

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m. on  
Tuesday, the 15th February 1938.

**Panel of Chairmen**

**The Hon'ble the SPEAKER:** I nominate the following hon. members  
to constitute a panel of Chairmen for the present session :—

1. Rai Bahadur Promode Chandra Dutt, B.L., C.I.E.
2. Khan Sahib Maulavi Mudabbir Hussain Chaudhury, B.L.
3. Mr. A. F. Bendall.
4. Srijut Rupnath Brahma, B.L.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Re. Cultivation of Cinchona in Assam**

**Mr. KEDARMAL BRAHMİN** asked :

- \*1. Will the Hon'ble Minister be pleased to state—
- (a) The steps taken by Government to root out the Malarial fever from Assam ?
  - (b) Whether Quinine is the only medicine for Malaria ?
  - (c) If so, what steps have Government taken for the cultivation of Cinchona ?
- \*2. (a) Are Government aware that the Cinchona cultivation is a profitable concern ?
- (b) If so, what steps have Government taken for the plantation of Cinchona in Assam ?

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

- (a)—The hon. member may refer to the replies given to questions Nos. 615-616 asked by Babu Rabiandra Nath Aditya at the last Session of the Assembly.
- (b)—No. Quinine is however of course the principal drug in use.
- (c)—Government have from time to time examined the question, and an enquiry is now being made by an expert deputed by the Imperial Council of Agricultural Research into the possibilities of cultivation in Assam.



2.(a)—Yes, at present prices ; and in suitable localities.

(b)—The hon. member is referred to the reply given to question 1(c).

**Mr. KEDARMAL BRAHMIN:** Has Government planted some quantity of Cinchona trees as an experimental measure ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Yes, Sir.

**Re. appointment of Marwaris in the Assam Junior and Senior Civil Service**

**Mr. KEDARMAL BRAHMIN** asked :

\*3. Will the Hon'ble Minister be pleased to state—

(a) Whether there is any Marwari in the Senior or Junior Civil Service of the province ?

(b) If the answer is in the negative, do Government propose to appoint such a man when the next vacancy occurs ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

3.(a)—No.

(b)—Any Marwari candidate must take his chance with other candidates.

(Starred Questions 4—7 were not put as the questioner Srijut Debeswar Sarmah was absent).

**Re. Gauripore-Roha Road**

**Maulavi MUHAMMAD AMJAD ALI** asked :

\*8. Will Government be pleased to state—

(a) The number of sections by which the Gauripore-Roha Road is divided ?

(b) Whether the portion of Gauripore-Roha Road falling within the Goalpara Subdivision was ever included in the Road Board Programme ?

(c) If so, what steps have Government taken to give effect to that project ?

(d) If not, whether Government propose to include it in future, in the Road Board Programme ?

(e) Whether the said road, connects the three different subdivisions, Dhubri, Goalpara and BARPETA ?

(f) Whether it is connected with many feeder roads to the Eastern Bengal Railway ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

8. (a)—The question is somewhat difficult to answer. The road passes through two subdivisions but could be divided up into any number of different sections.

(b)—A portion of the road from Salmara up to the Champamati river was considered in the provisional programme of 1928 but omitted from the final programme as selected by the Road Board in 1929.

(c)—Does not arise.

(d)—Not at present.

(e)—It passes through two subdivisions and joins a third one.

(f)—Yes.

**Maulavi JAHANUDDIN AHMED:** May I know what are the reasons that the road was not included in the programme ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not in a position to say what happened nine years ago.

**Maulavi JAHANUDDIN AHMED:** Is it not a very important road ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As it passes through two subdivisions and joins a third it must be an important road.

**Maulavi JAHANUDDIN AHMED:** Are Government prepared to include this road in the programme of projects to be taken up in the near future ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The present programme has already been settled by a committee appointed by this House. Unless and until that programme is finished I am not prepared to say that this particular road will be taken up.

**Maulavi MUHAMMAD AMJAD ALI** asked :

\*9. With reference to questions 8 (b) and (c) above, will Government be pleased to state—

(a) What was the recommendation of the District Officer in the matter ?

(b) Whether it has got development value by increasing facilities for marketing and for enabling motor-transport to develop ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

9. (a)—The District Officer recommends the present proposals in the Board of Communications scheme (1937) in preference to this road.

(b)—Yes. The same may be said for practically all roads in Assam but the present proposal of the Board of Communications (1937) are considered of far greater value to the Goalpara district than the development of this road.

**Maulavi JAHANUDDIN AHMED:** May I know the reason for recommending the other road in preference to this road ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I cannot vouchsafe the reasons that weighed with the District Officer.

**Maulavi JAHANUDDIN AHMED:** Will Government be pleased to enquire about the reasons given by the District Officer ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Government find no reason to enquire because even if an enquiry is made they are not in a position to change the programme which was adopted by the Communication Board and forwarded to the Government of India and accepted by the Transport Advisory Council.

**Maulavi MUHAMMAD AMJAD ALI:** The Government admits that this is an important road. May I know the reason why it should not be included in the Road Programme in the near future ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I did not say that it should not be included. What I said was that it cannot be included in the present programme.

**Maulavi MUHAMMAD AMJAD ALI:** May I know whether there is an idea of including this road in the near future ?



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The matter will be considered when the next Road Board programme is formulated.

*Re road between Jogighopa and Chapaguri*

**Maulavi MUHAMMAD AMJAD ALI** asked:

- \*10. Will Government be pleased to state—
- When the road between Jogighopa to Chapaguri was taken up by the Road Board?
  - The reason of leaving the gap on the Haripani over this road unbridged?
  - The name of the officer who was the District Magistrate at the time when the improvement of the road was started?
  - What was his recommendation with regard to the road and this bridge?
- \*11. With reference to the reply to question No. 10 given at the last Winter Session of the Assembly will Government be pleased to state—
- The amount, out of the sanctioned estimate of Rs. 1,75,530 utilised for the improvement of this road?
  - The amount of surplus left?
  - The reason of leaving the gap at Haripani over this road unbridged in spite of the surplus?
  - Whether it is a fact that the huge sum of money spent by Government to improve the road from Jogighopa to Chapaguri will be useless if that stream is not bridged?
  - Whether Government is aware that the local authorities of the Postal Department have already sent proposals to the Postmaster General, Calcutta, for carrying of the mails by motor over this road?
  - Whether Government propose to give better facilities for the carrying of mails by bridging this stream?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

10.(a)—The road was selected for improvement under the Second Road Board programme in 1928, but that programme had to be closed down on account of financial stringency before the improvement of the road could be effected. It has been taken up for improvement under the Assam Communications Board programme 1934, and the work is nearing completion.

(b)—The hon. member is referred to the reply given to the same question asked by him at the September (Budget) Session, 1937, of the Assembly—Question 102(c).

(c)—Rai Bahadur P. G. Mukherji was the District Magistrate, Goalpara, in 1928 when the Second Road Board programme was taken up.

(d)—None.

11. (a)—The probable total expenditure upto the end of 1937-38 is Rs. 1,65,190 and the probable requirement in 1938-39 is Rs. 10,000 and thus the probable saving works out at Rs. 340 only

(b) and (c)—The questions do not arise.

(d)—Certainly not.

(e)—Yes.

(f)—Not at present.

**Bringing of Barpathar and Sarupathar mauzas under Criminal Law and Procedure**

**Srijut RAJENDRA NATH BARUA** asked:

\*12. Will the Hon'ble Minister be pleased to state definitely when the two mauzas of Barpathar and Sarupathar will be brought under the ordinary Criminal Law and Procedure?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

12.—No definite date can be given.

**Srijut RAJENDRA NATH BARUA:** Is Government serious about it and whether any steps are being taken and if so, what steps?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I suppose, Sir, the hon. member has got no right to complain about the seriousness or the part of the Government.

**Srijut RAJENDRA NATH BARUA:** No question of seriousness.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** But the hon. member asked that question.

**Srijut RAJENDRA NATH BARUA:** What I mean to ask is if any steps have been taken?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes.

**Srijut RAJENDRA NATH BARUA:** If so, what steps haven been taken?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Steps have certainly been taken. This is a matter which relates to a partially excluded area and, therefore, the matter shall have to be referred to the higher authorities. We have already taken up the matter in hand.

#### UNSTARRED QUESTIONS

(to which answers were laid on the table)

*Re medical practitioners who received Government subsidy*

**Babu LALIT MOHAN KAR** asked:

1. Will Government be pleased to state the names, addresses and qualifications of the private medical practitioners who have received subsidy out of the grant of Rs. 8,000 made this year, as also the amount received by each of them?

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

1.—Government have called in their resolution No. 4424-L.S.G. of the 18th December 1937 for the proposals as regards the places where subsidised doctors will be entertained, and they will be prepared to furnish the information desired at a later date when the actual appointments have been made.



*Re remission of land revenue*

**Kumar AJIT NARAYAN DEV** asked :

2. (a) Are Government aware that when a remission of land revenue was granted to the tenants of the temporary settled estate of Sidli, no such remission was granted to the tenants of the temporary settled estate of Bijni ?

(b) If the answer to question No.2(a) is in the affirmative, will Government be pleased to state the reason ?

(c) Do Government propose to treat the tenants of the temporary settled estate of Bijni equally with those of the temporary settled estate of Sidli ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

2. (a) & (b)—By the "temporary settled estate of Bijni" it is presumed the Bijni Pargana is meant: this is settled with the Raja of Bijni and not direct with the tenants as is the case in Sidli. A remission has been granted to the settlement holders of Sidli who hold their estates under Government but not to the Raja of Bijni. The rates of rent in Bijni pargana are very moderate and hence no remission is necessary.

