944-45, and then to take up any Government Business which remains unfinished on previous Government days.

Committee on Petitions

The Hon'ble the SPEAKER : The next item is to announce the names of Members to be nominated for the Committee on Petitions, for the July Session, 1946.

Under Rule 112(i) of the Assembly Rules I nominate the following hon. Members to constitute a Committee on Petitions relating to Bills for the current session of the Assembly :—

1. Khan Bahadur Maulavi Sayidur Rahman.
2. Mr. W. R. Faull.
3. Raja Ajit Narayan Dev of Sidli.
4. Srijut Gauri Kanta Talukdar.

Under the Rules the Deputy Speaker will be the Chairman of the Committee on Petitions.

House Committee

The Hon'ble the SPEAKER : Under Rule 126 of the Assembly Rules, I nominate the following hon. Members to constitute the House Committee for the current Session of the Assembly :—

1. Maulavi Dewan Abdul Basith.
2. Maulavi Abdul Hai.
3. Srijut Purnananda Chetia.
4. Srijut Hem Chandra Hazarika.
5. Babu Ramesh Chandra Das Chowdhury.
6. Babu Rabindra Nath Aditya.

Message re assent to certain Bills

The Hon'ble the SPEAKER : I now authorise the Secretary to the Assembly to read out the message from His Excellency the Governor regarding assent to certain Bills.

Secretary to the Assembly : Information has been received from the Secretary to His Excellency the Governor of Assam that under the provisions of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bills which were passed by both chambers of the Assam Legislature :—

- (1) THE ASSAM FINANCE BILL, 1946 ;
- (2) THE ASSAM REVENUE TRIBUNAL BILL, 1941.

Presentation of the Finance Accounts for the year 1944-45

The Hon'ble the SPEAKER : We come to Item No. 7.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to present the Finance Accounts for the year 1944-45 ; the printed copies have already been placed on the table of hon. Members.

Presentation of notifications under section 296 of the Assam Municipal Act, 1923

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I beg to present the following notifications* under section 296 of the Assam Municipal Act, 1923 :—

- (i) No. L.ML.2/45/28, dated the 18th April 1946 ;
- (ii) No. L.ML.20/46/6, dated the 22nd April 1946.

* See Appendices "A" and "B".

**Presen ation of the Supplementary Statement of Expenditure for the
year 1946-47**

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to present a † Supplementary Statement of Expenditure for the year 1946-47. Printed copies of this statement have been placed in front of each hon. Member of this House and I need not go into the detail, as it will come in course of discussion of the Supplementary Demands for Grants.

The Hon'ble the SPEAKER : I think all hon. Members have received copies of the list of Supplementary Demands for Grants that have been presented before this House. His Excellency the Governor has fixed Thursday, the 25th July, 1946, and Friday, the 26th July, 1946, as the dates on which voting on Supplementary Demands for Grants will take place. I have got a time table prepared for voting of these Supplementary Demands for Grants. Copies of the time table have been circulated to the leaders of the parties and I would request them to examine the same and inform the Secretary of the Assembly Department of their views, if any, on the said time table on or before 4 P.M. to-day.

As I have already announced, voting will take place on 25th and 26th July 1946. The last day for receipt of Cut Motions is 20th July 1946 before 3 P.M. Those hon. Members who want to submit any Cut Motion will have to do so before 3 P.M. on the 20th July, i.e., day after to-morrow.

We then come to Item No. 10.

Election of Member to the Assam Road Communications Board

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Mr. Speaker, Sir, I beg to move that this Assembly do elect one Member to the Assam Road Communications Board. There is one Member who was not elected during the last session of the Assembly and that Member should be elected now. The Hon'ble Speaker will announce the date and time for holding the election.

The Hon'ble the SPEAKER : Motion moved :

"That this Assembly do elect one Member to the Assam Road Communications Board."

(After a pause)

The question is :

"That this Assembly do elect one Member to the Assam Road Communications Board."

The question was adopted.

Election of Member to the Assam Co-operative Development Board

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Mr. Speaker, Sir, I beg to move that this Assembly do elect one Member to the Assam Co-operative Development Board in place of Maulavi Nasir-ud-Din Ahmed who has resigned his seat from that Board.

The Hon'ble the SPEAKER : Motion moved :

"That this Assembly do elect one Member to the Assam Co-operative Development Board in place of Maulavi Nasir-ud-Din Ahmed who has resigned his seat from that Board."

† See Appendix "C".

(After a pause)

The question is :

“ That this Assembly do elect one member to the Assam Co-operative Development Board in place of Maulavi Nasir-ud-Din Ahmed who has resigned his seat from that Board.”

The question was adopted.

The Hon'ble the SPEAKER : I hereby fix Saturday, the 20th July 1946, as the date for holding separately the election to the Assam Road Communications Board and the Assam Co-operative Development Board. Voting will be held between the hours 2 P.M. to 4 P.M. in Committee Room No. 1 or as soon as the business of the day is finished, whichever is earlier.

Complaint *re* non-receipt of copies of Bills, etc.

