

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 Saturday, the 5th March 1938.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Increased Grant-in-aid to Sootea Middle English School

Srijut MAHADEV SARMA asked :

*139. Will Government be pleased to state—

- (a) Whether the Inspector of Schools, Assam Valley Circle, during his last visit to the Sootea Middle English School recommended an increased grant-in-aid ?
- (b) Whether he recommended the increased grant from the financial year of 1938-39 ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

139. (a)—Yes.

(b)—Yes.

Damage to crops by insects in Halem-Brahmajan Mauzas

Srijut MAHADEV SARMA asked :

*140. Will Government be pleased to state—

- (a) Whether they have received a representation in the form of some resolutions from the *raiyats* of Halem-Brahmajan mauzas to the effect that in certain parts of the mauzas the crops were badly damaged by insects ?
- (b) If so, whether Government have already ordered for any enquiry or have taken any steps to remove their grievances ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

140. (a)—No.

(b)—Does not arise.

Amount distributed for giving Grant-in-aid to the Middle English Schools of the Province

Maulavi ABDUL BARI CHAUDHURI asked :

*141. Will the Hon'ble Minister in charge of Education be pleased to state—

- (a) How the amount of Rs. 40,000 provided in the new scheme of last year's Budget under the head ("37.—Education—Secondary—Direct grants to non-Government Secondary Schools") was distributed and who were the recipients of such grants ?
- (b) The amount distributed for giving grants-in-aid to the Middle English Schools of the province out of this amount ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

141. (a)—The hon. member will find from page 87 of the Budget memorandum for 1937-38 that the amount of Rs.40,000 was proposed to be distributed ultimately, i.e., during the year 1938-39, and the proposed distribution is laid on the table.

As regards the distribution of the provision of Rs.20,000 for the current year, the hon. member is referred to the reply given to question No. 414(b) asked by Babu Lalit Mohan Kar at this session of the Assembly.

(b)—Rupees 760 during 1937-38 excluding capital grants.

Statement referred to in reply to starred question No.141(a) by Maulavi Abdul Bari Chaudhuri

Name of institution	Monthly grant (Additional)	Rs.
Sylhet Aided High School	...	28
Mangalchandi Aided High School	...	94
Jaintia Aided High School	...	50
Md. Chaudhury Academy High School	...	134
Ram Sundar Aided High School	...	35
Nabin Chandra Aided High School	...	69
Srimangal Aided High School	...	40
Porteous Aided High School	...	75
J. K. Institution, Habiganj	...	10
Jail Road Aided High School	...	95
Silver Jubilee Bengali Aided High School, Gauhati	...	50
Bojali Aided High School	...	40
Barnagar Aided High School	...	125
Tezpur Academy High School	...	185
Tezpur Bengali High School	...	225
Senairam High School	...	75
Dawson Aided High School	...	90
Puranigudam High School	...	50
Dergaon Aided High School	...	29
Dibrugarh Bengali Middle English School	...	40
Maulvibazar Girls' High School	...	66
Sunamganj Girls' High School	...	50
Tezpur Girls' High School	...	40
Habiganj Girls' High School	...	175
Kasinath High School	...	75
Bircharan High School	...	100
Chamata High School	...	150
Patheria High School	...	100
Jagadishpur High School	...	90
Roha High School	...	100
Jagatshi High School	...	50
Chattian High School	...	90
Barkhola High School	...	100
Srigouri High School	...	90
Kakrajar High School	...	100

Name of institution	Monthly grant (Additional)	Rs.
Ramkrishna High School, Cherrapunjee	...	50
Pyari Mohan High School	...	50
Kaliabar High School	...	50
Nowgong Girls' High School	...	100
Puthimari Middle English School	...	25
Amrikhowa Middle English School	...	25
Dibrugarh Railway Middle English School	...	100
Israb Ali Middle English School	...	20
		3,335

Settlement of Fishery Mahals in Barpeta Subdivision

Srijut GHANASHYAM DAS asked :

*142. (a) Is it a fact that the bid of fishery mahals in the Barpeta Subdivision is gradually going down year by year and the lessees are undergoing heavy loss due to the diminution of the fish in the mahals ?

(b) If so, do Government propose to keep two mahals unsettled annually by rotation as *khas* for the propagation of better class of fish ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

142. (a)—The bid prices of the past six years are given below—

	Rs.	a.	p.
1933-34	58,525	12	0
1934-35	49,556	14	0
1935-36	58,613	12	0
1936-37	66,812	8	0
1937-38	59,617	8	0
1938-39	47,172	0	0

It will be seen that it is only the current year that the bid is appreciably lower.

(b)—The Subdivisional Officer has submitted a proposal to the Deputy Commissioner which is now under his consideration.

Re Collection of dead and drift woods

Srijut JOGENDRA NARAYAN MANDAL asked :

*143. Will Government be pleased to state—

(a) Whether Government have restricted the existing rights of the tenants in the eastern duar Khasmahal within the Dhubri subdivision, to collect dead and drift woods for domestic, agricultural and private purposes from the nearest forest mahal or river side ?

(b) If so, when and why the restriction was imposed ?

*144. Is the Hon'ble Minister aware that the tenants in the above mentioned area depend for agricultural, fuel supply and other private purposes, on the dead and drift woods, free of any cost ?

*145. (a) Is it a fact that a drift wood mahal has been created recently and it has been leased out ?

(b) If so, do Government propose to stop further sale of this drift wood mahal in order to remove the difficulties of innumerable indigent people ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

143. (a) & (b)—Yes, by notification No. 3039-R. of the 31st August 1936. The restriction was imposed to safeguard contractors' timber and to prevent drift wood being removed for trade purposes.

144.—Government are prepared to accept the statement that settlement holders do depend to some extent on the use of drift timber for their domestic needs where supply is not available from Unclassed State Forests.

145. (a)—Yes.

(b)—Government propose to modify the notification by prescribing that all timber found adrift, beached, stranded or sunk in any of the rivers mentioned in the notification shall be exempted from the provisions of section 43 of the Assam Forest Regulation, 1891. The settlement holders will thus be able to collect it for their domestic needs.

Right of way over the Potiopathar Road

Srijut RAJENDRA NATH BARUA asked :

*146. Will Government be pleased to state—

(a) Whether with reference to replies to unstarred question No. 92 of December Session, 1937, the Deputy Commissioner has made a personal enquiry regarding right of way over the Potiopathar Road ?

(b) If so, the conclusions arrived at by him ?

(c) Whether Government have enquired that this path had existed since long before the tea gardens came into existence and a right of way was created before the advent of the tea gardens ?

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

146. (a)—Yes.

(b) & (c).—The Commissioner also has discussed this matter with the Chairman of the Local Board, and Government understand that the matter will be settled shortly to the satisfaction of all concerned. The Superintendent of the Company has shown himself ready to accommodate the board, and an alternative alignment of the road is being considered which, while far less costly in the matter of fencing than that previously proposed, is reported to be likely to be useful to more villagers than would benefit from the present alignment.

Srijut RAJENDRA NATH BARUA : Is it a fact that a different route has been selected ?

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

Srijut RAJENDRA NATH BARUA : It is said that this route will not be suitable for the villagers. Is that so ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : On the other hand it is stated that this new route will be more beneficial to the villagers and will be less costly.

Srijut RAJENDRA NATH BARUA : That is still to be seen, Sir.

Government servants allowed to avail the Pujah and X'mas holidays

Maulavi MABARAK ALI asked :

*147. Is it a fact that during the Pujah holidays and Christmas holidays the Government servants who are employed in the Secretariat and in the office of the Heads of Departments, are not allowed in general to avail the holidays ?

*148. Is it a fact that only a small fraction of the officers are allowed permission to avail the holidays ?

*149. Will Government please state the number of officers from different offices in Shillong who were allowed to avail the last Pujah and Christmas holidays ?

*150. (a) Is it a fact that there is a great discontentment among the officers as they cannot attend their worldly affairs even during the holidays ?

(b) If so, do Government propose to remove this discontentment from the minds of the officers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

147 & 148.—No. Only a small proportion of them are required to attend for an hour or two on a few days during these holidays in order to attend to urgent work.

149.—A statement is laid on the table.

150. (a)—Government are not aware of any such discontent ; nor do they give any cause for it, since all who apply for permission to avail themselves of the holidays are given such permission, except where the presence of any of them is indispensably required in the public interest and such cases are negligibly few.

(b)—Does not arise.

Statement referred to in reply to starred question No.149, by Maulavi Mabarak Ali

Name of Offices or Heads of Offices	Puja holidays, 1937	Christmas holidays, 1937
	No. of applicants allowed to leave the station	No. of applicants allowed to leave the station
1. Assam Civil Secretariat ...	28	24
2. Member, Revenue Tribunal ...	2	2
3. Chief Inspector of Boilers ...	...	1
4. Chief Inspector of Factories ...	4	3
5. Director of Land Records, etc. ...	4	4
6. Director of Surveys ...	...	The office was entirely closed during the last Puja and Christmas holidays.
7. Director of Public Instruction ...	6	11
8. Public Works Department Secretariat.	13	16
9. The Assam Secretariat Press ...	23	14
10. Inspector-General of Police ...	...	The office was entirely closed.

Name of Offices or Heads of Offices	Puja holidays, 1937	Christmas holidays, 1937
	No. of applicants allowed to leave the station	No. of applicants allowed to leave the station
11. Assam Public Service Commission	1	1
12. Inspector-General of Civil Hospitals and Prisons.	6	13
13. Pasteur Institute	5	6
14. Director of Public Health	5	5
15. Director of Agriculture	2	6
16. Conservator of Forests	5	2
17. Commissioner of Excise	8	3
18. Legal Remembrancer and Secretary, Legislative Department.	1	3
19. Director of Industries and Registrar, Co-operative Societies.	1	3

Maulavi MABARAK ALI: From the list it appears that some petitions were rejected. What was the cause?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied, Sir, that these petitions are rejected when it is found that the clerk is indispensably required in the interests of public service.

Maulavi MABARAK ALI: May I know whether they are allowed any compensation for working during the holidays?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. If they want any leave subsequently, it is granted.

Regarding post of Extra Assistant Commissioners at Shillong

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*151. Will Government be pleased to state the time taken and the number of adjournments granted in the disposal of the following cases by Mr. David Roy, the 2nd Extra Assistant Commissioner stationed at Shillong—

C. R. Case No.157/37, Civil Suit No.293/36 and Civil Suit No.232/36?

*152. Will Government be pleased to state for how long Mr. David Roy had been posted at Shillong?