(c)—The matter is under consideration.

*Generalisation of sectional holiday*

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** asked :

3. Will the Hon'ble Minister in charge be pleased to state whether his attention has been drawn to a resolution passed in the All Assam Ministerial Officers' Conference held at Sylhet on the 27th December 1937 under the Presidency of Khan Bahadur Mofizur Rahman, M.L.A., for generalising the sectional holidays allowed to the Muslim employees as usual holidays, in view of the increased number of Muslim clerks in all offices ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

3.—Yes.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : Sir, is it not a fact that the Moslem clerks find it a great inconvenience if these are treated only as sectional holidays ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : It may be so, Sir. But the reason why Government cannot convert these holidays into general ones is that in Assam the number of holidays is already 45 as against 18 in the Central Government's Secretariat at Delhi.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : Will the Hon'ble Minister be pleased to reconsider the question ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I am not prepared to have the sectional holidays converted at present. Assam already enjoys the largest number of holidays ?

**Maulavi ABDUR RAHMAN** : Will Government state whether by the introduction of these sectional holidays the work of the Muhammadan clerks does not suffer ? Do Government admit this ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : No, Sir ; the work does not suffer because the Muhammadan clerks have to make up the arrear work the next day or the following days.

**Maulavi ABDUL AZIZ** : What is the meaning of a sectional holiday ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Holidays enjoyed by a particular section of the people.

**Maulavi ABDUR RAHMAN** : Will not the work in the criminal courts suffer where the Peshkars are Hindus and the Magistrates are Muhammadans ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : If the presiding officer chuses to enjoy the sectional holiday that will mean a holiday for the whole court ?

**Maulavi ABDUR RAHMAN** : Is it not a fact that the litigants will come up to court and will have to suffer because the court will be practically closed ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I am not aware of any such instance, Sir.

**Maulavi ABDUL AZIZ** : Is it competent for any Head of the Department to disallow the enjoyment of sectional holidays to their subordinates ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : No, Sir. As it is a Government order, the Departmental Heads are bound to observe it.

**Maulavi ABDUL AZIZ** : If any officer has done so, is it legal or illegal ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : We are not aware of any such instance up till now. If my hon. friend will give me any particular instance, I will enquire into that.

**The Hon'ble the SPEAKER** : Next question.

**Maulavi ABDUR RAHMAN** : Is it.....

**The Hon'ble the SPEAKER** : No, I have already called out the next question.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** asked :

4. If so, do Government propose to generalise the sectional holidays as usual holidays and thus redress the grievances of the Muslim clerks ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

4.—No.



**Number of primary schools, dispensaries, etc., in excluded and non-excluded areas**

**Srijut RAJENDRA NATH BARUA** asked :

5. Will Government be pleased to state the total population of Assam stating the number of Assamese and the non-Assamese in the province ?
6. Will Government be pleased to state—
- The area in square miles of the excluded areas in Assam ?
  - The area in square miles of the partially excluded areas in Assam ?
  - The population of excluded areas in Assam ?
  - The population of partially excluded areas in Assam ?
  - The number of primary, secondary schools and dispensaries in the excluded and partially excluded areas separately ?
  - The number of primary and secondary schools and dispensaries in Assam ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

5 and 6.(a), (b), (c) and (d)—The hon. member is referred to pages 2, 243 and 275-29 of the Census Report for Assam, 1931, Part II, where the information is available.

6. (e) and (f)—

	Primary Schools	Secondary Schools
Excluded areas	397	7
Partially excluded areas...	479	15
Assam	6,795	620

As regards the number of dispensaries, the hon. member is referred to statement C in the Annual Report on the Working of the Civil Hospitals and Dispensaries in the Province of Assam for the year 1936.

**Regulation of the speed of motor buses**

**Srijut JADAV PRASAD CHALIHA** asked :

7. Is Government aware that the number of motor accidents is greatly increasing since the increase of motor buses on the Trunk road and other roads ?
8. Is Government aware that most of the buses are not insured against third party claims, and victims go without compensation ?
9. Is Government aware that most of these accidents are due to racing of the buses to overtake one another for passengers ?
10. Do Government propose making a regulation not to grant permission to ply passenger buses unless fitted with regulators to limit the speed to a maximum of 25 miles an hour ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

- 7.—Government believe that this is probably the case.  
8.—Government believe that this is probably the case.  
9.—This may be one of the causes of accidents.  
10.—Government will consider this suggestion.

**Adjournment motion to discuss the conduct of the Hon'ble Speaker for not adjourning the House to enable the Moslem Members to say their Magrib prayers.**

**Srijut GOPI NATH BARDOLOI**: On a point of information, Sir....

**The Hon'ble the SPEAKER**: I shall give an opportunity to the hon. member presently.

**Mr. FAKHRUDDIN ALI AHMED**: Mr. Speaker, Sir, before we.....

**Srijut DEBESWAR SARMAH**: May I interrupt for a moment, Sir ?

**The Hon'ble the SPEAKER**: We shall come to that now. The hon. member Dewan Muhammad Ahab Chaudhury has given notice of an adjournment motion.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: I want to move an adjournment motion but if the Hon'ble Speaker agrees with my suggestion that the House should be adjourned for saying their prayers, I do not wish to move the motion.

**The Hon'ble the SPEAKER**: The House is not in a position to understand what the matter is. The hon. member will please explain his position.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: The question is this. In the last winter session.....

**The Hon'ble the SPEAKER**: The hon. member has given notice of an adjournment motion. The hon. member is to say what he is going to do with that.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: Sir, my motion is "that this House do adjourn for the matter of discussing a matter of public importance, viz., the conduct of the Hon'ble Speaker of the Assam Legislative Assembly in not acceding to the request of the Moslem Members for adjournment of the House for saying their Magrib prayers during the last winter session of the Legislative Assembly".

**The Hon'ble the SPEAKER**: Has the hon. member consulted the rules relating to adjournment motions before giving notice of this motion ?

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: No, I did not consult.

**The Hon'ble the SPEAKER**: I may tell the hon. member that there are some rules in the Assembly Rules regarding adjournment motions and he has to say how the requirements of those rules are satisfied by his adjournment motion.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: If the Hon'ble Speaker gives an assurance.....

**The Hon'ble the SPEAKER**: No question of assurance. The hon. member has first to satisfy me how the requirements of the rules are complied with.

(After some silence)

**Rai Bahadur PROMODE CHANDRA DUTT**: The matter ends there.



**The Hon'ble the SPEAKER :** I may at once tell the hon. member that the subject matter of this motion cannot form a matter to be discussed in an adjournment motion. Because Rule 83 of the Assembly Rules, Part II clearly says that an adjournment motion cannot be moved with regard to a matter which is not the concern of the Provincial-Government. The conduct of the Chair is not a matter which can be concern of the Government. The legislature is only entitled to deal with matters of administration which are the concern of the Government but the conduct of the Chair is not the concern of the Provincial Government. So this adjournment motion is really out of order. But if the hon. member wants to say anything else, he may do so now.

I may tell the hon. member that the fact he has stated in the adjournment motion is also not accurate. The Chair has no power to adjourn the House when the House is engaged in transacting its business. I have already made it a rule to consult the House when a request is made to adjourn the House when it is engaged in transacting any of its business to accommodate any section of the House for some particular business of their own. If the hon. member will consult the proceedings he will find that when such a request was made to adjourn the House to enable the hon. Muhammadan members to say their *Magrib* prayers, I said that if it was the desire of the House I was ready to adjourn the House; and that without adjourning the House it would be convenient if the hon. Muhammadan members would go out and say their prayers while the proceedings of the House were going on. And no hon. member objected at the time. So the hon. member is quite inaccurate in his statement of facts in the adjournment motion.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** Next time if such an occasion arises I request that the House should be adjourned.

**The Hon'ble the SPEAKER :** If a request is made to adjourn the House and if the House thinks that it should be adjourned then it may adjourn. Generally the House sits up to 5 and the *Magrib* prayer comes after 5. It is only in extraordinary circumstances that the House sits after 5. When such an occasion arises the hon. member will be quite welcome to make a request to the House to accede to his wishes.

#### Adjournment motion for restraining the individual rights and liberties under the new Government Servants' Conduct Rules

**Mr. FAKHRUDDIN ALI AHMED :** Sir, before the commencement of to-day's sitting of the House I gave notice of an adjournment motion which, if permitted, I intend to move to-day. May I read the motion, Sir?

**The Hon'ble the SPEAKER :** Yes.

**Mr. FAKHRUDDIN ALI AHMED :** I beg to move, Sir, "that this House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, restraint and deprivation of individual rights and liberties resulting from the publication of rules 21(1)(i) and (ii) of the Assam Government Servants' Conduct Rules, 1937, published in the *Assam Gazette* of the 19th January 1938."

Sir, this is a matter of recent occurrence because the rules were published in the *Assam Gazette* when the House was not sitting and this is the first opportunity that we have got to discuss this matter. It is of urgent public importance because the rules, as you will see, Sir, curtail the individual rights and liberties of persons who are not Government servants and over whom Government have no power, whatsoever, to regulate their conduct or movements.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** This cannot form the subject matter of an adjournment motion for two reasons. Firstly, Government has every right to dictate the terms under which their officers can continue in their service. Secondly, this is in continuation of the old rules that Government servants cannot actively participate in any political movement. If my hon. friend thought that the existing rules were curtailment of the rights and liberties of the people, he could have criticised the same rules long before. These rules existed before the publication of the new ones and my hon. friend has been in this House for the last ten months or so.