Mr. A. WHITTAKER : On a point of privilege, Sir. May I draw your attention to the fact that there are no less than six Government Bills to be introduced this session, including a list of Supplementary Demands for Grants. I have the good fortune to live in the headquarters station of Shillong and therefore I received these Bills earlier than most of the Members of the Assembly. I would request Government to consider whether it is reasonable for them to bring forward Bills in respect of which adequate notice has not been given to the great majority of the Members of this Assembly. Some of these Bills are more important than others, one is particularly important in my opinion, *viz.*, the Assam Committees of Enquiry (Evidence) Bill, 1946. Most of the Members could only have received copies of the Bills just before they had to leave for Shillong. There is a question of principle. In view of the fact that Government knew for the last four months that there was to be a session in June or July, and in fact it is taking place in the latter part of July, I ask whether you, Sir, as custodian of the rights of private Members could not secure the Bills for those Members who wish to study them before they speak on them.

The Hon'ble Mr. BASANTA KUMAR DAS : I think, Sir, the objection of Mr. Whittaker could be taken as each Bill came up for being introduced. That would be the right procedure and would prevent loss of time of the House. Now the Hon'ble Revenue Minister may be allowed to move the motion in regard to the Bill which stands in his name and when that particular Motion would be placed before the House Mr. Whittaker would get ample opportunity to urge his objection.

The Hon'ble the SPEAKER : But he is raising a general question of privilege.

Th Hon'ble Mr. BASANTA KUMAR DAS : Of course that can be decided as each Bill comes up. It is really raising a point before its proper time.

Mr. A. WHITTAKER : I raised the point entirely on a question of principle and procedure as affecting all Government Bills. I do agree with Hon'ble Mr. Das in differentiating between the significance of my objection to a certain Bill as compared with other Bills. But I do raise this question of privilege on the fact that six Bills—important and unimportant—were not distributed to hon. Members in due and reasonable time. I would like to draw the last Hon'ble Speaker's attention to the fact that when he occupied the Chair, he also supported the protest which I made in those days about exactly the same action taken by the previous Government.

The Hon'ble the SPEAKER: The hon. Mr. Whittaker is raising a general question of privileges and rights of this hon. House in a particular matter and this aspect of the question is of great importance. He, as the Hon'ble Mr. Das has pointed out, may also take advantage of the provision of rule 56 at page 17 of the Assembly Rules. But this is a different matter. I quite appreciate what Mr. Whittaker has said. It is one thing to be raising that question in relation to a particular Bill. But probably he has raised the point not with a view to obstruct any particular Bill but raised it on a general question of the privilege of the House. I have every sympathy with the hon. Member and unreservedly agree with him that this hon. House has a perfect right to have opportunities of a reasonable debate. That means two things—one, the hon. Members must have timely notice of the matter so that they may get prepared with the subject to be dealt with in the Bill; and secondly, they should have reasonable time and facilities on the floor of this House to debate on the matter. These are two vital matters.

Now, on this occasion I confess a feeling of helplessness. Much as I should have liked to, I somehow feel that I have not been able to be as effective as I should have liked to be in this particular instance of guarding the rights and privileges of this House in this respect. I was contemplating, as a matter of fact, to place this aspect of the matter before the Privileges Committee which has been summoned on the 20th. I will only mention now the dates on which the Assembly Department received the Bills and the dates on which these were circulated. The Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946—our Department received it on the 6th of July 1946 and on that same date it was circulated. We received the Sylhet Non-Agricultural Urban Tenancy Bill, 1946, on the 9th of July and we circulated it on the same day. We received the Assam Urban Areas Rent Control Bill, 1946, on the 9th of July, and we circulated it on the same day. Fourthly, the Assam Land and Revenue (Amendment) Bill we received on the 9th of July and we circulated it on the same day, i.e., 9th of July. The Industrial Statistics (Further Provisions and Validating) Bill, 1946, we received on the 11th July and we circulated it on the same day. Then the Assam Committees of Enquiry (Evidence) Bill, 1946, we received on the 16th, and we did not lose a moment in circulating it on the same day.

So when hon. Member wanted to know from the Chair whether the House has a right and whether the Speaker ought to try to safeguard the rights and privileges of the House, my ruling is in the affirmative.

The Hon'ble Mr. BASANTA KUMAR DAS: Can there be privilege against the rule of the House?

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

The Hon'ble Srijut BISHNURAM MEDHI: It is rule 56 at page 17 of the Assembly Rules. It reads thus:—

“When a Bill is introduced, or on some subsequent occasion the Member-in-charge may make one of the following motions in regard to the Bill, namely:—

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then mentioned; or
- (b) that it be referred to a Select Committee; or
- (c) that it be circulated for the purpose of eliciting opinion thereon.

(1) Provided that if a Member gives notice of a particular motion specified in (a), (b) and (c), he shall not be permitted to move a different motion.

(2) Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made and such objection shall prevail unless the Speaker, in his discretion, allows the motion to be made."

The Assam Urban Areas Rent Control Bill was published on the 6th of July in the Gazette which was sent to all hon. Members. Thus more than seven days' time was made available to hon. Members. This is not a very complicated Bill. This is a Bill which is practically on the lines of the Rent Control Order. It was practically to remove some objectionable features from the Rent Control Order that this has been introduced. So this was not a new or complicated matter. As regards this Bill seven days' rule is also complied with, and no question of privilege comes.

The Hon'ble the SPEAKER: I am afraid, probably the spirit of the question raised has not been appreciated. The Hon'ble Revenue Minister, to my mind, is trying to take shelter under the cover of technicalities. Seven days are the minimum time, and if a lot of Bills are kept pending till the eleventh hour and only 7 days are made available, hon. Members are at a disadvantage. I hope, the popular Government will take notice of it when there is plenty of time hanging. I also hope the popular Government will consider that Members of the Legislature are given all proper facilities in taking lively interest in matters for which they are returned to this August House. That is the spirit in which Government is expected to take the matter.