*153. Will Government be pleased to state if all the Extra Assistant Commissioners stationed at Shillong are Khasis?

*154. In view of the number and important nature of Civil Suits filed at Shillong, do Government propose to consider the desirability of posting a graduate of law or an officer well versed in Civil laws to dispose of the Civil Suits filed at Shillong?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

151.—The matter is under enquiry.

152.—For the last 17 years, with a break of nearly two years in 1925-27 and another break of four months in 1935.

153.—Yes.

154.—Yes, when such an officer can conveniently be posted to Shillong

Khan Bahadur Maulavi SAIYIDUR RAHMAN: Will Government be pleased to consider the desirability of posting a non-Khasi here?

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

Memorial submitted by the employees of Government Press

Srijut KRISHNA NATH SARMAH asked:

*155. (a) Is it a fact that the employees of the Government Press submitted to Government certain memorials for reduction of office hours and revival of the posts of Distributors and necessary composing materials?

(b) If the answer to question 155(a) above is in the affirmative what action do Government propose to take regarding those memorials?

(c) Is it a fact that due to inadequate staff Government have recently sanctioned the posts of certain compositors and distributors to cope with the work?

(d) If the answer to question (c) above is in the affirmative will Government please state—

(1) Whether the Superintendent of the Government Press has carried out this Government Order *in toto*?

(2) If not, why not?

(e) Is it a fact that the Hon'ble Minister in charge after careful consideration reduced the working hours from nine hours to eight hours for the present with the prospect of reviewing the whole case after some time, for reducing another hour, *i.e.*, to the former working hours due to peculiar climatic condition and marketing facilities?

(f) If the answer to question (e) above is in the affirmative, do Government propose to give due regard to the remarks of the Hon'ble Minister in which he passed orders for the reduction of the office hours?

(g) Is it a fact that the Hon'ble Minister called for deputation from among the employees of the Press in connection with their memorial for the reduction of office hours and other amenities?

(h) Is it a fact that there had been and still there are innumerable vehement complaints in almost all the former Council Sessions and in the present Assembly Sessions about the affairs in the Assam Government Press, *viz.*, March Session, 1934, Volume XIV—No.5, pages 579 to 596 March Session, 1935, March Session, 1936 and September Session, 1936, Volume 18, and also in the Budget Session of 1937 including cut-motions?

(i) Will Government please state—

(1) How many appeals and memorials were received by Government from the employees of the Government Press against the activities of the Superintendent of the Government Press since February, 1937, up to January, 1938?

(2) How many of the said appeals and memorials have already been disposed of and how many of them are still pending for consideration?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

155. (a)—Yes.

(b), (c), (e) & (f)—The working hours of the Press have recently been reduced as an experimental measure by one hour and fixed from 10 a.m. to 6 p.m. for the winter season only. There was a proposal for creating the extra posts to cope with arrears, but enquiry showed that this

proposal could not immediately be given effect to partly because of want of accommodation and of funds and partly because an increase in the number of compositors and distributors would necessitate an increase in the other branches, *e. g.*, Readers and Computers. In these circumstances it was decided that Government would examine afresh at an early date the whole question of adding to the equipment and staff of the Press to enable it to cope with the increased work. The question of working hours will be examined at the same time.

(d) (1) & (2)—Do not arise.

(g)—Yes.

(h)—Yes.

(i) (1) & (2)—There were 23 appeals or representations mainly on disciplinary matters of which 4 are still pending. In addition there were two batches of memorials from individual employees in identical language (a) 121 for reduction of office hours and (b) 39 for revival of the posts of distributors. All these are pending and awaiting the decision of Government after examination of the larger issues referred to in the reply to questions 155 (a), (b), (e) & (f).

Srijut DEBESWAR SARMAH: A question stands in my name on this subject. Has the experiment in respect of reduction of hours proved successful?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: We cannot say yet definitely whether it has proved a success, but I may inform the hon. member that 48 hours week is followed in the Government of India Press and all Provincial presses.

Srijut DEBESWAR SARMAH: I am afraid I could not express myself happily what I wanted to know is, has the Government been handicapped in any way by the reduction of hours?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I cannot say yet definitely whether that is the case.

Srijut DEBESWAR SARMAH: Coming to the next point. What was the total strength of the Press employees before the reduction?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Which reduction does the hon. member mean?

Srijut DEBESWAR SARMAH: Is it a fact that formerly there were some 300 employees in the Press, and at the present time there are only about 200 or a little less?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That was in 1931 when the strength was 312. The strength now is 195.

Srijut DEBESWAR SARMAH: Am I correct in stating that the number of the employees in the Government Press has been reduced by about a hundred?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: If you deduct 195 from 312, it comes to approximately that number.

Srijut DEBESWAR SARMAH: Whether any portion of Government Press premises have been demolished or given to any other department?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I am not aware of that.

Srijut DEBESWAR SARMAH: The Government may take it from me that that is not the case. Then how can the question of shortage of accommodation arise?

The Hon'ble the SPEAKER: This question is based on an assumption.

Srijut DEBESWAR SARMAH: Will the Hon'ble Minister please instruct himself in this matter and let us have a reply?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I shall try to get such information as is possible and make a thorough enquiry about the conditions in the Press immediately after we have finished this Budget Session. We have said that immediately after the session is over we shall take up the question of organisation of the Press and at that time all these particulars will be fully looked into.

Srijut DEBESWAR SARMAH: In that case, will the Government frankly and honestly acknowledge that these replies that have been bolstered up are not correct?

The Hon'ble the SPEAKER: Why should the hon. member frame his supplementary question like that? He could have avoided the words "frankly" and "honestly".

Srijut DEBESWAR SARMAH: I delete these words, Sir; I beg your pardon. Will the Hon'ble Minister admit that these replies are not correct, then?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The replies given are perfectly correct.

Srijut DEBESWAR SARMAH: Then, Sir, as regards these distributors, I would like to know whether the work of distribution is being done at present or not and whether their work is paid for or not?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I cannot say off hand about these technical matters.

Srijut DEBESWAR SARMAH: Then, Sir, will the Hon'ble Minister be graciously pleased to relieve us of the unpleasant duty of putting further questions by accepting that the replies given are incorrect?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is quite recently that I took charge of this department and immediately after that the Budget Session was started. There has been so much work to do that I had no time to go into all details of this matter.

Srijut DEBESWAR SARMAH: We appreciate that. But if he is not in a position to go into all details then what is the basis of the Hon'ble Minister's statement that the replies are all correct?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I have a right to presume that the facts mentioned in the replies submitted by the departments concerned is absolutely correct.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I point out, Sir, that in reply to question No. 155 it has been stated: "Government would examine afresh at an early date the whole question of adding to the equipment and staff of the Press to enable it to cope with the increased work". That ought to satisfy my hon. friend. That reply is comprehensive and the whole matter will be carefully examined by my new Colleague immediately after the session is over.

Srijut DEBESWAR SARMAH: I am thankful for that. But what I was wanting to know is why replies have been cooked up and placed before us?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I must object to such statement from the hon. member and I will repeat the answer already given by my Colleague that the replies are absolutely correct.

Srijut DEBESWAR SARMAH: I challenge that statement, Sir; and say that replies are palpably and demonstrably incorrect. The Hon'ble Chief Minister said the other day that I was better instructed from the Secretariat. On the contrary if he had devoted a little more time for administration work rather than elsewhere, he would have been in possession of the facts.

The Hon'ble the SPEAKER: The hon. member should not be making such remarks.

Srijut DEBESWAR SARMAH: I am sorry I cannot help it, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I believe my hon. friend has got licence and liberty specially of his own to speak any way he likes.

Srijut DEBESWAR SARMAH: You have developed a bully, of late, Sir.

The Hon'ble the SPEAKER: Order, order.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend will not listen to reason. My Colleague has stated that he will go into the matter thoroughly after the session is over. And yet the hon. member is speaking as he holds brief for those people. We have been so busy with our administrative work that we have no time to go into these details.

The Hon'ble the SPEAKER: Next question.

Srijut DEBESWAR SARMAH: I must say.....

The Hon'ble the SPEAKER: No. The hon. member is practically starting a discussion on the answers given. I cannot allow that.

Srijut DEBESWAR SARMAH: I must reply that I hold brief for those people whom we represent. But the Hon'ble Minister has kicked the ladder by which he rose.

The Hon'ble the SPEAKER: Next question.

Memorials submitted by the employees of Government Press

Srijut DEBESWAR SARMAH asked:

*156. (a) Is it a fact that the employees of the Government Press submitted to Government certain memorials for reduction of office hours and revival of the posts of Distributors and necessary composing materials?

(b) If the answer to question 156 (a) above is in the affirmative what action do Government propose to take regarding those memorials?

(c) Is it a fact that due to inadequate staff Government have recently sanctioned the posts of certain compositors and distributors to cope with the work?

(d) If the answer to question (c) above is in the affirmative, will Government please state—

(1) Whether the Superintendent of the Government Press has carried out this Government Order *in toto*?

(2) If not, why not?

(e) Is it a fact that the Hon'ble Minister in charge after careful consideration reduced the working hours from nine hours to eight hours for the present with the prospect of reviewing the whole case after sometime, for reducing another hour, *i.e.*, to the former working hours due to peculiar climatic condition and marketing facilities?

(f) If the answer to question (e) above is in the affirmative do Government propose to give due regard to the remarks of the Hon'ble Minister in which he passed orders for the reduction of the office hours?

(g) Is it a fact that the Hon'ble Minister called for Deputation from among the employees of the Press in connection with their memorial for the reduction of office hours and other amenities?

(h) Is it a fact that there had been and still there are innumerable vehement complaints in almost all the former Council Sessions and in the present Assembly Sessions about the affairs in the Assam Government Press, *viz.* March Session, 1934, Volume XIV—No. 5, pages 579 to 596,

March Session, 1935, March Session 1936 and September Session, 1936, Volume 18, and also in the budget Session of 1937 including cut-motions?

(i) Will Government please state—

(1) How many appeals and memorials were received by Government from the employees of the Government Press against the activities of the Superintendent of the Government Press since February 1937, up to January 1938?

(2) How many of the said appeals and memorials have already been disposed of and how many of them are still pending for consideration?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

156. (a) to (i) The hon. member is referred to replies given during the current session of the Assembly to starred questions asked by Srijut Krishna Nath Sarmah.

Maulavi JAHANUDDIN AHMED: May I know, Sir, that some posts of Distributors have been retrenched?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That may be the case.

Maulavi JAHANUDDIN AHMED: And also may I know whether the work of the distributors are given to the Compositors?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Probably that is the practice now.