**Mr. FAKHRUDDIN ALI AHMED :** Sir, these rules have been framed under section 241(2)(b) of the Government of India Act, 1935. So the contention of the Hon'ble Chief Minister, that these rules are mere continuation of the previous rules regulating the conduct of Government servants does not hold good. I think, Sir, these rules are entirely new rules and they have no bearing with the old rules. It is for the Hon'ble Chief Minister to show that Government have not departed from the old procedure. Section 241(2)(b) of the Government of India Act empowers the Local Government to frame rules regulating the conduct of Government servants but not of other persons. These rules are an attempt to check the liberty and freedom of individuals who are not Government servants, and I want this matter to be discussed because the Government which has framed this rule are interfering with the rights and liberties of persons who are not Government servants.

**The Hon'ble the SPEAKER :** I have heard the speech of the hon. member who has given notice of the adjournment motion and also the speech of the Hon'ble Chief Minister. As I read the terms of the motion I do not think that it relates to a matter of urgent public importance (*Hear! hear!*—from the Ministerial block). The rules referred to in the adjournment motion have been framed under section 241(2)(b) of the Government of India Act, 1935. Section 241(2)(b) of the Government of India Act, 1935, is really a counterpart of section 96B of the Government of India Act, 1919, and the rules made under that section 96B were also similar rules as the Hon'ble Chief Minister has already said. The hon. member who has given notice of this motion has not shown where these rules differ from the previous rules. These rules have been framed for carrying on the administration of the province so far as Government servants are concerned and as the object of this motion is to criticise those rules certainly there is another way open to the hon. member for doing that. And for such an administrative action of the Government an adjournment motion like this is not in order. I therefore rule that this adjournment motion is not in order.

#### Statement regarding Resignation of Ministry

**Srijut GOPINATH BARDOLOI :** I rise on a point of information, Sir. Have I your permission, Sir?

**The Hon'ble the SPEAKER :** Yes.

**Srijut GOPINATH BARDOLOI :** Sir, we meet to-day under very peculiar circumstances. We find that not only there has been a change in the personnel of the Ministry, but also that there has been an addition in the number of Ministers. We read in the *Gazette Extraordinary* that the Chief Minister with the Ministers had resigned and that in place of that another Ministry that we see before us to-day has come into existence. Now, Sir, of course, there is Chapter VIII of the Rules regarding the no-confidence motion. But we find that there is provision for members resigning to make certain statement. Of course, this is a discretion. The



word 'may' is there. When a member resigns, he may make a personal statement in explanation of his resignation. There are however provision also by which this statement can be controverted, or counter statements by other Ministers may be made. I think it is the duty of the House to know under what circumstances the Ministry resigned and under what circumstances the Ministry had been reconstituted. This is the point of information.

**The Hon'ble the SPEAKER:** The hon. member wants the Ministers who resigned to make a statement under rule 86 ?

**Srijut GOPINATH BARDOLOI:** Yes under rule 86, Chapter VIII. I see that the Hon'ble Chief Minister was the Chief actor in this game, and he is the person in a position to make the statement.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** May I point out, Sir, that it is not for the Chief Minister to make the statement. It is for the member who has resigned.

**Srijut GOPINATH BARDOLOI:** The Chief Minister also resigned.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It is only a permissive rule to make a statement or not. Nobody can compel me to make a statement. I do not think that a statement is necessary, for the circumstances of the resignation of the Cabinet and its reformation have been published in the Press.

**The Hon'ble the SPEAKER:** Of course, the rule, as I read it, says that a Minister, who has resigned, may, with the consent of the Speaker, make a personal statement in explanation of his resignation. It is optional for the Minister to make a statement; but I think, for a Minister, who worked for some time as a Minister of the Government, and has resigned, when he is required to make a statement before the House, about the reasons of his resignation, I think, there should be a convention established that he should make a statement.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If it is the desire of the majority of the House that I should make a statement I am prepared to do so. (*Voices—Yes, Sir.*)

**Khan Bahadur Maulavi KERAMAT ALI:** As the reasons have already been published in the Papers, we do not think there is any necessity for the Hon'ble Chief Minister to make a statement.

**The Hon'ble the SPEAKER:** What are the reasons ?

**Khan Bahadur Maulavi KERAMAT ALI:** I do not remember now.

**Rai Bahadur PROMODE CHANDRA DUTT:** Is this question to be put to vote, Sir ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The convention to be established has got to have the backing of the majority of the House. Therefore, I say that when the Hon'ble the Speaker suggested that it should be the convention of the House, I simply wanted to know if the majority accepted the view that such a convention should be established.

**Mr. FAKHRUDDIN ALI AHMED:** Are we not entitled, as representatives of the people, to know the circumstances under which the Chief Minister resigned his post ?

**The Hon'ble the SPEAKER:** The hon. member has heard, what the Hon'ble Chief Minister has said.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I think a statement on behalf of the Ministry is not necessary at all, because, Sir, we have already read in the newspapers why the Ministry has resigned.

(*Voices.—No, no. It may be in your Jugabheri.*)

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Why in *Jugabheri* ? In the *Amrita Bazar Patrika* and other papers also it has been published.

I am confident, that when the news has been circulated through various news agencies all the hon. members have read it and it is not necessary for the Hon'ble Chief Minister to make any statement explaining the circumstances under which the Chief Minister has resigned.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** I find in some other papers also that some reasons have been published. But are we to act on the newspaper report or on some thing else ?

**Babu RABINDRA NATH ADITYA:** Is there any delicacy in the matter, Sir ?

**The Hon'ble the SPEAKER:** No hon. member has yet said what it is that has been published in the paper.

**Rai Bahadur PROMODE CHANDRA DUTT:** It seems that some hon. members of the House are more fortunate than others because they are in the know of what is going on within the Ministry.

**The Hon'ble the SPEAKER:** The Hon'ble the Chief Minister has said that if a convention should be established, it should be by the vote of the House. If the vote of the House is necessary, then there should be a motion. Otherwise I should be taking the general sense of the House. If the Hon'ble the Chief Minister still wants that it should be done by the vote of the House, then, of course, the hon. member who has asked for the statement should make a motion.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There is no secrecy in the matter. I will only be too glad to place all the circumstances before the House. But it looks undignified that I should make a statement here pertaining to two Hon'ble colleagues of mine who served with me for ten months. One of them I do not see in the House and it may be that he may like to make a statement. Therefore, I do not want to make any statement. If any convention is to be made, it should have the backing of the majority of the House. You may simply ask for the sense of the House. Those hon. members who want to hear the statement may stand on their seats. If they are a majority, I will abide by their decision.

**The Hon'ble the SPEAKER:** I may tell the Hon'ble the Chief Minister that the minority has got a right to know the reason for resignation. If the majority think that they should not allow the minority to know the reason then of course they can do it. That would not be establishing a happy convention so far as Parliamentary procedure is concerned.

**Srijut GOPINATH BARDOLOI:** I have already submitted that this is discretionary, but as representatives of the people we should know the circumstances under which this resignation has taken place. The Hon'ble the Chief Minister may not be willing to make a statement, but Maulavi Muhammad Ali Haidar Khan who has also resigned may be willing to do so.

**Maulavi ABDUR RAHMAN:** Sir, the Hon'ble the Chief Minister is not only the Chief Minister of a single party, he is the leader of the whole House. There is no question whether there is a party opposed to it. He is the leader of the whole House. If any individual member of the House wants to know the secrecy which compelled the Hon'ble Chief Minister to resign, I think, he is honour bound to disclose the facts. (*Hear ! hear !*). I was also fortunately a member of his party till the commencement of the winter session and so it is curious enough to me to know the circumstances



under which the Premier was compelled to resign and reshuffle the Ministry. Even now we have not been able to understand the reason why the Premier had to resign.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** On a point of order, Sir. Is party matter relevant to be discussed inside the House?

**The Hon'ble the SPEAKER:** No.

**Maulavi ABDUR RAHMAN:** We just want to make a statement.

**The Hon'ble the SPEAKER:** The hon. member was not a Minister that he should make a statement (*Loud laughter*).

**Maulavi ABDUR RAHMAN:** I can demand a statement.

**The Hon'ble the SPEAKER:** Yes, the hon. member can demand a statement.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I can answer the hon. member in a few sentences. The hon. member Maulavi Abdur Rahman who was a follower of the then cabinet and a member of the party which was led by me requested by his signature on the 12th of December last that the Ministry should be reshuffled, but on the 15th December he asked me by another writing to expunge his signature from the previous document. By another letter, dated 14th December, he declined to continue a member of my party and, therefore, I did not take him into my confidence in the reformation of the cabinet (*laughter*).

**Maulavi ABDUR RAHMAN:** Sir, the Hon'ble Chief Minister said that I requested him to expunge my signature but I say, Sir, that it was not within his power to expunge my signature from that document. It was rather quite within my control and power to do so. By a subsequent letter I let him know that I did not insist for the matter. That was the position, Sir. I did never request the Hon'ble Chief Minister to expunge my signature. I only withdrew my signature on the mandate of my party to which I belong. It was positively understood that the requisition be placed before the party meeting before it being submitted to the Hon'ble Premier.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Very well, Sir. The hon. member used the word 'withdraw' and not 'expunge'.