The Hon'ble Mr. BASANTA KUMAR DAS: May I submit one thing, Sir? I quite appreciate what has been observed by you with regard to this matter; but there is a good deal of distinction between a matter of privilege and a matter of accommodation. But when the question of privilege is raised, Government have a right to show that it is not a question of privilege. Now, the minimum time limit prescribed by the Rules is 7 days. Government have complied with the requirement of the rules and no question of privilege arises. Whether Government should have made the copies of the Bills available to the hon. Members more than seven days before the Bills would come up for discussion is a question of accommodating the Members. I gave sufficient indication to the hon. Mr. Whittaker when I made my submission that after the motions were made the Member's grievance that they should have got notice of more than seven days would be considered by Government and Government would decide what course to adopt. As regards my Bill, I am ready to accommodate the hon. Members when I shall make the motion. So I submit, Sir, here is no question of privilege involved when there has been compliance with the provisions of the rules.

Maulavi ABDUL HAMID: Sir, some of the bills are contentious, for instance, the Rent Control Bill. Does the Hon'ble Minister want us to give our verdict without consulting our constituency? Before we take up a particular attitude in the Assembly in regard to a contentious Bill we must consult our constituency. We are after all representatives of the public and so we must have sufficient time to consult them before we formulate our opinion and express the same in the Assembly.

Similarly we have the Urban Areas Tenancy Bill which has been hanging fire and there are opposite views with regard to that in the country and we must have sufficient time just to consult our constituency. So, I submit, Sir, though there is the minimum time limit, it involves a question of privilege of the members when sufficient notice is not given particularly in cases where Government themselves regard the Bill to be of a controversial nature.

The Hon'ble the SPEAKER: I think we need hardly go into this matter after what has been said. When I stated what I did, I thought I was following the foot-steps of my illustrious predecessor. He also talked in the same strain probably in 1940 but if when he is translated elsewhere he sings a different music, it is of course, not for me to comment on it. But when a Government member says that a question of privilege may not be confused with a question of accommodation and when he further threatens that the Government will know how to act, it is not for me to say anything but it is the members of this House who will know how to guard and protect their rights. I, for myself, can say that so long as I occupy this position, I will consider it as my religious duty to see that the minority parties get proper facilities for a reasonable debate. If that is infringed upon, the hon. Members will of course express their opinion in due course and such action as will be considered fit and proper will be taken.

The Assam Urban Areas Rent Control Bill, 1946

The Hon'ble Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Urban Areas Rent Control Bill, 1946; and to move that the Bill be taken into consideration.

Sir, in moving this Bill I would like to point out that there is still a pressure for accommodation and there is some risk if the Bill is not introduced and if it does not come into force just before the expiry of the Rent Control Order. Without the Rent Control Order there is every chance of rent going up very high suddenly and without control there is likely to be much difficulty for a large number of people who will be liable to eviction without any provision for their accommodation in the urban areas. This Rent Control Order was last introduced in 1945 and will expire on the 30th September 1946; and so the tenants in the urban areas where the pressure for accommodation is as keen as before will greatly suffer unless some action was taken immediately. Government is receiving a large number of representations from various people from different towns.

Maulavi ABDUL HAMID: May I know, Sir, if the Hon'ble Minister is speaking introducing the Bill or on the motion for taking the Bill into consideration?

The Hon'ble the SPEAKER: The Hon'ble Minister first introduced the Bill and is now speaking on the motion for taking the Bill into consideration.

The Hon'ble Mr. BASANTA KUMAR DAS: It is enough to say that I introduced the Bill when it has been published in the official Gazette.

Maulavi ABDUL HAMID: Sir, may I know from the Secretary of the Assembly when this Bill was circulated?

The Hon'ble the SPEAKER: The hon. Member is not right when he seeks to know it from the *Secretary* on the floor of the House.

The Hon'ble Srijut BISHNU RAM MEDHI: This was published in the Official Gazette on the 6th of July last. The Gazette is sent to all the hon. Members and so my hon. Friend must have received it in due course before the time limit. Besides that the Hon'ble Speaker has the power to allow the introduction of a Bill even at a shorter notice; that is a discretion of the Hon'ble Speaker.

The Hon'ble the SPEAKER: May I know whether on this occasion the seven days rule has been complied with?

The Hon'ble Srijut BISHNU RAM MEDHI: Yes, Sir. The Bill was published in the Gazette on the 6th July and to-day is the 18th July. My point is that the Hon'ble Speaker can waive this seven days rule.

Maulavi ABDUL HAMID: Sir, can the Hon'ble Minister assure us that it reached every hon. Member before seven days ?

The Hon'ble Srijut BISHNU RAM MEDHI: In any case, it cannot take more than 4 or 5 days to reach the hon. Members. So at the latest it must have reached the hon. Members on the 10th or 11th.

Khan Bahadur Maulavi SAYIDUR RAHMAN: In view of the postal strike it might not have reached the hon. Members, Sir.