Maulavi JAHANUDDIN AHMED: Is it a fact that the posts of Compositors are pensionable?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I shall require notice of that question, I do not know.

UNSTARRED SHORT NOTICE QUESTIONS

(to which answers were laid on the table)

Maulavi Sayed ABDUR ROUF: (On rising to put supplementary question to the short notice question standing in the name of Srijut Sarveswar Barua, who was absent at that time).

The Hon'ble the SPEAKER: The hon. member in whose name the question stands is not in his seat and, therefore, no supplementary question can be put.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Allotment made to Local Bodies out of the grant of Rs. 50,000 for expansion of Primary Education

Babu LALIT MOHAN KAR asked:

414. Will Government be pleased to lay on the table a statement showing—

(a) The allotment made to each of the local bodies in the province out of the grant of Rs.50,000 for expansion of primary education?

(b) The distribution of the direct grant of Rs.20,000 to Non-Government secondary schools made this year?

The Hon'ble Maulavi MUNAWWARALI replied :

414. (a)—The hon. member's attention is drawn to the replies given to question No.162 asked by Babu Balaram Sircar at this session of the Assembly.

(b)—A statement is furnished below :—

Name of institution	Total Additional grant during 1937-38	Rs.
Sylhet Aided High School	...	112
Mangalchandi Aided High School	...	376
Jaintia	...	200
Md. Chaudhury Academy	...	536
Ram Sundar Aided High School	...	140
Nabin Chandra	...	276
Srimangal	...	160
Porteous	...	300
J. K. Institution, Habiganj	...	40
Jail Road Aided High School	...	388
Silver Jubilee Bengali Aided High School, Gauhati	...	600
Bojali Aided High School	...	160
Barnagar	...	500
Tezpur Academy	...	2,220
" Bengali	...	2,700
Senairam	...	300
Dawson Aided	...	360
Puranigudam High School	...	200
Dergaon Aided	...	116
Dibrugarh Bengali Middle English School	...	160
Maulvibazar Girls' High School	...	264
Sunamganj Girls' High School	...	200
Tezpur Girls' High School	...	160
Kasinath High School	...	300
Bircharan High School	...	400
Chamata	...	400
Patheria	...	400
Jagadishpur	...	360
Roha	...	400
Jagatshi	...	200
Chattian	...	36
Barkhola	...	400
Srigouri	...	360
Kakrajar	...	400
Ramkrishna	...	200
Pyari Mohan	...	200
Kaliabar	...	200
Nowgong Girls' High School	...	400
Puthimari Middle English School	...	100
Amrikhawa Middle English School	...	100
Dibrugarh Railway Middle English School	...	400

16,240

The balance of Rs.3,760 this year is being distributed in capital grants.

Mr. NABA KUMAR DUTTA: May I know on whose recommendation these grants were distributed to the schools?

The Hon'ble Maulavi MUNAWWARALI: Presumably on the recommendation of the Inspectors of Schools.

Realisation of fees from the students belonging to the depressed, backward and tribal communities

Srijut BELIRAM DAS asked :

415. Will the Hon'ble Minister in charge of Education be pleased to state—

- The total number of students belonging to the depressed communities and backward and tribal communities in different schools and colleges in Assam, both Government and Government aided?
- The amount of fees realised from them?
- Do Government propose to direct the Educational Authorities to stop realisation of fees from them for a period of 5 years from this year?

The Hon'ble Maulavi MUNAWWARALI replied :

415. (a) and (b)—Government regret that they have not the required information, excepting the numbers of scheduled caste pupils in the secondary schools and Arts Colleges. These figures, which were obtained for answer to a question tabled in the last budget session, took three months' work to collect, they are—

Art Colleges	...	...	...	133
Secondary Schools	...	...	...	6,223

(c)—That is not the present intention of Government. They are, however, engaged in examining various proposals that have been put forward for assisting the scheduled castes and tribal people to progress in education. These proposals include the matter of allotment of free seats.

Number of Co-operative Rural Societies in Habiganj subdivision

Maulavi ABDUR RAHMAN asked :

416. Will Government be pleased to state—
- The number of co-operative rural societies in the Habiganj subdivision?
 - The number of such societies financed by the Provincial Co-operative Bank?
 - The number of societies financed by the Habiganj Central Co-operative Bank?
 - The number of societies which have no outstanding arrear of interest to the financing Banks?
 - How many of them are defaulters and to what extent?
 - Whether it is a fact that some societies were dissolved and liquidated?
 - If so, what is their number?

417. (a) Are Government aware of the fact that these societies are going from bad to worse from year to year ?

(b) If so, do Government propose to take steps for their regeneration ?

418. Will Government please state—

(a) The number of days, the Inspector of Co-operative Societies of Habiganj, spent for audit of rural societies during the year 1937 and the number of days spent for supervision and propagation works during the said period ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

416. (a)—One hundred and six.

(b)—One.

(c)—Eighty-one by the Habiganj Central Bank, 8 by both Habiganj and the Sylhet Central Bank, 2 by Sylhet Central Bank and 1 by both Provincial and the Habiganj Central Bank.

(d)—Nine.

(e)—All. To the extent of Rs.1,32,413-0-10 on account of principal and Rs.39,961-1-8 on account of interest till 31st March 1937 (up-to-date figures not available at present).

(f)—Yes.

(g)—Nine.

417. (a)—Government are aware that some societies are deteriorating.

(b)—The matter is engaging the attention of Government.

418. (a)—The Inspector spent 85 days for audit and 67 days for inspection of rural societies.

Grant-in-aid to Venture Schools

Babu BALARAM SIRCAR asked :

419. Will Government be pleased to lay on the table a list showing the number of Lower Primary and Middle English schools in the district of Sylhet, subdivision by subdivision and the number of Venture Schools in which the scheduled caste students predominate ?

420. Do Government propose to grant aid to these Venture Schools ?

421. If not, why not ?

422. Will Government be pleased to state the number of Lower Primary, Middle English, Middle Vernacular and High School scholarships which have been awarded to the scheduled caste students this year in the Surma Valley and the names of the scholarship-holders of the respective schools ?

The Hon'ble Maulavi MUNAWWARALI replied :

419.—The information is given below :—

District of Sylhet	Number of Lower Primary Schools	Number of Middle English Schools	Number of Venture Schools in which scheduled caste students predominate
North Sylhet	470	22	1
South Sylhet	323	18	5
Habiganj	509	16	12
Karimganj	371	19	7
Sunamganj	400	28	12

420.—Government have already distributed the allotment of Rs.50,000 for expansion of primary education to the Local Boards subject to the proviso that approximately one-tenth of the schools to be taken over by any board should be situated in areas inhabited principally by members of the scheduled castes and backward and tribal people. Presumably therefore some at least of these schools will be taken over by the boards concerned.

421.—Does not arise.

422.—A statement is furnished below :—

PRIMARY SCHOLARSHIPS

KARIMGANJ SUBDIVISION

School from which competed

1. Srishranjan Suklabaidya ... Ghungadia Primary School.

SUNAMGANJ SUBDIVISION

1. Manindra Chandra Mallabarmam ... 59 Derai Model Lower Primary School.

HABIGANJ SUBDIVISION

1. Bhudar Chandra Das ... Fardabad Lower Primary School.
2. Sitanath Das ... Arhimugar Lower Primary School.
3. Rasik Lal Das ... Ditto ditto.

SILCHAR SUBDIVISION

1. Dinamani Nama Sudra ... Jamalpur Lower Primary School.
2. Manikya Singh ... 157 Ramprasad Lower Primary School.
3. Harendra Ch. Barman ... Darmukhal Lower Primary School.

MIDDLE ENGLISH SCHOLARSHIPS

KARIMGANJ SUBDIVISION

1. Ram Chandra Mali ... Rukhmini Mohan Middle English School.

HABIGANJ SUBDIVISION

1. Upendra Chandra Das ... Harisyama Middle English School.

MIDDLE VERNACULAR SCHOLARSHIPS

Nil.

HIGH SCHOOL SCHOLARSHIPS

KARIMGANJ SUBDIVISION

1. Beenumadhab Das Sutradhar ... Nilmani High School.

Area on waste lands and reserved lands in the Hakaluki Haor and of reserved forest lands in the Longai Valley

Babu [BALARAM SIRCAR asked :

423. Will Government be pleased to state the areas of the waste and reserved lands in the Hakaluki Haor and of reserved forest lands in the Longai Valley in the subdivision of Karimganj ?

424. Will Government please state whether Government have any information about the applications submitted to the Subdivisional Officer of Karimganj for settlement of Nemarkandi in the Hakaluki Haor and also of other waste lands in that Haor and Longai Valley reserved forest land ?

425. If the answer to question 424 is in the affirmative do Government propose to give settlement of the above mentioned lands to the applicants ?

426. Are Government aware of the fact that many people belonging to the scheduled caste communities of the Longla Pargana (Maulvi Bazar) and Patharia Pargana (Karimganj) have left their original homes and shifted themselves to the Hill Tipperah for insufficiency of lands and damage of crops every year as a result of flood and water hyacinth ?

427. Are Government aware of the fact that the northern side of the Hakaluki Haor is getting higher in level every year owing to the silting up of the soil by the river Barudal and as a result thereof the eastern, western and southern sides of the said Haor becoming lower and lower in level making the crop fields unfit for agriculture ?

428. (a) Are Government aware of the fact that due to want of water passages in the Kulaura-Sylhet Railway Line, the ebb-tide water of the Kushiara river enters into the Hakaluki Haor through the Juri river turning back its natural course and thus renders about three or four thousands *Hals* of lands of Hakaluki Haor unfit for cultivation in the months of *Kartik* and *Agrahan* and damages crops in the month of *Baisak* by flood ?

(b) If so, what steps do Government propose to take in the matter ?

429. Will Government be pleased to state—

(a) The number of grazing lands kept reserved by the Government for neighbouring villages in the Hakaluki Haor ?

(b) The boundary and areas of these grazing lands ?

430. (a) Are Government aware that the grazing field situated in the south and south-eastern sides of Chatla Beel in the Hakaluki Haor is meant for the cattle of the neighbouring villages but in practice this field is leased out by Government to foreign Bathan-holders causing inconveniences to those villages ?

(b) If so, do Government propose to redress these inconveniences ?

431. Is it a fact that the tenants inhabiting the "Langai Valley Reserved Land" are required to render "Hod", i. e., forced labour in spite of their paying rent to Government ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

423.—The total area of the waste and reserved land in Hakaluki Haor is 32,146 *bighas* 8 *kattas* and 12 *chhataks* of which 9,611 *bighas* 11 *kattas* 4 *chhataks* is reserved for grazing purposes.