**Babu RABINDRA NATH ADITYA:** Is that letter the sole cause of his resignation?

**The Hon'ble the SPEAKER:** I find that the chief objection of the Hon'ble Chief Minister is that if he makes a statement then he will have to say things which will not be quite dignified so far as the two Ministers who have gone out of office are concerned. One out-going Minister is also present in this House. Now if the out-going Ministers say that they will not mind even if undesirable things be said about them, then that disposes of the matter and the Hon'ble Chief Minister can make a statement.

**Maulavi MD. ALI HAIDAR KHAN:** If the hon. House wants to know it then as for myself I have no objection. (*Hear! hear!*)

**The Hon'ble the SPEAKER:** Who can say for the other hon. member who is not here? (*Laughter*).

**Mr. FAKHRUDDIN ALI AHMED:** Sir, the Hon'ble Chief Minister may deal with him separately.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Very well, Sir. I will cut short the whole matter. The number of the Muslim members in this House is 34. Of them 30 put their signatures in a document saying that they all belong to one group of which I was unanimously selected as the leader. During the last winter session, 16 members of that group including my hon. friend Maulavi Abdur Rahman

sent me a requisition on 12th December saying that the two Muslim Colleagues of mine should be replaced by two others the names of whom they mentioned in that requisition. After that as I have already mentioned, my hon. friend Maulavi Abdur Rahman by another letter written on the 15th of December intimated to me that he was no longer of that opinion. So excluding his signature, I had half the party requesting me to change those two Muslim Colleagues of mine. Then I got another letter on the 14th December from certain members of the party whose number was eight and which was also signed by my two Hon'ble Colleagues saying that they had seceded from the party of which I was the leader. So I was left with a party of 22 members and the majority opinion of that party being that the present two Ministers should be changed, I had to reshuffle the Ministry.

**Maulavi ABDUR RAHMAN:** Sir, may I know one point? Why the Hon'ble Chief Minister thought it necessary to increase the number of the Ministers by one?

**The Hon'ble the SPEAKER:** That should not form part of the statement. The Hon'ble Chief Minister has been asked to make a statement for changing the Ministry. He is not called upon to make a statement with regard to the formation of the Ministry.

I now read out the message received from His Excellency.....

**Srijut GOPINATH BARDOLOI:** My hon. friend Maulavi Md. Ali Haidar Khan wants to make a statement. We want to hear it.

**Governor's Message communicating allotment of days for the presentation of Budget, General discussion of Budget, Voting on Demands for grants, etc.**

**The Hon'ble the SPEAKER:** Let me read out His Excellency's message first regarding the allotment of days during the present session.

#### ORDER No. I

"For the purposes of sub-section (1) of section 78, section 79, sub-section (2) of section 80 and section 81 of the Government of India Act, 1935, and in pursuance of Rules 12, 14(1), 15(1), 16, 17(1), 17(2) and 19 of the Assam Legislative Assembly Rules, Part I, I, Robert Niel Reid, hereby appoint the following days for the presentation to the Legislative Assembly of the Statement of Estimated Receipts and Expenditure of the Province for the year 1938-39 and for the subsequent stages in respect thereof and for the presentation to the Legislative Assembly of the Supplementary Statements of Expenditure for the year 1937-38 and for the subsequent stages in respect thereof in the Legislative Assembly during its February-March session, 1938, namely:—

Tuesday the 15th February ... Presentation in the Legislative Assembly.

Wednesday, the 16th February }  
Thursday, the 17th February } General discussion in the Legislative  
Friday the 18th February } Assembly.



Tuesday, the 22nd February  
Thursday, the 24th February  
Friday, the 25th February  
Saturday, the 26th February  
Monday, the 28th February } Voting on Demands for Grants in the  
from 2 p. m. } Legislative Assembly.

Tuesday, the 1st March  
Wednesday, the 2nd March  
Thursday, the 3rd March  
Friday, the 4th March from  
3-30 p.m.

1. Presentation of Supplementary State-  
ment of Expenditure for 1937-38 in  
the Legislative Assembly.

Monday, the 28th February up }  
to 1 p.m. } 2. Discussion, if any, of estimates of  
expenditure charged upon the reve-  
nues of the Province, other than  
estimates relating to expenditure  
referred to in paragraph (a) of sub-  
section (3) of section 78 of the Act.

Friday, the 4th March upto }  
3-30 p.m. } 1. Further Demands for Grants, if any.  
2. Voting on Demands for Supplementa-  
ry Grants for 1937-38.

Saturday, the 5th March ... Placing of the authenticated schedule of  
authorised expenditure before the  
Assembly.

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

SHILLONG :  
The 7th February 1938.

R. N. REID,  
Governor.

**Allotment of days for private Members' business**

**ORDER No.II.**

"In pursuance of Rule 17 of the Assam Legislative Assembly Rules,  
Part II, I, Robert Niel Reid, hereby allot the following days for private  
members' business during the February-March session of the Assam  
Legislative Assembly, 1938 :—

Saturday, the 19th February ... } 1. Private members' Bills.  
Monday, the 21st February, ... } 2. Private members' resolutions (if time  
permits).

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

SHILLONG :  
The 7th February 1938.

R. N. REID,  
Governor.

**Statement re. course of Government business**

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** With  
your permission, Sir, I desire to make a statement about the course of  
Government business during this session.

The Government business which is to be taken up to-day is already  
shown in the day's agenda, a copy of which has been placed on each  
member's table. I need not detail it again.

If the motion for taking into consideration of the Good Conduct  
Prisoners' Probation Release Bill, 1937, is accepted by the House to-day,  
we propose that the Bill be considered clause by clause on the 5th March  
and then to move that the same be passed.

On the 5th March we propose to lay before the House an address for  
presentation under section 229(1) of the Government of India Act, 1935, for  
the establishment of a High Court in Assam. On the same date we also  
propose that the election of members to the Public Accounts Committee  
be held.

We also propose to take any unforeseen Government business on the 5th  
March after the disposal of the Government business allotted for that day  
by His Excellency the Governor.

**Statement of Ex-Ministers re. their resignation of offices**

**The Hon'ble the SPEAKER:** The hon. Maulavi Ali Haidar Khan  
wanted to make a statement about the resignation of the Ministry, but I  
think it will be better for him to make the statement to-morrow because I  
find that hon. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed is not in  
the House now. Both the statements should be made on the same day.

**Maulavi MD. ALI HAIDAR KHAN:** I will make a statement to-  
morrow.

**Condolence on the death of Srijut Jogendranath Barua, Mrs. Swa-  
ruprani Nehru, Dr. Sarat Chandra Chatterjee, Dr. Heramba  
Chandra Maitra and Sir Abdul Qayyum**

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir,  
before proceeding with the rest of the business of the day, I think the House  
should mourn the melancholy death of one of our colleagues in the person of  
Srijut Jogendranath Barua. Every one in the House was struck by the  
simplicity and sweet reasonableness of the departed soul. I had the fortune  
of working together with him as a practitioner at the Gauhati Bar for nearly  
10 years. I can say strongly that during that period, in spite of professional  
jealousy he had not a single enemy and that this speaks a volume of the  
character of the departed gentleman. I have also known him as the Secre-  
tary of one of the very well representative and influential associatns.—the



Assam Association. I know, Sir, how hard he worked as Secretary of that Association for the political regeneration of the province of Assam. It was only lately that is prior to his election to the Assembly, he joined the great organisation of the Congress of which he was a very sincere member. I hope, Sir, the hon. members of the House will join with me in sending a message of condolence to the bereaved family.

Sir, I have got to mourn the loss of a great lady—I mean—Mrs. Swaruprani Nehru. In one word, it could be said that inspite of being herself a conservative and old fashioned lady she threw herself heart and soul into the political movement with her conspicuous and illustrious husband—the late Pandit Matilal Nehru. Sir, in respecting the memory of her personality we respect ourselves. I propose, therefore, that this House should also send a message of condolence to her bereaved and world-known son, Pandit Jawharlal Nehru.

Sir, we have also got to mourn the loss of another great personality in Dr. Sarat Chandra Chatterjee—a great novelist of Bengal. I have never known him to belong to any of the political schools but he created a revolution in Bengali literature by his very well read novels and through the medium of which he wanted to inculcate a new spirit of freedom in every thing—political, social and educational. In respecting him, we respect the great Bengali nation and their great genius. I hope, Sir, this House will have no objection in associating themselves with the condolence messages to the respective families of all the departed great ones.

**Srijut GOPINATH BARDOLOI:** Sir, I beg to associate myself with the three condolence references that have been made by the Hon'ble Chief Minister and the Leader of the House. In mourning the loss of our friend—late Srijut Jogendranath Barua, I desire to bring to the notice of the House his great amiability of character and his loveliness. Whoever came in contact with him could not but be impressed by the sweet and abiding smile which was always on his lips which only revealed his soft and rich heart.

Sir, it has been said that he joined the Congress organisation lately, but that is not so. He joined the Congress movement as early as 1921. He had a fairly good practice at the bar then and he gave it up at the time of non-co-operation movement. He continued as a Congress member all his life although he might not have shown himself as flushy as many of us show ourselves to be. He was always a very sincere believer in the cause of the Congress. Losing him, therefore, we lose a great Congress man in Assam. Besides, Sir, he was a worker in the cause of economic regeneration of Assam. To his credit must go many of the ventures—small they may be—that have cropped up in the Assam Valley during the last 10 or 15 years. In losing him, Sir, we lose a great lawyer also. His practice was not confined to Gauhati but practically he had a monopoly of practice throughout the Assam Valley in all important civil matters.