The Hon'ble Srijut BISHNU RAM MEDHI: No, Sir, there was no strike then. Everywhere in towns there was a feeling that some such Rent Control Bill should be introduced before the Rent Control Order expires. In view of the public demand this Rent Control Bill has been introduced by the Government with this modification that in the Rent Control Order certain matters were left to the local officers, but this Bill has been introduced with a view to take away the power of Deputy Commissioners and the Commissioner and to vest that power in the Civil Courts and Appellate Courts. A further amendment is that this Act is to remain in operation only for about a year and after this if the Assembly considers it necessary that the period should be extended, there is a clause to the effect that by a resolution of this Assembly the period mentioned in the Bill can be extended, if found necessary, after the termination of the one-year period. As regards other things, practically the same clauses of the Rent Control Order, which were in force, have been taken in. In view of this, I hope, that this hon. House will take this Bill into consideration.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Urban Areas Rent Control Bill, 1946, be taken into consideration."

Mr. A. WHITTAKER: Mr. Speaker, Sir, I have only got one comment on this Bill and in this respect I am seeking information rather than giving it. I shall draw the Hon'ble Mover's attention to clause 1 (3) in which we have, I think, for the first time, a new device to remove delay in getting through legislation, viz., that this particular Bill can be renewed by a resolution of this House. I am in favour of certain short-cuts, because, I think, most of us at times have been impatient at the great delay in getting through legislation in a bicameral legislature. But I would like to suggest for Government's consideration that there should be some limitation on the period for which this Bill can be renewed even by a Resolution. I would suggest for the Hon'ble Minister's consideration the same limitation be placed upon Government for the period for which the Bill can be renewed by a resolution of this House. Indefinite renewal of legislation by a short-cut method has drawbacks. And without moving a formal amendment I would suggest for Hon'ble Minister's consideration, if he agrees with this point of view, the sponsoring of an amendment on these lines from the Government benches.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, it is not a novel clause that is being introduced in this Bill. As it may be known to the hon. Members, this Government are not for extraordinary measures. They do not want to continue the measure from the moment it is considered unnecessary. There were demands from all quarters for sponsoring a Bill like this. There were have enacted this measure for two years and some even for three years. But we wanted that this should remain in force for only a year, so that if it is found unnecessary after that period Government will not move any resolution. But we case I followed the precedent of the Punjab ; in the Punjab Bill that was introduced (which is now law) there was a clause by which the operation of the Act could be extended by a resolution of the Assembly after the period mentioned in the Act is over. Of course, the view that has been pressed by my hon. friend Mr. Whittaker will be taken into consideration by us. I cannot say anything definitely at this stage, but I will take that matter into consideration.

Khan Bahadur Maulavi ABUAL MAJID ZIAOS SHAMS: Mr. Speaker, Sir, though I do not move an amendment, I should like.....

The Hon'ble the SPEAKER: Did I understand that after the Hon'ble Minister's reply no other hon. Member was taking part in the debate ?

Maulavi ABDUL BARI CHAUDHURY: There is no bar.

The Hon'ble the SPEAKER: But the procedure is that after the Government Member has replied, no speeches by Private Members are allowed.

Khan Bahadur Maulavi ABUAL MAJID ZIAOS SHAMS: If you allow me, Sir, I would like to bring to the notice of the House a technical matter which might have crept into the Bill through an oversight ? I am referring to clause 6 of the Bill, where it is stated that "no order or decree for the recovery of possession of any house shall be made or executed by any Court so long as the tenant pays rent to the full extent allowable under this Act and performs the conditions of the tenancy". So far as the wordings go up to "shall be made" in the second line, I think, they are perfectly right, but the words "or executed" really connote that when already an order has been made or a decree has been already passed by a competent Court and the decree subsists and can be executed, that decree also cannot be executed under this Bill, and that it can only be done under certain conditions. So, it has been stated that that decree cannot be executed by any Court so long as the tenants pay rent to the full extent allowable under this Act and perform the conditions of the tenancy. It comes to this: that if a decree for eviction has been passed in a Court before this Bill comes into force the tenant surely ceases to pay rent because that decree is executable. If that is so, why the tenant should pay rent again. So, I would suggest that if the words "or executed" are omitted, the meaning becomes perfectly reasonable; otherwise it reopens the original decree which has been passed by a competent Court, and the matter is concluded. Also if the wordings stand as they are they put a stop to the execution of a decree because even if the tenant goes on paying rent after the decree is passed he cannot be evicted. I think this makes the position anomalous.

Babu KAMINI KUMAR SEN: Sir, I think there has been some confusion of ideas about this. This Rent Control Bill is really an extension of the original Rent Control Order. The Rent Control Order still exists and is continuing for three years. If for three years the decree-holder allowed his tenant to stay I do not see why he should take advantage of the expiry of the Rent Control Order to execute his decree.

The Hon'ble the SPEAKER: This is a matter of detail, and we do not discuss details at this stage.

Maulavi ABDUL HAMID: Mr. Speaker, Sir, may I say a few words as regards the matter referred to by Mr. Whittaker ? The Hon'ble Minister said that he had copied the provision from the Punjab Bill; I think that without leaving it to the legislature, Government might extend the measure, if it is found necessary. Government will, of course, have to come to the House for the approval of their action. Extending the operation of any legislation by passing a resolution in this House will not look nice. Nor do I think it will enhance the dignity of the Government. I, therefore, submit, Sir, that it might look better if the wordings are changed. Something like the following might be put in. "Unless Government thinks otherwise it will remain in force for one year." Such wordings will be more dignified, I think.