The Longai Valley Forest reserves consist of Longai, Tilbhum Hill, Patharia Hill, Badshatilla and Duhalia Hill. The area is given below :—

	Acres.
1. Longai	37,410
2. Tilbhum Hill	4,569
3. Patharia Hill	27,600
4. Badshatilla	18,567
5. Duhalia Hill	8,595
	<hr/>
	96,741

424.—Yes, applications were submitted for settlement of land in Nemurkandi and other waste lands in Hakaluki Haor. But no such applications were received in respect of the Longai Valley reserved forest lands.

425.—Settlement of the waste land in Hakaluki Haor will seriously affect the valuable Auction fisheries in the Haor. No settlement for such lands is, therefore, considered advisable. But Government is going to re-examine the question again in light of debate on the subject in this session.

426.—A few people belonging not only to scheduled castes but also to other castes and communities of a few villages in the Patharia Pargana have migrated to Assam Valley Districts and also to Tripura State, partly due to frequent failure of crops in low-lying areas and partly in quest of better farming elsewhere. As regards Longla Pargana a report from the Deputy Commissioner is awaited.

427.—It is for experts to express an opinion on this. A reference is, however, invited to the chapter "Siltting of haors" at page 29 of the Flood Enquiry Report, 1929. Hakaluki is not an exception to this process.

428. (a) and (b)—It is true that the same Committee recommended additional openings to drain the area covered by the Kulaura-Sylhet Railway Line. An enquiry will be made as to what action was taken by the Railway.

429. (a)—There are four grazing reserves in the Hakaluki Haor.

(b)—Block No. 1, area=5,858 *Bighas* 18 *kathas* only.

Bounded as follows :—

North—By *kittas* Nirai, Maruakandi and Sathila.

East—By *kittas* Singjurikandi, Khutaura, Peturkuna, Mahiyajuri, Bairagi Dahar and Jalla.

South—By unsurveyed areas containing fisheries and forests and also *kitta* Haorerkhal.

West—By *kittas* Matijura and Dassana land.

(2) Block No. 2, area=933 *Bighas* 15 *kathas* 13 *chhataks* only.

Bounded as follows :—

North—By part of *kitta* Bualjuri.

East—By part *kitta* Padmanagar and Dassana land.

South—By *kitta* Singjuri Kandi and Satbila.

West—By *kitta* Malam haor.

(3) Block No. 3, area=2,367 *Bighas* 4 *kathas* 6 *chhataks* only.

Bounded as follows :—

North—By *kitta* Jalla.

East—By part of *kitta* Muchna and Dassana land.

South—By *kitta* Bakharmamuder-khalpar.

West—By *kitta* Pinglarkuna and unsurveyed areas containing fisheries and forests.

(4) Block No. 4, area=451 *Bighas* 13 *kathas* 1 *chhatak* only.
Bounded as follows:—

North—By part of *kitta* Paschimgarh.

East—By Dassana land and *kitta* Purbagarh.

South—By Dassana land.

West—By unsurveyed areas containing fisheries and forests.

Total area=9,611 *Bighas* 11 *kathas* 4 *chhattaks* only.

430. (a)—First part—Yes.

Second part—No.

(b)—Does not arise.

Babu BALARAM SIRCAR: With reference to the answer to (b), are the Government aware that the public are not getting any benefit from those grazing lands?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I think these people supply milk to the villagers in the neighbouring town. All the same I shall have another enquiry made whether their presence is necessary or not.

431.—No forced labour is demanded from the forest tenants. They pay a concessional rent for the lands held by them and elect to render labour in lieu of the forest produce taken by them under rule 11 of the Rules for the establishment and control of forest villages at page 84 of the Assam Forest Manual, Volume I.

Constant vigilance of C. I. D. on Babu Behari Lal Dutta, a political prisoner

Babu KARUNA SINDHU ROY asked:

432. (a) Has the attention of Government been drawn to a letter of Babu Behari Lal Dutta, a detainee published in the *Janasakthi*, dated 12th January 1938, under the heading “গেহেরন্দ পুনর্নিশ্চয়: অর দৃষ্টি”?

(b) If so, do Government propose to take steps to make arrangements for removing the grievances of the aforesaid political prisoner?

433. Will Government please state, by which Government the aforesaid detainee has been externed?

434. Do Government propose to enquire and state who are the C. I. D. Officers who are said to be teasing the aforesaid Behari Lal Dutta?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

432. (a)—Yes.

(b)—The externee was not harassed in any way by any C. I. D. Officer at Sylhet.

Babu KARUNA SINDHU ROY: May I know what is the source of the information for the Government statement that the externee was not harassed in any way by any C.I.D. Officer?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: After notice of these questions, I enquired from the Inspector General of Police and his report runs to this effect: “Enquiries to locate him were made after his externment from Bengal to ascertain if he had returned home.” Beyond this nothing was done.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

433.—He was externed by the Government of Bengal.

434.—Does not arise.

Strike of the workshop workers of the Commercial Carrying Company, Shillong

Babu KARUNA SINDHU ROY asked:

435. Is it a fact that there was a strike of the workshop workers of the Commercial Carrying Company, Shillong, from the 1st September to the 22nd September, 1937 and that in a conference attended by the Hon'ble Judicial Minister, three representatives of the strikers and the Company authorities, a provisional compromise was made?

436. Is it a fact that the Assistant Secretary of the Company gave assurance to the effect that the sixteen workers who remained un-employed at that time would be re-employed within a short period of time?

437. Is it a fact that none of them have been re-employed up till now?

438. Will Government please state whether the Hon'ble Judicial Minister said in that meeting that if any cruelty could be proved to have been enforced on the employees, he should take steps against the offenders?

439. Do Government propose to re-open the inquiry, as one of the terms of the compromise has been broken?

The Hon'ble Babu AKSHAY KUMAR DAS replied:

435.—Yes.

436.—There was no such assurance. The Assistant Secretary only promised to re-employ 11 of the 16 workers and to give all due consideration to the appeals preferred by the remaining 5, who had been ring leaders of the strike.

437.—Government have no information.

438.—No, there was never any allegation of physical cruelty.

439.—Government do not propose to re-open the enquiry as they do not admit that the terms of settlement have not been carried out.

Babu KARUNA SINDHU ROY: I shall take up questions 435-439 together. Has the Secretary kept up that promise to take these 11 persons?

The Hon'ble Babu AKSHAY KUMAR DAS: There was no such assurance.

Babu KARUNA SINDHU ROY: Yes there was an assurance, “The Assistant Secretary promised to re-employ 11 of the 16 workers”. My question is whether he took back the 11 workers?

The Hon'ble Babu AKSHAY KUMAR DAS: The Government have no information.

Mr. FAKHRUDDIN ALI AHMED: May I know if an enquiry has been made with regard to the five persons who were promised to be given due consideration and their cases considered?

The Hon'ble Babu AKSHAY KUMAR DAS: They did not file any appeal.

Mr. FAKHRUDDIN ALI AHMED: What I want to know is whether enquiries were made and the cases of these five persons considered or not?

The Hon'ble Babu AKSHAY KUMAR DAS: No, Sir. It is a private company and Government have no control.

Mr. FAKHRUDDIN ALI AHMED: When such questions are asked, is it not the duty of the Government to get all possible information?

The Hon'ble Babu AKSHAY KUMAR DAS: It is not always necessary, Sir.

Mr. FAKHRUDDIN ALI AHMED: Does not the Hon'ble Minister think it necessary in this case?

The Hon'ble Babu AKSHAY KUMAR DAS: No, Sir.

Babu KARUNA SINDHU ROY: Was it admitted by the Company that these 5 people were discharged because they were ring leaders of the strike?

The Hon'ble Babu AKSHAY KUMAR DAS: No, Sir.

Srijut PURNA CHANDRA SARMA: Do not Government consider that the grievances of the employees should be enquired into?

The Hon'ble Babu AKSHAY KUMAR DAS: That is a private company, Sir, and Government have no control over them.

Srijut PURNA CHANDRA SARMA: Did not Government enquire into the grievances of the employees of the Dhubri Match Factory?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: As I dealt with this matter, may I explain, Sir? The whole position is that Government has no jurisdiction to interfere in any and all disputes between the employer and the employed unless any of their actions infringe some provisions of the Factories or the Wages Act or other Acts governing their work. In this case no such allegation was made, and therefore Government has no jurisdiction to enquire into other matters. But as a respectable citizen one Municipal Commissioner of this town wanted to wait on a deputation on the Minister in charge, the deputation was received and the matter was in a sense amicably settled between the parties. The deputationists were satisfied with the assurance given by the Assistant Secretary of the Commercial Carrying Company.

Mr. FAKHRUDDIN ALI AHMED: My question, Sir, was whether on receipt of these questions the Hon'ble Minister had asked for any information from the Commercial Carrying Company or not?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: On what point, Sir?

Mr. FAKHRUDDIN ALI AHMED: On all these questions.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Information were already on record. The understanding was, if these five people appealed to the Secretary of the Commercial Carrying Company at Calcutta, their grievances would be duly considered. But they did not submit any appeal as far as my information goes.

Mr. FAKHRUDDIN ALI AHMED: Has the Hon'ble Minister read the reply to question No.437 which runs: "Government have no information". My point is whether Government had sought this information from the Commercial Carrying Company and if so what reply they had received from that Company.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That reply has already been given.

Babu KARUNA SINDHU ROY: The Assistant Secretary was in that conference. Did he say that they were discharged on economic grounds?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The hon. member who puts this question was himself in the deputation and he knows very well that the complaint of these deputationists was that one Assistant Manager abused them. That was the whole complaint. There was no

question of any physical injury or non-payment of wages or over working. So it was explained to the deputationists that Government has no jurisdiction to interfere.

Mr. FAKHRUDDIN ALI AHMED: My question under No.437 has not yet been answered. Did the Government ask the Commercial Carrying Company for information, and if so what information was received?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It is not the business of Government, Sir, to enquire whether some people working in a private company have been re-employed or not.

Mr. FAKHRUDDIN ALI AHMED: All I wanted to know whether Government had made an enquiry or not?

(No reply.)

Damia Credit Co-operative Society in South Sylhet Subdivision

Babu KARUNA SINDHU ROY asked:

440. Will Government please state if the Damia Credit Co-operative Society in the South Sylhet subdivision has been sent into liquidation?

441. (a) Is it a fact that the said Society was sent into liquidation when it was only two years old?