We, therefore, Sir, lose in Srijut Jogendranath Barua a very important personage so far as the Assam Valley is concerned and it is but proper that we mourn over his loss and send a message of condolence to the bereaved family.

Sir, to the reference to Mrs. Swaruprani Nehru, I can say that there are few examples of glorious womanhood in India to-day as was found in the life of this great lady. For the cause of the freedom of the country she led the civil disobedience movement at Allahabad when all the male members were sent to jail, and as a result of this she had to receive *lathi* blows and all

manners of indignities at the hands of the police. She had the courage and boldness to send her husband cheerfully to jail; she cheerfully suffered the sufferings that a mother must necessarily endure on account of her son being constantly incarcerated in jail by the bureaucracy. Sir, we honour ourselves in honouring a lady like her, and in expressing our deep sorrow at her loss.

Then, Sir, regarding Dr. Sarat Chandra Chatterjee, I should enlighten the House that he was also a staunch Congressman, and whatever might be his creed he left in his largely new works no shadow of a doubt that he felt for the poor, for the sufferings of the poor and the down-trodden, and it is on this account that we should mourn his loss to-day.

The mention of one great man also has not been made by the Hon'ble Leader of the House—I mean Dr. Heramba Chandra Maitra. He was a great educationist. He was practically the leader of the Bengali literature during the early eighties of the last century. He was a great Principal and his educational attainments are so well known to all the students of the last 50 years that I do not want to repeat them here. We will be simply doing our duty in mourning his loss and conveying our sense of loss to the members of his family.

**Mr. F. W. HOCKENHULL:** Sir, I should like to associate myself in this message of condolence which we are sending to the family of the deceased. In regard to the late Srijut Jogendranath Barua we particularly desire to express our sympathy to the Congress party of this House and its leader in the loss that they have sustained.

**Maulvi ABDUR RAHMAN:** Mr. Speaker, Sir, I fully associate myself with the sentiments expressed by the Leader of the House about the late Srijut Jogendranath Barua. Sir, Mr. Barua was a most amiable gentleman; I was not acquainted with him until I entered the Assembly, and in the Assembly I found him to be a real gentleman and a great parliamentarian.

About Mrs. Swaruprani Nehru, I was not personally known to her, but by her services to the country she has become known to every son of India.

About Mr. Sarat Chandra Chatterjee, I think no word will be sufficient to express my sympathy with the members of his family.

I mourn the death of these three great departed souls.

**Bahu KAMINI KUMAR SEN:** Mr Speaker, Sir, I also on behalf of the group to which I have the honour to belong, whole-heartedly associate with the words that have already been spoken with regard to late Srijut Jogendranath Barua, Mrs. Swaruprani Nehru, Dr. Sarat Chandra Chatterjee and Dr. Heramba Chandra Maitra. I had the privilege of knowing late Mr Barua first when we became members of this Assembly, and during the short period that I had the pleasure of working with him I was struck by his genial temper and his pleasing manner. He was a very sound, sober and silent worker, and in him the country, and specially this House, has lost an active worker and a valuable asset. We all mourn his loss very much. I still remember his smiling face when we last parted after the last session, but little could we dream that the cruel hand of death will take him away so soon.

As regards Mrs. Swaruprani Nehru, she was an ideal lady who not only suffered for the country but did not hesitate to send her only son for the sake of the country for long years of imprisonment. Even to the last day of her life she took an active interest in the freedom movement in India and the country deeply mourns her loss at this critical juncture of its history.

As regards Dr. Chatterjee he created a revolution in the present Bengali literature, and he will be remembered long by the nice social picture that he has presented, in his renowned novels.



As regards Dr. Maitra, he was a great educationist and we mourn his loss at a time when the country needs his service most.

With these words Sir, I associate myself with the reference that has been made by the Hon'ble Leader of the House.

**Mr. NABA KUMAR DUTTA:** Mr. Speaker, Sir, it is with a heavy heart that I rise to associate myself with the sense of this House at the demise of Srijut Jogendra Nath Barua. Sir, by the demise of Srijut Jogendra Nath Barua Assam lost an illustrious son, and the Indian planters lost a great friend who was the worthy director of some tea companies of Upper Assam. A man of extraordinarily amiable disposition Mr. Barua won the hearts of all, and was respected not only in political and social spheres of the province but also in business sphere, and it will be difficult to fill up his place. Sir, those who die young are the beloved of God.

We also mourn the loss of Mrs. Nehru, Dr. Chatterjee and Dr. Maitra who took a great part in Indian politics, and I wish to be associated in any message of condolence that will be sent to the families of these great personages.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Mr. Speaker, Sir, it is our melancholy duty that we are so soon called upon to mourn over the unexpected death of another distinguished colleague of ours, namely the late Srijut Jogendranath Barua. He was an embodiment of all noble virtues. He was a personation of non-violence both in deeds and words. He had an enviable genial temperament. He was always with an abiding smile. During the last session he was in our midst and he was hale and hearty, but we could hardly dream at the time that our friend will so soon pass away leaving us behind to mourn his sudden and sad death. We have heard about the qualities of head and heart of the departed gentleman. Let us pray to God now for the peace of his soul.

I also associate myself with the words of sorrow expressed by the Hon'ble Leader of the House and other colleagues on the death of the distinguished patriot Mrs. Swaruprani Nehru, and the distinguished scholar Dr. S. Chatterjee who brought renaissance in the thoughts and culture of the modern Bengalis by his forceful literature.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I wholeheartedly accept the suggestion made by the hon. the Leader of the opposition as regards including a condolence message on the death of Dr. Heramba Chandra Maitra. I remember him to be a great educationist and while I was a student in Calcutta, I used to listen to his lectures with rapt attention. He was Principal of the City College and he was reputed to be one of the greatest Professors of English literature. I have not heard of his political activities and that is why I forgot to mention his name in the first instance. But as I have said, I wholeheartedly accept the suggestion of the hon. Leader of the Opposition.

**The Hon'ble the SPEAKER:** I fully associate myself with what has been said touching on the deaths of four notable personalities which took place very recently that left this world. With regard to the late Srijut Jogendranath Barua, I must tell the House that the moment I came to know him really I came to love him. I only came to know him only a year ago. From what I observed of him it gave me the unmistakable impression that he was a man of sterling worth. He was an ardent patriot and a silent worker for the cause of freedom of this country. And certainly this province has lost in him a person whose place would be difficult to fill. It is a tremendous loss to this Assembly that we have been deprived of the services of such a member of this House.

The death of the late Srijukta Swaruprani Nehru, has been mourned throughout the whole of India. A remarkable lady, a devoted and loving mother and an ardent lover of the country, she spared no pains in the service of the country and all accounts of her activities during the days of the non-co-operation movement and the civil disobedience movements are still vivid in our memory. And the example she has set to the women of India is certainly one of which we shall all be proud, and which deserves to be emulated by them.

The late Dr. Sarat Chandra Chatterjee is known as one of the greatest novelists whom India has ever produced. And if the Bengali literature is the second richest language in the whole of the British Empire it is really due to the contributions of men like Dr. Sarat Chandra Chatterjee and those who preceded him like Bankim Chandra Chatterjee, and also to men like Dr. Rabindranath Tagore, and their works will stand out as highly noteworthy contributions to the Bengali literature. As a student of human nature Dr. Chatterjee showed what human life is and what it should be. And through his writings the spirit of nationalism that expressed itself will no doubt be an abiding thing for this country.

The late Dr. Heramba Chandra Maitra was a great educationist and generations of students sat at his feet with immense benefit to them. As student of Emerson he attained international fame. He was a great reformer and a man possessing a high character. He was respected by all who knew him and he was also a worker for the cause of the freedom of India. The loss of these personalities are undoubtedly a tremendous loss to the country. We mourn their loss and in showing honour to these departed souls we really do honour to ourselves and on behalf of this House, I shall forward condolence messages to their families as desired by the House.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Before we go to the next item, Sir, I have been requested by the hon. member Maulavi Dewan Muhammad Ahab Chaudhury to mention the name of another great person whose loss we have not mentioned to-day. He is no less a person than Sir Abdul Qayyum, ex-Premier of the North-West Frontier Province. Any one who knew him knows that he was a man of sterling character, of robust independence and he had done lot of good for the country. I hope, Sir the House will have no objection in including his name also and sending a message of condolence to his bereaved family.

#### Duration of the sittings of Assembly

**Mr. ARUN KUMAR CHANDA:** Before we dive into the business of the House, Sir, may I make one humble submission? And I hope in this I voice the sentiments of all sections of the House. I desire to request you that you may be pleased to order the House to sit up till 4 o'clock every afternoon. I hold no brief for the Chair, Sir. But if this order is made this will also protect the Chair from the onslaught of my pious Muhammadan friends who have a dread of political deliberations disturbing their prayers.

**The Hon'ble the SPEAKER:** If that is really the desire of the House, I have no objection. Is it the desire of the House that we should not sit after 4 p.m. every day?

(Voices of "Yes")  
**The Hon'ble the SPEAKER:** Then I take it that it is the desire of the House. Then we shall sit till 4 p.m.

**Mr. F. W. HOCKENHULL:** Do I understand that the proposal that we need not sit later than 4 o'clock in the afternoon applies for to-day only or applies to the whole of the session?