The Hon'ble Srijut BISHNU RAM MEDHI: I am really grateful to the Hon'ble the Deputy Leader of the Opposition for offering this suggestion.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I would like to speak a few words on one aspect of the question. The point raised by Khan Bahadur Maulavi Ziaosh Shams deserves further consideration. So far as the wordings go that if a tenant fails to act up to the terms of the tenancy to pay rent regularly then alone a case for eviction can be allowed before the civil court. Under these circumstances, it is only then that a decree can be passed and when a decree is passed by the court, I think it is a debatable question whether the law can prevent its execution. Therefore the wordings shall have to be changed.

The Hon'ble the SPEAKER: This is a matter of detail.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is not a matter of detail, Sir. It is a matter of principle whether the provincial legislature, has the power to debar the civil court from the execution of its own decree. So it needs further consideration by Government.

Mr. PRABHUDAYAL HIMATSINGKA: I think, Sir, the objection raised by Sir Muhammad Saadulla to the draft is not quite correct. What I feel from the wordings of the clause, the intention appears to be that even if a decree has already been passed by some court, that decree also is not to be executed if this Bill becomes an Act provided the tenant be willing to pay the amount due. In Bengal a decree passed by a competent court on a rent case for eviction has been restrained from being executed by the Rent Control Act. At the present moment if the intention of Government be that a landlord should not be allowed to evict a tenant if that tenant is prepared to pay the maximum rent that the landlord is entitled to, the wordings of the proposed clause cannot be objected to. Whether such a provision should be made or not is altogether a different question and a question of policy.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, the point raised by hon. Khan Bahadur Maulavi Ziaosh Shams deserves our serious consideration. My hon. Friend Mr. Himatsingka says that in Bengal the decrees previously passed were also restrained from execution. But we are not bound to follow the provisions of the Bengal Act. The question before us is whether we should allow decrees passed on good grounds and probably confirmed on appeal to be restrained from being executed by this Bill. I think, we should not. And I think the words "or executed" in clause 6(i) should be expunged or some other provision should be made to protect decrees previously passed from the proposed restraint.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, as I have just now stated, the Hon'ble Deputy Leader of the Opposition wants that the power of extension of the period be left to Government without coming to the Assembly for sanction.

Maulavi ABDUL HAMID: I have said that the Government, if they think proper might extend it, but they shall have to come for the approval of the House.

The Hon'ble Srijut BISHNURAM MEDHI: In order to take the sense of the House the clause for extending the period by a Resolution has been inserted in order to avoid delay in passing an amendment in both the Houses.

***Babu KAMINI KUMAR SEN:** Sir, may I be permitted to point out the difficulty about it? It is because the time of one year, as allowed in the Bill, may expire when the House may not be in session.

The Hon'ble Srijut BISHNURAM MEDHI: The Resolution will be introduced in preceding Session of the House before the expiry of one year so that it can come into force immediately after expiry of the present Act.

As a matter of fact this Rent Controlled Order itself is an extraordinary legislation and as it was felt to be essentially necessary, this extraordinary measure has come in the shape of a Bill. We consider that this state of things will not continue after a year and accordingly we have drafted the Bill. But after expiry of this one year if it be found necessary to extend the Act further, say for 3 or 4 years, then we will have to take the views of the Assembly and if the Assembly will be in favour of extension then the necessary Resolution for extension would be adopted by the Assembly.

Mr. A. WHITTAKER : May I raise one question seeking for information ? How is it proposed to extend the Act by a Resolution before the Legislative Assembly ? In any case this Bill will have to go to the Legislative Council for approval and they are likely to reject this clause.

The Hon'ble Srijut BISHNURAM MEDHI : That difficulty can be got rid of. After the Bill is passed in this House it will go to the Upper House. If the Upper House accepts this clause, then the power of extension of the period forms a part of the Act and before expiry of this period Government can move a resolution in the Legislative Assembly for extension of the period.

The Hon'ble the SPEAKER : I am not clear how, if the Upper House accepts this clause, the power is delegated.

The Hon'ble Srijut BISHNURAM MEDHI : What I submit is, if the clause is accepted by the Legislature the Government will by a resolution get the approval of the Legislative Assembly for extension of the period.

Maulavi ABDUL HAMID : I am doubtful about it, Sir.

Mr. A. WHITTAKER : Sir, knowing the susceptibility of the Upper House and having the experience of what happens in "another place" I would, with respect, suggest that if the Hon'ble Minister wishes to get this Bill passed in this session he might amend clause 3.

My point is this that if the hon. Mover requires that this Bill should be passed expeditiously I do suggest that this clause which almost looks as if the Assembly is usurping legislative powers which have hitherto been enjoyed equally by both the Houses of Legislature is likely to receive adverse criticism in the Upper House. It will delay the passing of this measure. I suggest that another way of securing prompt passing of this Bill is by a suitable amendment.

***Babu KAMINI KUMAR SEN :** May I cite a precedent, Sir ? There was a provision in the Temporary Postponement of Execution of Decrees Act, 1941 that the Act might be extended by the Government for such further period or periods, not exceeding a total of one year. If some provision on these lines is made in this Bill there will be no difficulty. Otherwise the first difficulty will be that the one year will expire in next October. Another difficulty is that the Upper House might be zealous of their right. They might say that they cannot relinquish their power. I think in order to obviate this difficulty the Government might bring an amendment by which they may be authorised to extend it if necessary.