(b) If so, what is the main cause, according to Government, of sending this Society into liquidation?

442. (a) Is it a fact that Babu Ananga Mohan Dam has paid his dues in full to the Society?

(b) If so, why Government is going to bring contribution suit against him?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

440.—Yes.

441. (a)—The Society was registered on 11th April 1930 and cancelled on 24th October 1933.

(b)—The main reason for cancellation of registration of the Society was that after a thorough and careful enquiry held into its constitution, working and financial condition it transpired to the satisfaction of the Registrar that the whole affair of the Society—composed of a landlord, his employees and tenants, was nothing but a one man's show which was against the principles of co-operation. The Landlord being the Chairman freely used the funds of the Society for his personal benefit and as a matter of fact he himself took a loan to the extent of one-fourth of the total borrowed capital of the Society, the rest being issued mostly to his tenants partly for repayment of land rent due to him, thereby frustrating the object for which the Society was started. This corrupt practice was repeatedly objected to by the Departmental supervising staff but to no effect. Continuance of a society of this nature was thought harmful and detrimental to the interest of the other neighbouring societies and therefore it was weeded out in the best interest of the movement.

442. (a)—Yes. He repaid his own debt, the money having been recovered under certificate procedure.

(b)—Contribution previously fixed on several members having been found to be irrecoverable, the liquidator fixed a supplementary contribution against Babu Ananga Mohan Dam, the only solvent member of this unlimited liability Society to repay its dues to the financing Bank for which each member is jointly and severally liable.

Damage to Crops by draught in Sunamganj Subdivision

Babu KARUNA SINDHU ROY asked:

443. (a) Are Government aware that there will be famine this year in the *Buro* crop areas in the Sunamganj subdivision during the last two months of the *Buro* season (*Falgun* and *Chaitra*), as the crops of the agriculturists were damaged by the draught last year?

(b) If not, do Government propose to make an enquiry into the matter?

444. Is it a fact that the agriculturists of the subdivision take shelter of their *Mahajans* (Money Lenders) which they are in want?

445. Is it a fact that the *Mahajans* of the subdivision specially of places under the police station Dharampasa (Bansikunda and Ramdiga Parganas) are threatening the debtors that they would never lend money any more to them as the Money Lenders' Bill is going to be passed much in favour of the debtors?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

443.(a)—Government have not received any reports from the local authorities.

(b)—The local authorities have got wide powers to deal with the situation—under the rules in Chapter VII, pages 180-185 of the Assam Land Revenue Manual.

444.—Government believe that this is the case.

445.—Government have no information.

Babu KARUNA SINDHU ROY: Will Government please enquire as this is a very urgent matter?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not think, Sir, that it is the business of the Government to enquire. The Assam Money Lenders' Bill will be considered by the Upper House, and we have in the meantime received a large number of complaints, contained in the proceedings of several meetings, protesting against this Bill. They will all be referred to in the Assam Legislative Council at the time of discussion of the Bill.

Re staff of the Weaving Department

Srijut JADAV PRASAD CHALIHA asked:

446.(a) Is Government aware that there is a great demand for weaving demonstrators from the people of the Sibsagar subdivision?

(b) If so, what steps Government are taking to take advantage of the people's growing interest in up-to-date weaving methods?

447. Will Government consider the desirability of making arrangements for weaving demonstrators to confine their activities to a limited area for at least six months before taking up a new area, instead of taking a large area for their activities?

448.(a) Do Government propose to discontinue selling looms on the hire-purchase system?

(b) If so, why?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

446.(a)—Yes.

(b)—The staff of the Weaving Department, *viz.*, the Demonstrators, Marketing Officer, Canvassers, Dyeing Supervisor, Calico Printer, etc., are doing their best to satisfy the requirements of the people in all possible manner by holding demonstrations, competitions, exhibitions, etc.

447.—The policy of the Department so far has been to confine the activities of the staff to a limited area but it has not been found possible to keep the staff in a particular area for a fairly long period as their services are requisitioned from different quarters and they have to attend to these requisitions as far as possible.

448.(a)—No.

(b)—Does not arise.

Recurring grants-in-aid to High English Schools of the Province

Srijut KAMESWAR DAS asked:

449. Will the Hon'ble Minister for Education please state—

(a) The names of High English Schools of the Province for which recurring grants-in-aid were recommended showing against each of them, the respective amount recommended (1) by the Inspectors of Schools, (2) by the Director of Public Instruction, and (3) sanctioned amount by Government for the year 1937-38?

(b) Whether Government or the Director of Public Instruction is the distributing authority of these grants-in-aid?

(c) If the Director of Public Instruction is the distributing authority, whether Government interferes with his right of distribution and if so, when and why?

The Hon'ble Maulavi MUNAWWAR ALI replied:

449.(a)—The amounts of the new grants sanctioned this year are furnished in the reply given to a question 414(b) asked by Babu Lalit Mohan Kar at this session of the Assembly and the hon. member's attention is drawn to this. Government are not prepared to disclose the recommendations of their officers.

(b) and (c)—The Director of Public Instruction is ordinarily the distributing officer, but Government has, of course, the right to issue orders to him in any particular case.

Srijut KAMESWAR DAS: With reference to the answer to question 449(c), Sir, the question was "If the Director of Public Instruction is the distributing authority, whether Government interferes with his right of distribution and if so, when and why?" I think the reply given is for the first portion of the question only and no reply given to the 2nd portion of question (c), *viz.*, "when and why?"

The Hon'ble Maulavi MUNAWWAR ALI: The reply to that, Sir, is covered by the portion in the second paragraph of the answer, *viz.*, "but Government has, of course, the right to issue orders to him in any particular case." If and when, any particular case arises, then only Government has the right.

Srijut KAMESWAR DAS: I think, Sir, this is not a reply to this question. Supposing that Government has the right of interference with the orders of the Director, I want to know when that right is exercised and under what circumstances?

The Hon'ble Maulavi MUNAWWAR ALI: When Government thinks that they should exercise that right, they do. Supposing, for example he does a thing militating against the principles or he errs—to err is human—then only Government interferes.

Srijut PURNA CHANDRA SARMA: When certain schools are mentioned as deserving ones for the purpose of getting grants-in-aid, are these schools recommended by the Hon'ble Minister to the Director of Public Instruction for the purpose of grant-in-aid?

The Hon'ble Maulavi MUNAWWAR ALI: The reverse is the case, Sir.

Srijut PURNA CHANDRA SARMA: Are orders issued, Sir?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, these are considered.

Srijut PURNA CHANDRA SARMA: Have any such orders ever been issued by the Hon'ble Minister to the Director of Public Instruction for grants-in-aid to particular schools when they are referred to by this House?

The Hon'ble Maulavi MUNAWWAR ALI: Does the hon. member want the information with reference to the particular Minister at present holding the portfolio?

Srijut PURNA CHANDRA SARMA: I mean the Hon'ble Minister who is before us, whoever it is does not concern us.

The Hon'ble Maulavi MUNAWWAR ALI: So far as I am concerned I have not yet been able to go through the files of my predecessor.

Encroachment by immigrants upon the close area in the Paka and Sarukhetri mauzas

Srijut KAMESWAR DAS asked:

450. (a) Is it a fact that a very large number of new coming immigrants are all on a sudden encroaching upon the close area in the Paka and Sarukhetri mauzas of the Barpeta subdivision and have particularly occupied a large portion of it very recently?

(b) If so, what actions the authorities are taking or propose to take, to prevent further encroachments and evict the encroachers immediately?

451. Do Government propose to enquire and find out the persons, if any, encouraging these encroachers and to bring them to book?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

450. (a)—Latterly there have been encroachments in areas closed to immigrants and in reserves in Paka and Sarukhetri mauzas.

(b)—Evictions are being prepared, and some have been made. But it must be remembered that evictions spread over large areas require considerable time, and at the same time have to be done very carefully by experienced officers.

Maulavi Syed ABDUR ROUF: Which of the villages have been encroached upon latterly?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I require notice of that question, Sir.

Maulavi Syed ABDUR ROUF: Is it a fact that in mauzas of Paka and Sarukhetri the immigrants have been there for a very long time?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The reply is there—"latterly there have been encroachments".

Maulavi Syed ABDUR ROUF: May I know what do Government understand by the word "latterly"?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is, within recent times.

Maulavi Syed ABDUR ROUF: From which point of time?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It may mean within a year or two.

Maulavi Syed ABDUR ROUF: Are not Government prepared to stay all evictions pending consideration of the Line Enquiry Committee's Report?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: In case of those encroachments which have recently taken place Government is not prepared to stay evictions, otherwise encroachments will continue. But in case of those which have taken place long before and which were considered by the Line Committee, Government are considering what action they will take.

Maulavi Syed ABDUR ROUF: May I know whether those encroachments which took place before the 31st December 1937 have been stayed or not and if not, whether Government is prepared to stay all those evictions?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The complaint is that on hearing of the resolution about the Line Committee, people were encouraged to encroach and the Government at the time of discussing that resolution declared that the line will not be relaxed until the whole question was revised and a different decision was arrived at. So the unauthorised encroachments which have taken place since then shall have to be resisted.

Maulavi Syed ABDUR ROUF: Is it a fact that these mauzas are not cadastral mauzas and therefore the boundaries of the reserves cannot be properly demarcated?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Local officers will certainly take such points into consideration at the time of passing orders of eviction.

Srijut PURNA CHANDRA SARMA: How does this question arise when during the last session of the Assembly the Hon'ble Minister declared that the laws on the line would be most stringently enforced till the decision of the House is given on the Line Enquiry Committee's Report?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is the present position of the Government, viz., that until a contrary decision is arrived at by Government, the rules about this will be enforced.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:
451.—Since abatement of infringement of orders made under the revenue law has not yet been made punishable, it is useless to make such enquiries.

Srijut KAMESWAR DAS: Do Government think it desirable to make such abatements punishable under the revenue law?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That matter will be considered at the time of considering the Line Committee's Report.

Re grievances of the public and allegations against the actions of the dismissed Mouzadar Srijut Golock Chandra Bora

Srijut MAHADEV SARMA asked:

452. Will Government be pleased to state—

(a) Whether the Hon'ble Minister in charge of Revenue has received a petition from the public of Mouzas Chilabandha and

Borbhogia of Tezpur subdivision about certain grievances of the public and allegations against the actions of the dismissed Mouzadar Srijut Golock Chandra Bora and the Deputy Commissioner, Darrang?

(b) If so, whether any action has been taken to remove their grievances and any action taken on their allegations?