**The Hon'ble the SPEAKER:** The whole of the session.

**Mr. F. W. HOCKENHULL:** Thank you, Sir.

**The Hon'ble the SPEAKER:** With regard to this proposal, I wish to point out to the House that on those days on which demands for grants will come up for voting, we shall have to sit till 5 p.m. Because, under the Rules we are to continue till 5 p.m. and it is only after 5 that the guillotine is to be applied.

**SPEECH BY THE HON'BLE THE FINANCE MINISTER  
SIR SAIYID MUHAMMAD SAADULLA, INTRODUCING  
THE BUDGET OF GOVERNMENT OF ASSAM  
FOR THE YEAR 1938-39**

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:**

Mr. Speaker, Sir, I beg to present to the Assembly the annual financial statement of the province of Assam for the year 1938-39 consisting of a statement of the estimated receipts and expenditure of the province for that year. Copies of these estimates which also include the revised estimates of the current year and the final accounts or actuals of 1930-37 together with an Explanatory Memorandum have been posted to Hon. Members on the 31st January, 1938. Much as I had desired to send out these estimates earlier, I regret I was not able to do so and give more time to the Hon. Members to go through the figures.

I am aware that some Hon. Members are labouring under considerable inconvenience in that the session has been fixed to commence to-day. But the unavoidable reasons for this decision are various. Firstly, according to the present Acts, the elections to the Local Boards in the province must be completed before the 31st March 1938 and, in view of certain changes in the rules, the elections cannot be held earlier than the 20th March. Government set great importance on these local bodies which are the training ground for self-government. As many Hon. Members of the House would like to stand for election, Government thought it desirable to advance the date of the session so as not to clash with the actual dates for voting in those elections at the same time affording candidates contesting in these elections sometime for canvassing. Then we had to avoid the Mohurrum holidays which start from the 9th March for the Muhammadans and continue till the 13th. Thereafter we have also the Doljatra holidays. Nor could we advance the session to an earlier date on account of the fact that the important Moslem festival Id-uz-zuha had to be observed on the 11th and 12th February. I hope Hon. Members do now appreciate that in the circumstances there was no alternative than to start this budget session to-day.

We have done our best to explain the figures and variations in the Budget Memorandum.

**ACCOUNTS, 1936-37**

I will deal first with the final accounts of 1936-37. Hon. Members will find from statement A and B that the total receipts from revenue heads amounted to Trs.2,53,40 whereas the total expenditure from revenue was Trs.2,92,19. The deficit under the revenue head, therefore, amounted to Trs.38,79; but as there was a little surplus on Capital revenue over Capital expenditure, the actual deficit amounted to Trs.30,65. A loan for this amount shall normally have to be taken to repay to the Government of India. In view of the fact, however, that the next year's budget is a deficit one, the Ministry is trying to come to some arrangement with the Central Government so that the loan need not be taken next year. The present temporary accommodation from the Government of India for this deficit carries us up to the end of September 1938 and the interest charged is also low viz., 1½ per cent. only. If we could arrange either with the Central Government to extend the period of accommodation up to the end of the financial year or with the Reserve Bank of India to accommodate us by means of Treasury Bills, it will mean a great saving to the province in interest charges. I have hopes of obtaining this favour from the higher authorities. Should, however, we be not fortunate enough to obtain this little concession, we have included in the budget estimates a sum of Trs.61 odd for interest charges and a sum of half a lakh for brokerage commission and other incidental charges, for under the new arrangements we will have to borrow in the open market and these charges will be incidental to floating a loan.

**REVISED ESTIMATES, 1937-38**

Next I come to the Revised Estimates for the current year. These show considerable changes from the Budget Estimates of 1937-38. Under the head Land Revenue alone there is a drop of over six lakhs in the receipts. I need not detail that this is partly due to the remission in land revenue demand granted by Government consequent on the resolution of the House in this respect. Full figures of the results of the concessions cannot be ascertained now; but it is estimated that it will reduce the income by an additional ten lakhs over the 18 lakhs remitted by the previous Government. Of these, however, only 2½ lakhs is expected to fall in the current year. Progress of collections have shown a considerable decrease and the delay in issuing remission orders has made it necessary for Government to revise considerably the estimate for the current year which has been reduced to Trs.1,07,50. Hon. Members are aware that a committee



has been appointed to inquire into the economic conditions of the raiyats and to advise Government on the question of the temporary reduction of revenue due next January. Incidentally it may be mentioned that remission of land revenue alone does not solve the problem and the flat reduction of revenue to rich and poor alike would only deprive the poorer people from the benefit of development in nation building activities. The bulk of the remission now granted by the present Government will fall in next year's accounts and therefore the budget estimates this income at Trs.1,02,50. The Ministry hope that the remission given will enable raiyats to tide over the depression during the period when agricultural produce is fetching low prices.

The income from ordinary Land Revenue can be considerably increased if the vast quantity of waste land awaiting the plough is thrown open to settlement. This and allied questions were inquired into by the Line System Committee whose report is now in print and will soon be available both to Government and to Hon. Members.

Another item which has shown a considerable drop is the income from Stamps. Here the revised estimate is down by a lakh and a half from the budget estimate of the current year. I need refer only to another item of this revised estimate of receipts. Hon. Members will find from statement A, that we expected Trs.11,16 as our share of the export duty on jute, but, under later advices from the Government of India, the revised has been placed at Trs.12,70. Under certain changes of account heads these two items have changed places from the bottom to the top of the statement.

On the expenditure side the revised estimate shows a net increase of Trs.1,13. The various causes that are responsible for this increased estimate have been explained in detail at page 10 of the Budget Memorandum and it is not necessary for me to recapitulate them here.

Statements C and D will reveal the variations between the budget estimates and the revised of the current year so far as Capital revenue and Capital expenditure is concerned. In these estimates we had nothing to guide us and the estimates were more or less guess work. Moreover, remittances within India form a big item on both sides of the account and it is an item over which the Government have no control. A further variation is due to the decision of the Ministry to remit a sum of Trs.5,86 from the outstanding agricultural loans leaving only twenty per cent. of loans in Sylhet, and fifty per cent. of those in Goalpara, Nowgong and Sibsagar for realisation.

This step undertaken by the present Government should further allay distress and give an impetus to agricultural recovery in the province.

Hon. Members are aware that while introducing the budget estimates for the current year in July last, I estimated a revenue surplus over expenditure to the extent of about two and a quarter lakhs. The authenticated schedule of authorised expenditure by His Excellency the Governor, after taking into account the reductions made by the House, estimated that there will be an excess of revenue over expenditure from revenue to the extent of Trs.4,46. But in view of the large remissions in land revenue and agricultural loans and also a subsequent vote of further expenditure by the House that surplus did not materialise, and it is apprehended that the current year would close with an excess of expenditure charged to revenue over revenue to the tune of Trs. 2,74.

It is fortunate however that the Central Government is in a position to distribute certain sums to the provinces from the Income Tax collection by them. Under the Neimeyer proposals we have been informed by the Central Government that we would receive a sum of Trs.2,76 from that source and, therefore, in all probability our revenue budget will just balance and there may probably be no deficit.

#### BUDGET ESTIMATES, 1938-39

I now come to the estimates for 1938-39. The year is estimated to begin with an opening balance of Trs. 33,34. Land Revenue is our most important head of receipt. I have already indicated the disappointing progress of the collections of our land revenue and I have also pointed out that the bulk of the remissions granted this year will fall in the accounts of the next year. We have, therefore, been compelled to estimate Trs. 1,20,70 only as receipts from Land Revenue, or very nearly a drop of 12 and 6 lakhs from the budget and revised estimates respectively of the current year. The only other drop in revenue is to be noted under Civil Works, and this is explained by the fact that the budget provides for a credit of Trs. 1,80 only for the petrol tax projects as against a revised of Trs. 10,71 for the current year. Total receipts from Revenue heads are expected to be Trs. 2,64,24 as against a revised of Trs. 2,78,67. This drop in income is, however, partially counterbalanced by less expenditure from revenue, namely Trs. 2,68,86 as against a revised of Trs. 2,81,41. I am sorry to inform the House that according to the estimates the budget will show a deficit of Trs. 4,62. As explained in paragraph 4, page 11 of the Budget Memorandum,



taking both the revenue and capital receipts and similar expenditure, the closing surplus balance of the province is expected to be Trs. 40,48. But this surplus figure will be reduced by about 4 lakhs if the loan to pay off the deficit of 1936-37 is not taken in the next financial year. Similarly, the revenue deficit will be reduced by about Trs. 90 as our budget estimates include figures for brokerage for the loan and the payment of interest in the next financial year that I have already mentioned. The revenue deficit will be further reduced by a probable further receipt of Trs. 2,56 from the Government of India under the Neimeyer award.

On account of this state of the provincial finances, the Ministry in spite of their best efforts could not get the funds for any heavy list of new schemes. They have endeavoured, however, within the limitations of funds to provide a little more than half lakh of rupees for some new projects which will be found at Appendix A starting from page 79 of the Budget Memorandum. As explanatory notes have been given against each item of the new schemes, I will not detail them again but will make a few general observations.