The Hon'ble Mr. BASANTA KUMAR DAS : The House will be considering the principles of the Bill to-day and the Bill would come up to be disposed of clause by clause on a day which has already been fixed and it will be up to any hon. Member to come forward with an amendment that a particular clause should be deleted, and what is wanted by the hon. Member can be made clear then. If the Bill be passed in the Upper House with this clause, the Assembly will have got the right to extend the operation of the Act. What my Friend the

hon. Mr. Sen has said goes to show that the Upper House may trust Government and not this House so far as this matter of extension is concerned. This House is now to consider if what hon. Mr. Sen has said would appeal to it.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I want to point out just one small matter to the Hon'ble Mr. Medhi. In spite of the learned exposition by Mr. Himatsingka there is still some doubt in the minds of many on this side whether the point raised by Khan Bahadur Maulavi Ziaosh Shams will be attended to. I therefore request him to take advantage of the legal advice of the learned Advocate General and clarify all points. Every one is agreed on the necessity of a legislation of this kind and my hon. Friends want to have it on the statute book as early as possible. So it should be without any defect.

The Hon'ble Srijut BISHNURAM MEDHI: I shall, of course, as suggested, consult the Advocate General and take his opinion.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Drafting shall have to be looked into.

The Hon'ble the SPEAKER: I now put the question. The question is: "That the Assam Urban Areas Rent Control Bill, 1946, be taken into consideration".

The question was adopted.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I suggest that the business of the House may be postponed till to-morrow after the Hon'ble Minister moves his Bill. It is up to you, Sir; you can adjourn.

The Hon'ble the SPEAKER: I shall be guided by the sense of the House.

If that is the sense of the House I shall have no objection to adjourn the House, but we have a heavy programme.

Maulavi ABDUL BARI CHAUDHURY: Very well, Sir.

The Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946, and also I beg to move that the Bill be taken into consideration.

Sir, the necessity of this Bill was felt by me as soon as I found that as much as 10 lakhs of rupees were taken as refunds by the Central Government during the war. Because the motor spirit and the lubricants that were used by them for their stationary engines and internal combustion engines were not liable to sales tax of Assam. There was a lacuna and in order to avoid that difficulty they took advantage of our definition of the words 'motor spirit'. Motor spirit as defined in our Act, means any liquid or admixture used for any form of vehicle as a motor power. On account of that lacuna we had to refund about 10 lakhs of rupees to the Central Government and so, this amendment is now necessary and we have taken this clause from the Bengal Act in order to avoid taxation. It is necessary to levy tax on motor spirit and lubricants purchased by companies on a wholesale basis outside the province of Assam which is not liable under the present Act. Another amendment is to be made in order to make those companies who make purchases outside the province liable to pay this tax. That is the reason for introducing these two amendments so that we can tax all consumptions of motor spirit and lubricants which are being consumed here in Assam, irrespective of the fact that they are purchased from outside Assam. These amendments are necessary to prevent a loss of revenues to the Province. In this view, I submit, Sir, that the hon. Members will accept this Motion.

The Hon'ble the SPEAKER: Motion moved:

“ That the Assam Sales of Motor Spirit and Libricants Taxation (Second) (Amendment) Bill, 1946 be taken into consideration”.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I have already stated that I have no quarrel with the provisions of the Bill. But I want certain informations from the Hon'ble Minister. From the Statement of Objects and Reasons, it will appear that it has not been very competently drafted. Are we to understand that motor spirit used for stationary combustion engines was liable to taxation so long ?

The Hon'ble Srijut BISHNURAM MEDHI: Not liable to taxation so long.

Maulavi ABDUL BARI CHAUDHURY: If it is so, Sir, then the first few lines, I must submit, do not make any meaning. As construed it will be as follows—although motor spirit was liable to taxation diesel oil used for stationary engines was not subject to taxation—and these are contrary to each other.

The Hon'ble Srijut BISHNURAM MEDHI: Although the word is motor spirit it is used for stationary engines.

Maulavi ABDUL BARI CHAUDHURY: What is the meaning of 'although' ?

The Hon'ble Srijut BISHNURAM MEDHI: The word 'although' is rather redundant.

Maulavi ABDUL BARI CHAUDHURY: It changes the whole aspect of the thing. Sir, the second information I want from the Hon'ble Minister is, what additional income this new taxation will bring to the Provincial Exchequer ?

The Hon'ble Srijut BISHNURAM MEDHI: It is very difficult to say, because the war is over ; had the war continued and the Central Government's engines been here in operation, the income would have been more than 2 to 3 lakhs. But it is very difficult to say as we have not been able to get a figure at this stage. But there was some lacuna to evade taxation on this plea and the Commercial Carrying Company and other big companies who use lubricants and diesel oil are evading taxation and we can get this tax from them and other big people.

The Hon'ble the SPEAKER: The question is “That the Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946, be taken into consideration.

The question was adopted.

Maulavi ABDUL BARI CHAUDHURY: Sir, the Hon'ble Minister has agreed to the adjournment of the House.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Sir, there are three more items. I would suggest, Sir, that that introductory part be finished to-day and the consideration may be left for to-morrow so that we may be able to go through the Bill and study it. This would give us an opportunity to take part in the debate and also meet the objections raised by my hon. friends Mr. Whittaker and Maulavi Abdul Bari Chaudhury.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: But to-morrow will be half day, Sir. After the question hour there will be very little time as there are so many Motions pending, and we want to finish our business first. (A voice:

We may sit here for another one hour.) That is difficult, Sir. If the hon. Member so desires that there should not be any more sitting to-day then, so far as the adjournment Motions are concerned, they should not be taken up before we finish our work. If we get this assurance we have nothing to say.

The Hon'ble the SPEAKER: Shall we take up the Bills to-day or shall we leave them for to-morrow?