453. (a) Have Government received any representations from certain quarters of the public of Balipara, Tezpur, alleging against the Mouzadar that 3 annas a rupee remission which was previously sanctioned by Government were realised in full by the said Mouzadar to his benefit?

(b) If so, whether Government has enquired into the matter?

(c) What is the result of the enquiry?

454. Will Government be pleased to state—

(a) Whether it is a fact that the Commissioner, Assam Valley Division, during his last visit to Tezpur, found that several Mouzadars of Tezpur have misappropriated by thousands of the realised revenues?

(b) If so, will Government be pleased to state who are those Mouzadars and what are the amounts thus misappropriated?

(c) Who is responsible for this state of affairs?

455. Has the attention of Government been drawn towards an article published in "Assamiya" dated 30th May 1936 entitled "টাপু গ্ৰেভিমাছৰ ওপৰত কাৰি বৰ্ত্তা নেইম চেক্চুৰবাৰ ভাৰপ্ৰাপ্ত অফিছাৰ সকলৰ বগাইনি জুলুম"?

456. Will Government please state—

(a) If it is a fact that the said article was published in the name of one Srijut Chabilal Upadhyaya of Behali, a grazier?

(b) Whether Government took any action on it?

(c) Whether Government propose to warn officers not to harass graziers unnecessarily in future?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

452. (a)—Yes.

(b)—The petitioners were advised on 9th October 1937 to approach the Deputy Commissioner, Darrang, in the first place and then to approach Government when all other avenues of redress had failed.

453. (a)—Copy of a letter dated 12th November 1937 addressed to the Deputy Commissioner, Darrang, by one Mr. P. M. Sarwan, M.A., Chairman, Assam Chotanagpuri Association, was forwarded to the Hon'ble Revenue Minister for information. In that letter the subject matter in this question was one of the items.

(b)—No Government enquiry was asked for.

(c)—Mr. Sarwan may enquire from the Deputy Commissioner if he did not get any reply to his letter.

Srijut MAHADEV SARMA: May I know for what purpose the Deputy Commissioner should have forwarded the letter to the Hon'ble Revenue Minister?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not think that the Deputy Commissioner forwarded the letter. It is Mr. Sarwan who sent a copy of the letter which he had addressed to the Deputy Commissioner.

Srijut MAHADEV SARMA: While in the said letter there is subject matter regarding the serious allegation like this against the mouzadar, did not Government of their own accord think it desirable to make an enquiry into this matter?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: When the matter was already being considered by the Deputy Commissioner there was no necessity for Government to intervene.

Srijut MAHADEV SARMA: Are Government satisfied that the Deputy Commissioner has actually made enquiry into the allegation?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Sarwan who sent the letter is evidently satisfied and he has made no further representation.

Srijut MAHADEV SARMA: How can it be said that Mr. Sarwan was satisfied?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Because he made no further representation to Government.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

454. (a), (b) & (c)—The Commissioner, Assam Valley Division, reported on 9th December 1937 that he found serious confusion in the accounts of several Mauzadars who have been using collections of one year to pay the dues of a former year. This amounted to misappropriation of Government money. There is also a large balance of uncollected amounts. There was a lack of earlier inspection, on the part of the Deputy Commissioner also and no disciplinary action seems to have been taken. The names of no Mauzadars were mentioned and the Commissioner is dealing with the situation.

455.—Not before receipt of the question.

456. (a)—Yes.

(b)—As no complaint was made in the proper way, no action could be taken.

(c)—Unless the harassment has been established after a proper complaint and a proper enquiry, Government do not propose to issue any warning.

Re payment of land revenue in Simalooguri Mauza

Srijut KRISHNA NATH SARMAH asked:

457. Has the attention of Government been drawn to a notice issued by the Mouzadar of Simalooguri Mouza to all the raiyots with Mouzadars' seal and name, to pay up the Land Revenue on or before the 15th February 1938 and that no further time will be granted beyond that date and that in case of failure to pay up the revenue within 15th February 1938, every one will be taken as defaulter, and his moveable and immoveable properties will be attached and sold?

458. Is Government aware that the notice has caused widespread resentment among the raiyots?

459. Have Government authorised the Mouzadar to issue such notices to the raiyots?

460. Have Government received any memorial from the raiyots against the circular notice?

461. Do Government propose to take steps to ask the Mouzadar to withdraw that circular notice without delay?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

457.—A warning notice was issued to the people of the mauza as stated in the question.

458.—The Deputy Commissioner, Sibsagar, reports that the issue of the notice has not caused any resentment. Such notices are issued by most of the mauzadars to the *ryots* only inviting payment of revenue. The Commissioner has not upto now received any memorial against this notice.

459.—No. No authority is necessary.

460.—Government received a copy of resolutions adopted at a meeting of the *ryots* of ten to twelve villages held on the 23rd January, 1938 in which reference was made to the notice issued by the mauzadar. They prayed for extension of time for the payment of revenue upto *Aswin* (September-October).

461.—In view of what is reported by the Deputy Commissioner and Commissioner as stated in the reply to question No. 458 no action is called for. The Deputy Commissioner has also reported that there was no abnormal failure of crops and that the affected people have been entered in the remission list.

Srijut KRISHNA NATH SARMA : Do Government realise that in this particular mauza there were cyclone disaster and hail-storm and people are unable to pay revenue in time so that they require extension of time for payment of revenue and the circular issued by the mauzadar has created immense resentment among the *raiylats*? And will Government see the necessity of advising the mauzadar?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Government does not find that the mauzadar is at all at fault in issuing that notice. He has done it so in ordinary course of his duties. It was a part of his duty also to remind the *raiylats* that the *kist* date was due. And as regards the persons affected by abnormal failure of crop, their cases have already been entered in the remission register of the Deputy Commissioner.

Total amount of revenue assessed to the Kheraj estates of Cachar district

Maulavi MUZARROF ALI LASKAR asked :

462. Will Government be pleased to state—

(a) The total amount of revenue assessed to the *Kheraj* estates of the district of Cachar, subdivision by subdivision (Silchar and Hailakandi separately)?

(b) The total number of *Kheraj* estates assessed to a revenue of Rs.12 and less in each of the subdivision (Silchar and Hailakandi)?

(c) The total amount of revenue of all the estates assessed to Rs.12 and less in each subdivision (Silchar and Hailakandi)?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

462. (a), (b) & (c)—The figures supplied by the Deputy Commissioner Cachar, are given below :—

Subdivision	Total amount of revenue assessed to <i>Kheraj</i> estates		Total number of <i>Kheraj</i> estates assessed to a revenue of Rs.12 and less	The total amount of all the estates assessed to Rs.12 and less	
	Rs.	a. p.		Rs.	a. p.
Silchar	5,19,632	11 0	54,198	1,89,693	3 0
Hailakandi	1,96,021	7 0	17,181	66,495	1 0

Number of Muslim students reading in the Jhalukbari Survey School

Maulavi MD. ABDUS SALAM asked :

463. Will Government be pleased to state—

(a) The total number of Muslim students reading in the Jhalukbari Survey School this year?

(b) Whether there is any separate boarding house for the Muslim students reading in the School?

464. If the reply to question 463 (b) is in the affirmative, will Government be pleased to mention the name of the Superintendent in charge of the Muslim Hostel and the name of the community to which he belongs?

465. Will Government please state whether the Superintendent draws any monthly allowance for his service as Superintendent?

466. Will Government be pleased to state whether there is any Muslim teacher in the Teaching Staff of the School?

467. If the answer to question 466 is in the affirmative, will Government please state—

(a) When this Muslim teacher was first appointed?

(b) Why he has not been appointed as the Superintendent of the Muslim Hostel thereof?

468. Do Government propose to look into the matter and appoint a Muslim member of the school staff as the Superintendent of the Muslim Hostel of the School?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

463. (a)—Nineteen students.

(b)—Yes.

464.—Srijut Kaliram Das (Assamese Kalita) is in charge of all the hostels including the Muhammadan hostel.

465.—Yes.

466.—Yes.

467. (a)—On 1st March 1932.

(b)—One Superintendent is economical. No inconvenience is reported by the Muhammadan boarders for the want of a Muhammadan Superintendent. The boarders are all adult and the necessity of a Muhammadan Superintendent has not been felt.

468.—No, this is not considered necessary.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : May I know whether any enquiry was made into the matter and, if so, by whom and when and whether the boarders were consulted?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The replies to these questions were based on the report made by the Director of Land Records who had visited the school recently.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : May I know whether the Principal of the school was consulted?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : He must have been consulted.

Amount of travelling allowance drawn by certain officers in the, years 1935, 1936 and 1937

Mr. NABA KUMAR DUTTA asked :

469. Will Government be pleased to lay on the table a statement showing the amount of the travelling allowance drawn in the years 1935, 1936 and 1937 by the following officers—

1. Director of Agriculture,
2. Director of Industries,
3. Marketing Officer,
4. Superintending Engineers,
5. Inspector General of Civil Hospitals,
6. Director of Public Health,
7. Assistant Directors of Public Health, and
8. Inspector General of Police.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

469.—The amount of travelling allowance drawn by each officer is shown below—

	1935			1936			1937		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1.	1,840	0	0	2,103	0	0	2,707	0	0
2.	2,729	0	0	3,090	0	0	1,222	0	0
*3.	2,886	0	0	2,560	0	0	2,230	0	0
†4.	3,301	0	0	5,339	13	0	4,642	0	0
5.	3,111	0	0	2,316	0	0	1,339	0	0
6.	2,309	0	0	2,112	0	0	1,873	0	0
7.	4,456	0	0	2,017	0	0	2,119	0	0
8.	2,065	0	0	2,355	0	0	1,950	0	0

*There are one Marketing Officer and two Assistant Marketing Officers.

†There was only one Superintending Engineer upto 14th October 1935.

Dismissal of Srijut Padma Kanta Datta, formerly a clerk of the Barpathar Development Office

Srijut SANKAR CHANDRA BARUA asked :

470. With reference to questions Nos.170-185 by me on the 13th December 1937, regarding the dismissal of Srijut Padma Kanta Datta, formerly a clerk of the Barpathar Development office, and the reply of the Hon'ble Judicial Minister to the same ; will the Hon'ble Minister be pleased to state—

- (a) Whether any enquiry was accordingly made ?
- (b) If so, what has been the result of that enquiry ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

470. (a)—Yes.
- (b)—The report of the Deputy Commissioner is under consideration of the Government.