From the statement of the finances of the province, Hon. Members must have realised that the provincial resources must be augmented if any large scale development in the nation building departments are to be initiated and carried into execution. I argued to the best of my ability with the authorities at Delhi about our claims for a share in the Excise duty on petrol produced within our boundaries. It is freely admitted that we had not a fair deal under the Neimeyer award, but under the present Government of India Act the Centre cannot give to Assam as the producing province any special share of the proceeds of the petrol and kerosine excise duties. Something must have, however, to be done if the Government is to meet the insistent demand for improving the educational, hygienic and economic improvement of the masses. The Ministry is doing their level best in various ways to achieve that end. Apart from the remissions in land revenue and agricultural loans, resettlement of the district of Cachar and Jaintia Parganas has been postponed for five years on account of the prevailing distress due to the poor price of agricultural produce. Two debt conciliation boards have been formed with the idea of bringing about amicable liquidation on reasonable terms of the heavy burden on the cultivators. Action is being taken on the Local Rates (Amendment) Act passed by the Assembly last year. The question whether these rates will be levied at some flat rate not exceeding the maximum of one anna and four pies or whether it should be levied at sliding rates, is still under consideration.

But it appears certain that the kist falling due in next April will have to be realised at the rate of 1 anna per rupee, owing to the fact that the registers which should be prepared according to the decision of Government will not be ready before April next. This Government is alive to the fact that the relief granted by a remission of land revenue and outstanding agricultural loans to the agriculturists will be made nugatory by the execution of decrees passed in favour of Mahajans. The Ministry is considering whether they should not initiate legislation on the lines of the United Provinces Bill which aims at prevention of execution of money decrees against agriculturist debtors for a prescribed number of years.

The colonisation schemes in Nowgong and Darrang have been very successful and if further areas are thrown open for settlement on the same terms, they are likely to be taken up immediately thus bringing much needed income to the province. The development scheme in Barpathar area is also doing very well and the new area disforested is likely to be taken up quickly. ✓

The Dastidar estate of Sylhet has been taken over by Government for management. There have been applications for such assumption by the proprietors of several other estates and the question of policy whether Government should add to their responsibilities by taking over the preservation of old and ancient families from total ruin is engaging the Ministry's consideration.

In the Administration of Justice Department the Ministry has framed draft rules for a subordinate judicial service for this province and the Government of Bengal which supplies munsifs for the district of Sylhet has been asked for their views. The Calcutta High Court have expressed the view that there should be two District and Sessions Judges in the Assam Valley districts and this Government has accepted the principle of the proposal. The intention of the present Government is to establish a High Court for the Province which, this Ministry is satisfied, will not only confer a great boon on litigants but will also be a financially profitable proposition for the province. Action under section 229 of the Government of India Act is being undertaken this session.

The system of appointment of Honorary Magistrates is under consideration of the Ministry. Various provincial Governments have been consulted and their replies are awaited.

In the Jails Department it has been proposed to abolish *ghani* labour by prisoners at a very early date. Pending the working of the *ghanis* by bullocks for the purpose of which funds shall have to be voted by the House, mustard oil for the use of the prisoners shall have to be purchased and this will increase

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the expenditure on rations under Jails. It is also proposed to segregate adolescent prisoners of the province in one particular jail. The question of rewarding good conduct of prisoners in the jails has been taken up and a Bill on the subject is now before the House.

The greatly increased printing work which has arisen out of the activities of the new Constitution points to the need of increase in the equipment and staff of the Government Press at Shillong. Proposals in regard to it are under examination, and in due time the matter will be placed before the House in the shape of a supplementary demand.

There has been increased activity in the Medical Department and the Ministry is alive to the extreme necessity of bringing medical relief to the cultivators. A scheme of subsidised dispensaries for rural areas has been devised and the sum of over twelve thousand rupees has been put down in the estimates for next year. We have every hope that this scheme will be quite successful.

There is a new scheme for a travelling dispensary in the Garo Hills. Almost all the dispensaries there, with the exception of the one at Tura, are situated on the borders of the plains get any benefit from these dispensaries. It is gratifying to note that during the current year dispensaries have been started by various local boards. The one at Golakganj started by the Dhubri local board is working very satisfactorily. The project for opening another dispensary at Sidli has been enthusiastically received, and the people of the locality have promised to raise a sum of Rs.1,600 for the purpose. The Habiganj local board has started a similar dispensary at Madhabpur. For certain local board dispensaries the public have raised funds to start anti-rabic treatment in their dispensaries. A great deal in the way of giving medical relief to the rural population can be done by creating public interest. It is the avowed policy of the Ministry to rouse this spirit of self-help of our populace and much beneficent work can be accomplished and has been accomplished by way of improving sanitation by this method. The co-operation of the Hon. Members of the House is earnestly requested in this direction.

Another movement which needs the active co-operation of all is the King-Emperor's Anti-Tuberculosis Treatment Fund started by Their Excellencies the Viceroy and Lady Linlithgow. There is no doubt that Assam needs a Sanatorium for treatment of consumptive patients and it is hoped that Hon. Members will take an enthusiastic interest in this matter.

The Department of Public Health has done useful work in combating cholera epidemics in Maulvi Bazar and Sunamganj subdivisions. The Department successfully dealt with an epidemic of dysentery in Darrang district. It is a matter of great concern that the fell disease *Kala-azar* is beginning to reappear in two districts of the Brahmaputra Valley. The Department is quite alert on the matter and steps have been taken to nip the recrudescence in the bud. The Ministry has taken up the question of re-organisation of this department so that the best possible results may be achieved.

In the Department of Local Self-Government, the Ministry regret their inability to increase the general purposes grant on account of the deficit budget of the province.

It is a hopeful sign of the times that there is a growing demand for the constitution of village authorities. Many of the existing village authorities have done wonderful work in building roads, digging tanks and opening drains with a little help-from the Government and local boards. The amount of self-help and co-operation shown by the villagers themselves is very creditable. It is the aim of this Government to encourage such self-help and improvements in the rural areas.

In the budget speeches of the past the department of Excise has been prominent for more reasons than one. The present Ministry is determined to wipe out the opium habit from the people of the province. Consumption of opium has been brought down to about 200 maunds from over a thousand maunds ten years ago. This has naturally meant a loss of over 30 lakhs in opium revenue. Neither Government nor the people have grudged this colossal loss so long as they are satisfied that this diminishing revenue really represents a diminishing consumption. From April next the Ministry proposes to cancel the passes of consumers below the age of 50 in the plains district. So far as the partially excluded areas are concerned the Ministry propose to achieve the same end in five years' time, and from the next financial year a reduction of 25 per cent. of the original rations of the consumer will be made.

There has been a talk of introducing prohibition in this province. But no clear cut scheme has yet emerged. Prohibition means not only a loss of revenue but also increased expenditure in providing increased preventive staff. With the present depleted finances of the province, it will not be prudent either to forego the former or to provide for the latter especially as similar experiences elsewhere are very discouraging. The Ministry is however alive to the importance of the subject and they are giving considerable attention to it.



The educational needs of the province have been duly considered by the Ministry. The question of having a University of our own is engaging the consideration of the Government and it will be possible in the near future to have an examining University for the province.

Restrictions imposed by the previous Government for admission to the two Government Arts Colleges were withdrawn. For the first time a small grant-in-aid has been given to the private colleges and extra provision has been made in the next year's budget.

The imposition of higher fees in the secondary schools imposed by the previous Government was removed by the Ministry. Increased provision has been made for scholarships. The post-graduate scholarship has been revived and scholarships for Engineering education have been doubled. Provision has been made in the next year's budget for the grant of scholarships to Anglo-Indian boys and girls on the results of the Senior and Junior Cambridge examinations. A sum of half a lakh recurring was provided in the current year's budget for expansion of primary education through local bodies. One-tenth of this sum was reserved for the opening of schools in backward areas or areas peopled by the scheduled castes or the tribal races. The Ministry regrets that for want of funds they could not budget for next year a sum greater than Rs.12,000 only for the same purpose. Out of this allotment a sum of Rs.5,000 is proposed to be reserved for the spread of primary education among the backward people. A small sum has been provided for organising night schools in the Assam Valley for adult education like the ones that are functioning in the Surma Valley. Provision has been made for a contribution to the Calcutta University for the appointment of a Lecturer in Assamese in the University so that ultimately Assamese may be recognised as a principal subject for the highest examination conducted by that body. Small grants have been provided for expansion of Madrassa education, and the Sylhet Government Madrassa has been raised to the full status by the opening of the Hadis and Tafsir classes.

In the Agricultural department more effective measures have been undertaken by Government for bringing home to the rural population the benefits of scientific agriculture. In various places *boro* paddy hitherto unknown has been introduced by the instrumentality of irrigation pumps bought from the Central Government's contribution for rural uplift. These irrigation pumps are in great demand and three more pumps have been sanctioned by the Government costing over Rs.4,000. The agricultural farm at Kokilamukh for training of educated

youths is being continued and a small sum has been provided in the budget for granting loans to suitable applicants who desire to settle on the land.

The Department of Live-Stock is doing useful work and the Assam Live-Stock Improvement Association received a grant of Rs.15,000 from the Government of India's Rural Uplift grant. The Association realised about Rs.11,000 in cash and some 250 bulls from the public. Valuable results are expected from the activities of this Association which received a further grant of Rs.50,000 from the Central Government's Rural Uplift grant.

By an unfortunate oversight the sum of Rs.10,000 voted by the Assembly for the model village scheme was put under 57—Miscellaneous which meant that the money could only be drawn and spent by the village authorities. This sum could not therefore be utilised for the purpose meant and in the next year's budget a provision for Rs.25,000 has been made under the proper head. A Special Officer has also been appointed to organise the model villages on the lines laid down by the Ministry.

In the Industries Department, to remove unemployment of educated youths an increased number of stipends was granted for training in metal working, glazed pottery, umbrella making, and the boot and shoe industry. In the next year's budget, provision has been made for the appointment of a peripatetic jute spinning and weaving party.