The Industrial Statistics (Further Provisions and Validating) Bill, 1946

The Hon'ble Srijut RAMNATH DAS: Sir, my Bill is a small one, and I think I will be able to move the Bill without any objection. So, I hope I will be permitted to move the Bill, and I beg leave of the House to do so.

Sir, I beg to introduce the Industrial Statistics (Further Provisions and Validating) Bill, 1946 and also beg to move that the Bills be taken into consideration.

Sir, the purpose of this Bill is only to give legal effect to the provisions of the Government of India Industrial Statistics Act, 1942.

There was only one omission and it is this that under clause 3(1) a notification was to be issued to the effect that the statistics relating to factories were to be collected. But that notification was not issued and for this reason the rules made under that Act have no legal effect.

The Hon'ble the SPEAKER: Before the Hon'ble Minister goes to the legal effect, probably he would like to say something about seven days' time limit for circulating the Bill to members.

The Hon'ble Srijut RAMNATH Das: I admit, Sir, that the Bill could not be handed over to the hon. Members in proper time. But in this particular case, as the Bill is not a controversial one, I hope you will be pleased to allow me to take leave of the House to move it.

The Hon'ble the SPEAKER: Has any hon. Member got anything to say on this point?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I have nothing to say on the Bill itself. The Hon'ble Minister-in-charge assured us that it is a non-controversial thing and he is only trying to fill up gaps and omissions in the parent Act. But as you, Sir, very pertinently raised the question of seven days' notice I would like to say something on this particular question.

My hon. Friends of the Government Benches with one exception admit that the notices that have been issued in this instance were very short. I also quite conceive that they have been pre-occupied, specially the Hon'ble Prime Minister, who had to go to Delhi to meet the British Cabinet Delegation and again to attend Congress Conference. Owing to all these preoccupations they had not the time. But, Sir, it would have redounded to their credit if they had pleaded guilty to the charge and stated clearly that henceforward they would not try to rush through matters like this. Instead of doing so, I find to my surprise, Sir, that two Hon'ble Ministers rose up to justify their delayed actions.

Now, in one case the Hon'ble Revenue Minister—I am sorry he is not here at the moment and I am to speak at his back—said that one Bill was issued on the 6th July. I hope, Sir, you will please excuse me that if we take the worst case of the North Lakhimpur where mail takes five days to reach and if anything is posted on the 6th and if it catches the mail at the latest on the 7th, it would reach hon. Members at North Lakhimpur or distant places like Lakhai and Madhabpur on the 11th July; and the Members also had to start 4 days before to attend the session in proper time. Now, Sir, these two times—time taken by the post and time taken by the hon. Members in reaching Shillong—ought to have been considered by my

Hon'ble Friends in the opposite. Therefore with all the emphasis that I can command I would request my Hon'ble Friends and specially the Hon'ble Prime Minister to see that in future he issues his Bills in proper time so that at least seven days' clear notice is available to the Members. Of course the Hon'ble Ministers and myself including Mr. Whittaker being at the headquarters received the Bills in time but the bulk of the hon. Members had absolutely no time to go through them. So for the future we will be glad to get an assurance from the Hon'ble Leader of the House that he will try and see that the Bills for consideration are circulated in proper time.

The Hon'ble Srijut GOPINATH BARDOLOI: I quite appreciate the difficulties of the hon. Leader of the Opposition. It is true that circulation of the Bills was rather delayed. I shall, however, remember the suggestion of the Leader of the Opposition with great care for the future about such Bills. In the meantime, I want to impress that time for the Government business has been arranged in such a way that these Bills form an important feature of the work in this session. I therefore request the hon. Leader of the Opposition and Members of that group to bear whatever inconveniences that have been caused to them. I think some of the Bills are more or less of a formal nature but there are other important Bills which might require serious consideration. If time given by the House proves inadequate we might consider at least in respect of more important business whether we should not postpone them for maturer consideration till another session. I think the Hon'ble Home Minister has already given assurance to this effect in regard to his Bill. As I have already said, some of the Bills are more or less non-controversial and they can be easily disposed of. As regards the Rent Control Bill the Hon'ble Mover has already stressed upon its consideration in view of the urgency about it. I hope the hon. Leader of the Opposition will be kind enough to take them into consideration and see that the Government Business so far as these Bills are concerned are allowed.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I can assure the Hon'ble Leader of the House that from this side of the House there will be absolutely no obstructionist tactics. I can further assure him that we will limit the number of speakers on each matter as well as time for each Member to speak.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I think it is hardly a question of whether a Bill is small, or large, important or otherwise. A question of principle is involved here. I rather feel, Sir, that if you allow a Bill to go through, which has not been before us, for a minimum period of 7 days just because it is a small one, we would be deviating from a principle. For that reason, Sir, I feel that the Hon'ble Leader of the House has not given us an assurance which would inspire in any way myself sufficient confidence to support Government's present attitude.

The Hon'ble the SPEAKER: I have every sympathy with what Mr. Blennerhassett says. I may hope that this discussion on the floor of the House to-day will have the desired result. I waive the objection and allow the Motion to be made under rule 56.

Babu RABINDRA NATH ADITYA: In this Assembly when Sir Md. Saadulla was in charge, on many occasions this was done.

The Hon'ble the SPEAKER: Two wrongs cannot make a right.

The Hon'ble the SPEAKER: Motion moved:

"That the Industrial Statistics (Further Provisions and Validating) Bill, 1946, be taken into consideration.