Area of Kalar Haor and Zamira in Cachar and of Bubir Band and Manik Band in Karimganj subdivision

Khan Bahadur Maulavi MAHMUD ALI asked :

471. Will Government please state—

- (a) The area of "Kalar Hoar and Zamira" in the district of Cachar and "Bubir Band and Manik Band" in the Karimganj subdivision ?
- (b) The kind and condition of the land there in each of the said areas ?
- (c) The amount of revenue, Government is receiving from each of the said areas ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

471.(a)—Kalar Haor.—As the area has not been surveyed, the information is not available.

Zamira.—Approximately 60 square miles.

Bhubirband.—968 bighas.

Manikband.—1,134 bighas.

(b)—Kalar Haor.—As already stated the area has not been surveyed and so the information cannot be supplied.

Zamira.—40 square miles of the area are plains consisting of jungles of *ekra*, *nal*, canes, *tara* and timber and 20 square miles of it are *tilas* and foot hills of mixed bamboo and timber jungle.

Bhubirband.—Forest village in Singla Forest Reserve. Forest villagers who are *jhumias* do *taungya* plantations for the Forest Department.

Manikband.—Forest village in Longai Forest Reserve. A number of the forest villagers of this village do *taungya* plantations for the Forest Department.

(c)—Kalar Haor and Zamira.—Figures are being collected by the Commissioner.

Bhubirband.—Nil.

Manikband.—Rs.199-5-0.

Khan Bahadur Maulavi MAHMUD ALI: May I know why the "Kala Haor" was not surveyed at all ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I will require notice of that question.

Khan Bahadur Maulavi MAHMUD ALI: The answer (c) is—"Kalar Haor and Zamira—figures are being collected by the Commissioner.

Bhubirband—nil, Manikband—Rs.199-5-0". If these lands are settled with the people, will they not fetch more money to the Government ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: As I have given some assurance about the Zamira forest, I think, the whole matter will be looked into again.

Khan Bahadur Maulavi MAHMUD ALI: Government always complain of decrease of revenue and of deficit budget. May I take that Government is not taking any step to increase the revenue by any other means but by oppression and harassment on the people ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Government most emphatically deny the insinuation.

Application of professional graziers of Dibrugarh town for suitable grazing grounds

Srijut LAKSHESVAR BOROOAH asked :

472. Is it a fact that the town of Dibrugarh used to get its supply of milk from the professional graziers residing in Charkholia Chapri and other small Chapris lying up Dibrugarh town ?

473. Is it a fact that the Charkholia Chapri has been reduced to about 1/10 of its size owing to the erosion of the Brahmaputra ?

474. Will the Hon'ble Minister for Revenue be pleased to state the amount of grazing tax paid by the graziers of Charkholia Chapri and other neighbouring small Chapris lying up the town of Dibrugarh ?

475.(a) Is it a fact that all the graziers of the above Chapris have been applying for suitable grazing grounds to the Deputy Commissioner ?

(b) If so, what steps do Government propose to take to provide the graziers with a suitable and convenient grazing ground and to facilitate supply of pure milk to the Dibrugarh town ?

476.(a) Is it a fact that the professional graziers used the Mesaki Chapri as professional grazing grounds and Mesaki was included in the Lakhimpur district some time in 1920 ?

(b) If so, by what order the district boundary was changed ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

472.—The milk supply of Dibrugarh town still comes largely from the cattle of the professional graziers in Charkholia and adjacent chapris.

473.—Charkholia chapri has suffered considerably from erosion by the Brahmaputra in recent years and has been reduced in size in consequence.

474.—The grazing tax demand for 1936-37 (regular and supplementary) in the case of the graziers of Charkholia chapri is Rs.1,679-5-6. The demand for the adjacent chapri, Koiladha a Behia, is Rs.264-3-0.

475.(a)—Requests for other suitable grazing grounds have been received by the Deputy Commissioner from the graziers from time to time.

(b)—The Deputy Commissioner made a personal local enquiry in March 1937 in Charkholia and the adjacent chapris with a view to find other suitable grazing grounds, in view of the congestion in Charkholia, but no such grazing grounds have as yet been found and the difficulty which is being experienced in this connection is accentuated by the delay in the settlement of the dispute between the graziers and the Miris about the area which has been re-included in the Tangani professional grazing ground on the North Bank. Srijut Karka Dalay Miri, M.L.A., has been requested by Government to submit a scheme for Miri settlement in the locality by the 15th March 1938.

476.(a) & (b)—It has not been possible to trace out records to show in which district Mesaki chapri was included before 1926, but the boundary between Lakhimpur district and Sadiya Frontier Tract, including Mesaki in the latter area, was first notified after survey in notification No.5691-A.P., dated the 9th November 1926.

Bus Service between Mankachar and Fakirganj

Srijut JOGENDRA NARAYAN MANDAL asked :

477. Will Government please state whether Government have permitted any person to run bus service between Mankachar and Fakirganj in the district of Goalpara ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

477.—Yes, only one person applied for permission which was granted. The bus runs only in the cold weather every alternate day.

Srijut JOGENDRA NARAYAN MANDAL : May I know the name of the person ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am afraid I cannot give the name.

Srijut JOGENDRA NARAYAN MANDAL : Will Government enquire about the difficulties of the litigant public and the officials on duty due to irregularities of bus service and also to the arbitrary and high demand of bus fares ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will do that.

Grant of permit No.68 from Suktiarkhola forest office regarding the use of firewood, bamboos of sorts, saplings, cane, etc.

Babu KARUNA SINDHU ROY asked :

478. Is it a fact that one Dinanath Das of Noagaon, thana Tahirpur had obtained a season permit No.68 in his own name or in the name of his sons, on payment of Rs.2-8-0 from the Suktiarkhola forest office to get firewood, bamboos of sorts, saplings, cane, etc., for the year 1937 ?

479. Is it a fact that on the 8th *Aswin* 1344 *B. S.* (corresponding to the 24th September 1937) Dinanath's sons Mahim, Digendra and servant Durjadhan Das came down from the Hills with a load of firewood and called at the Monbeg forest ghat in the evening, when the Forest Office seized the permit, one *dao* and two *kuralies*, and took forcibly Mahim's signature on a blank paper and told them that the permit had become useless and that they would be criminally prosecuted ?

480. Is it a fact that on the 7th *Kartik*, (corresponding to the 24th October 1937) Dinanath submitted a petition to the Range Office at Daloigaon for remedy and that neither the articles seized (including the permit) have been returned nor has any action been taken so far ?

481. Do Government propose to obtain and place on the table the said petition with connected papers, if any ?

482. Is it a fact that one Sahadeb Barman of village Jamlabaz, Thana Tahirpur, Subdivision of Sunamganj was threatened during the last rainy season, to be prosecuted, for false charges of bringing from the Hills bamboos, which he actually brought from the Madhya-Nagar Bazar, by one K. C. Chakravarty a forest Head-Guard ?

483. (a) Is it a fact that the aforesaid Head-Guard even tried to take away bamboo fencing from the house of Sahadeb Barman ?

(b) If so, do Government propose to take steps against this officer ?

484. Will Government please state, if any Forest Officer is authorised to realise any royalty from persons when they pass forest ghats after extracting forest produce from Zemindary areas ?

485. Is it a fact that Forest Officers go from village to village, house to house, to realise royalty for any forest produce they find in the houses of the agriculturists ?

486. Will Government please state according to what section of the Forest Manual, the Forest Officers raid the houses of the villagers ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

478.—Yes on the back of the permit the names of the following persons were given as having authority to work under the permit:—

1. Mohim Das, son of Dinanath Das.
2. Debendra Das, son of Dinanath Das.
3. Durjadhan Das, son of Rajcharan Das.
4. Kusia Das, son of Dinanath Das.

479.—On the 6th Kartick 1344 B. S., corresponding to 23rd October 1937, and not on the 8th Aswin 1344 B. S., corresponding to 24th September 1937, Dinanath Das's sons—Mahim and Digendra and servant Durjadhan Das, came down from the Hills with 50 maunds of firewood in a boat, when the Forest Officer of Monbeg Office seized the firewood, 1 *dao* and 2 axes as the name of Digendra Das did not appear in the list of persons mentioned on the back of the permit as authorised to work under it. Mahim gave a proper *zimmanama* with his signature of his own accord after taking the seized firewood into his custody.

480.—A petition was submitted. After enquiry, the Divisional Forest Officer passed orders that proceedings against Digendra Das should be dropped as it had been ascertained that he was one of the sons of the permit holder. Orders were at the same time passed for return of the permit and release of the articles seized.

481.—Petition, charge report, and security bond are placed on the Library table.

482.—No. He was found in possession of some bamboos. He could not at the time produce his authority but promised to do so in a day or two. As he produced his pass subsequently no action was taken against him.

483. (a)—No.

(b)—Does not arise.

484.—Not, if they can produce a certificate of origin, a permit, or a transit pass.

485 and 486.—It is untrue that the forest subordinates raid villages. This could only be done by search warrant issued by Gazetted Officers. Under rule 1 of the Rules to regulate the import of forest produce (page 66, Forest Manual, Vol. I) all such produce imported from Siems' territory in Khasi and Jaintia Hills is to be brought to the nearest revenue station for examination. In June 1929 villagers of Laur and Bangshikunda Parganas in Sunamganj Subdivision in a petition to the Divisional Forest Officer, Sylhet, objected to the practice of bringing such produce to the nearest revenue station as being very inconvenient and asked for a reversal to the previous system of the forest subordinates realising the import duty by paying visits to villages. Mr. Milroy, the then Conservator, passed orders that collections might be made by visiting villages. If the villagers wish to pay their dues at the revenue stations, Government will issue orders accordingly.

Memorials submitted by the employees of Government Press

Maulavi JAHANUDDIN AHMED asked :

487. Is it a fact that the employees of the Government Press submitted to Government certain memorials for reduction of office hours and revival of the posts of Distributors and necessary composing materials ?

488. If the answer to question 487 above is in the affirmative what action do Government propose to take regarding those memorials ?

489. Is it a fact that due to inadequate staff Government have recently sanctioned the posts of certain Compositors and Distributors to cope with the work ?

490. If the answer to question 489 above is in the affirmative will Government please state—

(a) Whether the Superintendent of the Government Press has carried out this Government order *in toto* ?

(b) If not, why not ?

491. Is it a fact that the Hon'ble Minister in charge after careful consideration reduced the working hours from nine hours to eight hours for the present with the prospect of reviewing the whole case after some time, for reducing another hour, *i.e.*, to the former working hours due to peculiar climatic condition and marketing facilities ?

492. If the answer to question 491 above is in the affirmative, do Government propose to give due regard to the remarks of the Hon'ble Minister in which he passed orders for the reduction of the office hours ?