For improvement of the co-operative movement, the Ministry has decided to initiate an enquiry for removing the prevailing defects of the movement in the province. With the Central Government's grant certain inspectors were given co-operative training and education. This grant comes to an end next year but provision has been made for two co-operative inspectors to carry on the training of the department and outsiders.

The Veterinary Department is continuing to do useful work. Provision for serum vaccination used to be about Rs.20,000. But since the use of goat virus the cost has come down to Rs.7,000. The Veterinary Department is to be congratulated on securing better results with such a saving in costs.

Special attention is being given to the improvement of the handloom industry and sericulture, which are two of the indigenous cottage industries of the province. A scholarship has been sanctioned for scientific training in sericulture.

For supply of drinking water in rural areas a sum of Trs.1,50 from the grant of five lakhs for rural uplift has been made.



Lastly, Sir, I am sorry to inform the House that the Committee on Resources and Retrenchment sat for about ten days in September but had to close down before finishing the work a few days prior to the Durga Pooja holidays last year. It is hoped that the Committee will be able to sit and finish their labours before the next session of the Assembly.

Sir, I feel that I have taken quite a long time but as the Ministry has decided to follow the previous practice of the Finance Minister alone introducing the entire budget I had to cover quite a lot of ground. The Finance Department has done their utmost in trying to elucidate all important matters in the explanatory Memorandum of the Budget Estimate. If any Hon. Member wants further elucidation on any point in the budget my services are at his disposal. I have also asked our Deputy Secretary, Mr. Jones, to remain present in the Assembly Chamber during this session so that Hon. Members may freely utilise his intimate knowledge of budgetary matters.

Sir, with these remarks, I beg to present to the House the budget estimates of the province of Assam for the year 1938-39.

#### Statement by Hon'ble Speaker *re* General Discussion of the Budget

**The Hon'ble the SPEAKER:** Now that the budget has been presented, I wish to make a statement with regard to the general discussion that is to follow. Hon. members have come to know that His Excellency has allotted the 16th, 17th and 18th February for the general discussion of the budget, *i.e.*, only 2½ days. It will be somewhat difficult for me to fix a time limit for, if necessary, speeches until and unless I know how many members desire to take part in the discussions on a particular day. I would, therefore, request the Leaders of the party groups to give me the names of their party members who desire to speak on the subject on different dates to inform the Assembly Department, before 5 p.m. to-day. Individual members who do not belong to any party are also requested to inform the Assembly Department, before 5 p.m. to-day, the date on which each of them desires to speak on the subject. Unless that is done, I think, it will not be possible for me to regulate the discussions to the satisfaction of the Honorable House.

**Maulavi Dewan Md. AHBAB CHAUDHURY:** What will be the maximum length of time to be given to each member, Sir?

**The Hon'ble the SPEAKER:** That will depend on the number of members who want to speak.

#### Presentation of Notification\* under the Assam Municipal Act, 1923

**The Hon'ble the SPEAKER:** The Hon'ble Rev. J. J. M. Nichols-Roy may present the Notification mentioned in the agenda.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Sir, I beg to present Notification No.129-L.S.-G., dated the 8th January 1938, under section 296 of the Assam Municipal Act, 1923.

The Notification is laid on the table of each hon. member.

\*Appendix.

#### The Good Conduct Prisoners' Probational Release Bill, 1937

**The Hon'ble the SPEAKER:** The Hon'ble Maulavi Abdul Matin Chaudhuri may present the Report, mentioned in the agenda.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I beg, Sir, to present the Report of the Select Committee on the Good Conduct Prisoners' Probational Release Bill, 1937; and to move that the Bill as reported by the Select Committee be taken into consideration.

As the hon. members will find, the report of the Select Committee is unanimous and more or less non-controversial.

**The Hon'ble the SPEAKER:** The motion before the House is that the Assam Good Conduct Prisoners' Probational Release Bill, 1937, be taken into consideration.

The motion was put and agreed to.

#### ASSEMBLY RULE-MAKING COMMITTEE

##### Appointment of certain Members to the Assembly Rule-making Committee

**The Hon'ble the SPEAKER:** The Hon'ble Babu Akshay Kumar Das may move his motion.

**The Hon'ble Babu AKSHAY KUMAR DAS:** Mr. Speaker, Sir, I beg to move "that a member be appointed by the House in place of late Srijut Jogendra Nath Barua, in the Committee appointed for making rules under section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly, and that the Hon'ble Srijut Rohini Kumar Chaudhuri, Minister in charge of Revenue, be also appointed as a member of the said Committee".

In my motion I proposed that the vacancy caused by the death of Srijut Jogendra Nath Barua, which we all so much mourn, should be filled up, and if an agreed suggestion of a name were forthcoming from the party to which the late Srijut Jogendra Nath Barua belonged, I shall only be too glad to accept it on behalf of Government. I further propose that the Hon'ble Srijut Rohini Kumar Chaudhuri who has been a member of this Committee since its very inception by virtue of the portfolio which he held should now be appointed by name, the portfolio having now been in another hand. The Committee has come almost to the end of its labour and what remains is a joint meeting of the Committees of both the Houses. Mr. Chaudhuri's intimate association with the subject and the experience he has acquired would be of immense value to the joint Committee. I therefore propose that he be included.

**Mr. ARUN KUMAR CHANDA:** How many Hon'ble Ministers are there on the Committee?

**Mr. F. W. HOCKENHULL:** There are four Hon'ble Ministers on the Committee.

**The Hon'ble the SPEAKER:** I think the hon. member is right. There are four Hon'ble Ministers.

**Mr. FAKHRUDDIN ALI AHMED:** I suggest that the names of the other Hon'ble Ministers also be included.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I understand that practically the entire business has been finished. So, it is in the fitness of things, the former Hon'ble Minister, Judicial, who conducted the proceedings, should continue, but if the House think that it is not necessary, then we will drop his name. As only a few rules have remained to be framed in a joint session of both Houses, we propose to include the name of the Hon'ble Srijut Rohini Kumar Chaudhuri.



**The Hon'ble the SPEAKER:** Does the Hon'ble Minister propose to include the name of any other hon. member?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I suggest inclusion of the name of Srijut Gauri Kanta Talukdar in consultation with the Leader of the House.

**The Hon'ble the SPEAKER:** The motion now is "that Srijut Gauri Kanta Talukdar be appointed by the House in place of late Srijut Jogendra Nath Barua, in the Committee appointed for making rules under section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly, and that the Hon'ble Srijut Rohini Kumar Chaudhuri, Minister in charge of Revenue, be also appointed as a member of the said Committee".

I think I can now put the motion.

The motion was then put and agreed to.

#### Condolence on the death of Mr. Ramsay MacDonald

**The Hon'ble the SPEAKER:** I want to place before the House the message which has been received from Mr. Malcolm MacDonald in response to the condolence motion of this House, on the death of Mr. Ramsay MacDonald.

"Dear Sir,

Thank you for your letter of 11th December, enclosing a copy of the motion passed in the Assam Legislative Assembly.

I shall be grateful if an expression of my appreciation and that of other members of the family can be conveyed to the Legislative Assembly for their kind words.

Yours faithfully,  
Malcolm MacDonald."

#### Statement re voting on Demands for Grant

**The Hon'ble the SPEAKER:** Before we disperse for to-day, I would like to draw the attention of hon. members to rule 15 of the Assembly Rules, Part I. Under sub-rule (1) of this rule, His Excellency has already allotted certain days for voting on Demands for Grants. Subject to this limit and to the limit prescribed by sub-rule (2) of rule 15, it will be for the House to fix specific dates for discussion of particular demands and specific hours for discussion of any one demand.

In order to facilitate matters and to expedite work, I have already drawn up a draft time-table mainly on the lines of last year's table, and suggest that, as was done last, the leaders of the various parties may meet at a conference in my room to-morrow, say, at 10-30 to discuss the time table prepared by me and to come to a definite understanding in the matter.

In this connection I should also draw the attention of hon. members to the time limit imposed by Assembly rule 92 for giving notices of motions to refuse or reduce any demand for grant. It must be borne in mind that sufficient time must be given to the Secretary to examine the cut motions and to prepare, print and circulate the lists in good time to the members. There will of course be no time for the motions to go through any process of admission. The question whether any motion is out of order or not will be left to be decided on the floor of the House.

#### Adjournment

The Assembly then adjourned till 11 a.m. on Wednesday, the 16th February 1938.

#### Appendix

The 8th January 1938

**No.129-L. S.-G.**—In exercise of the powers conferred by section 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 addition to the rules published under this Department's Notification No 1041-E., dated the 8th March 1924, with a view to lay down a uniform procedure for recording the proceedings of meetings of Municipal Boards:—

Insert the following as a new rule after rule 3 in Part VIII—Miscellaneous—at page 281 of the Assam Municipal Manual—

3A. The minutes of the proceedings of the Board at a meeting shall contain the motions placed before the board on each item of the agenda, with the names of the proposer and seconder for each motion or amendment. If the President of the meeting rules that a motion or amendment is illegal or out of order or makes any amendment therein to render it legal and in order he shall record his reasons briefly in the minutes. The explanatory abstract, if any, of the discussion on each item shall be very brief and confined to essentials. When any resolution which involves expenditure from the Board's funds is put to division and adopted the names of the members voting in favour shall be recorded.

C. S. MULLAN,  
Secy. to the Govt. of Assam, Edn. & L.S.-G. Depts.