Maulavi ABDUL BARI CHAUDHURY: I want to know how a provision in the Parent Act can be interfered by an enactment of this legislature. This aspect of the question should, I think, be explained by the Hon'ble Minister before we discuss the principles of this particular Bill.

The Hon'ble the SPEAKER: It is past four.

Adjournment

The Assembly was then adjourned till 2 p.m. on Friday, the 19th July 1946.

DATED SHILLONG:

A. K. BARUA,

The 24th August 1946.

Secretary, Legislative Assembly, Assam.

APPENDIX A

The 18th April 1946

No. LML.2/45/28.—In exercise of the powers conferred by sections 236A and 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendments in the rule published with Notification No.947-L.S.-G., dated the 9th March 1936, for the issue of licenses for places of recreation and amusement:—

1. In rule 3 after the words "Works and" insert "the District Medical Officer of Health or Subdivisional Medical Officer of Health and in event of there being no such officer,".

2. In rule 4 (i) (e) after the word "consulting" insert "the District Medical Officer of Health or Subdivisional Medical Officer of Health and in the event of there being no such officer,".

A. H. S. FLETCHER,

Secretary to the Government of Assam, Edn. & L.S.-G. Depts.

APPENDIX B

The 22nd April 1946

No. LML. 20/46/6.—In exercise of the powers conferred by section 296 (2) (i) of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended and in partial modification of the Notification No.99-L.S.-G., dated the 26th January 1931, the Governor of Assam is pleased to revise the boundaries of the Wards of the Goalpara Municipality as described below:—

GOALPARA MUNICIPALITY

REVISED BOUNDARIES OF THE WARDS

Ward No. I

North and East.—The mid-stream of the Brahmaputra river from a point opposite the Bijni Bungalow Road up to the junction of the Brahmaputra river with its old bed.

South.—From the junction of the Brahmaputra river with its old bed in a straight line in a south-westerly direction to a point in the mid-line of the old bed of the Brahmaputra river opposite the Chandaria Road and thence to the southern corner of the Chandaria Road where it meets the East Pahartali Road and the Goaltoli Road.

West.—From the Southern corner of the Chandaria Road last mentioned along the western boundary of the Chandaria Road, West Pahartali Road and the Bijni Bungalow Road in a straight line up to the mid-stream of the Brahmaputra river.

Ward No. II

North.—From a point on the western side of the Goalpara-Agia Road along the northern boundary of the Bausiapara Road to where it meets the western side of the West Pahartali Road.

East.—From the junction of the Bausiapara Road and West Pahartali Road along the western boundary of the West Pahartali Road to the north-east corner of the Syamsundar Road where this road meets the West Pahartali Road.

South.—From the north-east corner of the Syamsundar Road where it meets the West Pahartali Road along the northern boundary of the Syamsundar Road in a straight line to the point where it meets the western boundary of the Goalpara-Agia Road.

West.—From the point last mentioned along the western boundary of the Goalpara-Agia Road to the point from where the northern boundary of this ward commences.

Ward No. III

North.—The southern boundary of Ward No. II and that portion of the southern boundary of Ward No. I from the junction of the Syamsundar Road and Chandaria Road to the point in the middle of the old bed of the Brahmaputra river.

East.—A line running from the point in the middle of the old bed of the Brahmaputra river last mentioned to a point in the southerly direction in the middle of the old bed of the Brahmaputra river opposite the Garo School Road.

South.—From the middle of the old bed of the Brahmaputra river last mentioned in a straight line in the westerly direction to the point where the Garo School Road and the Goaltali Road meet and along the southern boundary of the Garo School Road in the westerly direction to its junction with the Goalpara-Agia Road and the Hasila Road.

West.—From the junction of the Garo School Road and the Hasila Road last mentioned along the western boundary of the Goalpara-Agia Road up to its junction with the Syamsundar Road.

Ward No. IV

North.—The northern boundary of the municipality from the eastern slope of the Karbala Hillock along the mid-stream of the Brahmaputra river to a point in the mid-stream opposite the western boundary of the Metharpatty Road.

East.—From the point in the mid-stream of the Brahmaputra river last mentioned in a straight line in the southerly direction along the western boundary of the Metharpatty Road and the Goalpara-Agia Road up to its junction with the Garo School Road and Hasila Road.

South and West.—From the junction of the Garo School Road and the Hasila Road along the southern and western boundary of the Hasila Road to its junction with the Jogdoba Road and thence in a westerly direction along the southern boundary of the Bankhabhangi Road up to the eastern slope of the Karbala Hillock whence the northern boundary commences.

Ward No. V.

North.—From the point in the mid-stream of the Brahmaputra river opposite the Metharpatty Road along the mid-stream of the river to point in it opposite the western boundary of the Bijni Bungalow Road.

East.—A line running from the point in the mid-stream of the Brahmaputra river in the southerly direction along the western boundary of the Bijni Bungalow Road and a portion of the west Pahartali Road to its junction with the Bausiapara Road.

South.—From the junction of the Bausiapara Road with the west Pahartali Road along the northern boundary of the Bausiapara Road to its junction with the Goalpara-Agia Road.

West.—From the junction of the Bausiapara Road with the Goalpara-Agia Road along the western boundary of the Goalpara-Agia Road and Metharpatty Road in a straight line up to the mid-stream of the Brahmaputra river.

A. H. S. FLETCHER,

Secy. to the Govt. of Assam in the Edn. & L.S.-G. Depts.