493. Is it a fact that the Hon'ble Minister called for deputation from among the employees of the Press in connection with their memorial for the reduction of office hours and other amenities ?

494. Is it a fact that there had been and still there are innumerable vehement complaints in almost all the former Council Sessions and in the present Assembly Sessions about the affairs in the Assam Government Press, *viz.*, March Session, 1934, Volume XIV—No.5, pages 579 to 596, March Session, 1935, March Session, 1936, and September Session, 1936, Volume 18, and also in the Budget Session of 1937 including cut-motions ?

495. Will Government please state—

(a) How many appeals and memorials were received by Government from the employees of the Government Press against the activities of the Superintendent of the Government Press since February, 1937, up to January, 1938 ?

(b) How many of the said appeals and memorials have already been disposed of and how many of them are still pending for consideration ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

487-495.—The hon. member is referred to replies given during the current session of the Assembly to starred questions asked by Srijut Krishna Nath Sarmah.

Maulavi JAHANUDDIN AHMED : In answer to the question put by Srijut Krishna Nath Sarmah it was replied that there was a proposal for creating the extra posts to cope with arrears, but enquiry showed that this proposal could not immediately be given effect to partly because of want of accommodation and of funds and partly because an increase in the number of Compositors and Distributors would necessitate an increase in the other branches, *e.g.*, Readers and Computers. Government also replied that about 100 persons were retrenched and that the posts of some Distributors were abolished and the work was done by Compositors. If so, may I know how the question of accommodation in office comes in.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : There was no recent case of retrenchment of about 100 persons in the Press. It happened probably between 1931 and 1938.

Maulavi JAHANUDDIN AHMED : Is it not a fact that some Distributors were retrenched ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : As I have already said, I require notice of the question.

Maulavi JAHANUDDIN AHMED: It is said that there were 28 appeals mainly on disciplinary matters. May I know whether these appeals were against the Superintendent of the Press for his highhandedness.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I cannot say just now whether they were against the Superintendent or any other Officers.

Permanent and temporary clerks of the Deputy Commissioner's amalgamated establishment of the Kamrup District

Srijut GHANASHYAM DAS asked :

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

- (a) The total number of permanent and temporary clerks in the Deputy Commissioner's amalgamated establishment of the Kamrup District ?
- (b) The total number of permanent and temporary clerks separately for each of the Gauhati and Barpeta subdivision ?
- (c) The number of Upper and Lower Division posts separately for the Gauhati and the Barpeta subdivisions ?
- (d) The number of the above posts held by men of the Barpeta subdivision ?
- (e) The name of the appointing authority of the above posts ?
- (f) The basis of making these appointments ?

497. (a) Is it a fact that Srijut Madhab Chandra Das of Barpeta has been working as a temporary Bench Clerk in the office of the Subdivisional Officer, Barpeta, since 1930 ?

(b) If the reply to question 497(a) above is in the affirmative will Government please state why he has not been made permanent so long in the face of many new appointments made since 1930 in the Deputy Commissioner, Kamrup's amalgamated establishment ?

498. (a) Is it a fact that there are several candidates from the Barpeta subdivision, viz., Srijuts Barendra Chandra Brahmachari, Kanak Lal Das, Achyut Chandra Das and M. Azizar Rahman and others whose names were duly registered 4 or 5 years back after holding a competitive examination, for appointment in the Ministerial establishment of the Deputy Commissioner, Kamrup ?

(b) If the reply to question 498(a) is in the affirmative, will Government please state why none of them was taken in the vacancies in the Deputy Commissioner's amalgamated establishment filled in by new men of various communities of the Gauhati subdivision ?

499. Does the Hon'ble Minister in charge propose to direct the Deputy Commissioner, Kamrup, to make all future appointments to his establishment on the population basis, so that the Barpeta subdivision is not under-represented ?

500. Is it a fact that the works in the Office of the Subdivisional Officer, Barpeta, have greatly increased and are still increasing ?

501. Is it a fact that the Subdivisional Office at Barpeta is not adequately staffed and the clerks have to work beyond office hours and during holidays, owing to increase of work ?

502. Will Government please state whether Government received any proposal for increase of staff in the office of the Subdivisional Officer, Barpeta ?

503. If the replies to questions 500, 501 and 502 are in the affirmative, does the Hon'ble Minister propose to take immediate steps to remedy the grievances ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

496. (a)—Seventy-eight + seven.

(b)—Gauhati:—Fifty-eight permanent and 5 temporary.

Barpeta:—Twenty permanent and 2 temporary.

(c)—Gauhati:—Forty-eight Lower Division posts: the higher posts are 1 Sheristadar, 1 Head clerk, 1 Stenographer, 1 Accountant, 1 Treasurer, and 3 Upper Division clerks.

Barpeta:—Twenty-one Lower Division posts and one higher post, i.e., of Head clerk.

(d)—Eighteen.

(e)—The Deputy Commissioner in the case of all appointments except the Revenue Sheristadar and Head clerk which are filled up by the Commissioner.

(f)—In making these appointments the principle laid down in rule 307 of the Assam Executive Manual is followed.

497. (a)—Srijut Madhab Chandra Das was appointed in December 1930 as Bench clerk to the Honorary Magistrate, Sorbhog. The establishments of Honorary Magistrates are temporary. He is now temporary Bench clerk of a Magistrate at Barpeta.

(b)—This clerk was first appointed for the Honorary Magistrate, Sorbhog, a purely temporary post outside the cadre of the amalgamated establishment of the Deputy Commissioner. His claims will be considered when a permanent vacancy occurs in future.

498. (a)—There is no formal system of registration. Sometimes after choice of clerks, a few candidates are listed for future vacancies. The persons named were examined for temporary clerkships on the 17th February 1938, and while three were found insufficiently qualified, the fourth failed to return when sent to get his Matriculation certificate to prove his age.

(b)—Does not arise.

499.—Appointments are not made on the population basis of a subdivision, but of a whole district on the percentage of each community on the population.

500-503.—A proposal for additional staff for the Subdivisional Officer's office, Barpeta, was received. After full consideration of the state of work in that office, Government sanctioned two posts of clerks with effect from 1st March 1938.

UNSTARRED SHORT NOTICE QUESTIONS

(To which answers were laid on the table)

Srijut SARVESWAR BARUA: Mr. Speaker, Sir. I had a short notice question in my name. I may kindly be allowed to ask them now.

The Hon'ble the SPEAKER: I have repeatedly pointed out to hon. members that it is very necessary that members should be in their seats when their questions are to be called out. But as to-day is the last day, I show him this concession. The hon. member may ask his question.

Damage to crops in Dhalpur Mauza by Hail Storm

Srijut SARVESWAR BARUA asked :

1. (a) Has the Hon'ble Revenue Minister received any information about a severe hail storm causing widespread damage to mustard crop in the Dhalpur Mauza in the North Lakhimpur subdivision ?

(b) If so, what steps, if any, have been taken by Government (1) to estimate the loss caused by the storm, (2) to give relief to the *raiya*s whose crops have been damaged and (3) to grant adequate remission of land revenue to them?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

1. (a)—Yes.

(b)—A report has been called for from the Deputy Commissioner through the Commissioner.

Maulavi Syed ABDUR ROUF: Is not mustard grown in double cropped areas?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not know.

Maulavi Syed ABDUR ROUF: May I know from Government if cultivators reap paddy, will they be granted remission for loss of mustard.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The whole question will be gone into by the Deputy Commissioner, and an enquiry will be made to find out whether circumstances justify any remission.

Request to call for an early Session to transact non-official business

Srijut GOPINATH BARDOLOI: Yesterday before the House broke I wanted to make a reference regarding the allotment of time relating to business for this House. It was already pointed out, I suppose, by my friend Mr. Aditya that the time allotted for budget discussion was much too short for all the matters that were before the House. Last year an assurance was given by the Hon'ble Chief Minister that he would try to see that more time was given for the purpose. But grievances continued even during this session. We have heard his explanation. But even for his explanation or otherwise, the fact remains that we have not got, at any rate, opportunity to deal with all the subjects that really came up for discussion. We hope that this may be avoided in future.

There is a more important matter and it is in reference to private members' business in this House. We have found that during the course of the sittings of this session even a third of the time has been allotted to private members' business. I quite admit that in legislatures of independent country opposition need not have much time for private business. But in this province we have found that there has been very little of legislation on very desirable subjects; and there has been very little move on the part of the Ministry and the other section of the House, other than the Government side, has been compelled to take up many legislative measures in hand. With that object in view they tabled many Bills on various subjects that are now before the House. (The Hon'ble the Speaker—No longer.) At any rate they were before the House. Then, Sir, hundreds of resolutions have in the meanwhile lapsed. There were very many important resolutions also, resolutions which were passed by other provinces, such as resolutions on the Constituent Assembly, on the rejection of Federation, on the question of the transfer of Sylhet which from our point of view are very important. We have not got proper opportunity to have them brought before the House.

In the budget speech, Sir, I made only a very passing reference to the subject matter of one of the resolutions, and the Hon'ble Chief Minister was attacking me for my want of sportsmanship in bringing up these matters in my speech which were before the House in the resolution. But the fact now remains that the subject matter of the resolution did never come. I do

not want to air my sportsmanship. I hope, however, the Hon'ble Chief Minister will as an act of sportsmanship be agreeable to have an early session for the discussion of the non-official business. In this session we had only two days for private business and so it is very desirable that we should have an early opportunity of bringing these matters before the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I mentioned yesterday no one is more sorry than myself because enough time could not be given for discussion on the cut motions as well as on non-official business. When I made a statement on the general discussion of the budget I thought that resolution No.1 standing in the name of my hon. friend who has just now spoken would be taken up. As you know, Sir, one day was reserved for Bills and one day for the Resolution.

Srijut GOPINATH BARDOLOI: It was not reserved for resolution. It was said that if time permits resolution would be taken up.

The Hon'ble the Speaker: Yes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The suggestion which has been made by my hon. friend that a very early session should be called will be taken into consideration but I am afraid, if we call the next session very early we will not be able to call the Retrenchment Committee. My hon friends will not have time in March because of the Local Board elections. Moreover in the month of April, there are a large number of holidays on account of Easter, Bengali New Year's day, etc. Most of the hon. members have privately spoken to me that ever since December last they have had absolutely no time to attend to their private business and that if sessions are called within two months like this then their private business would suffer. However, I will consider and see whether the next session can be called during the summer, and I promise, Sir, that a large portion of that session will be devoted to non-official business.

Re Line Enquiry Committee's and Nowgong Jail Enquiry Committee's reports

Srijut SARVESWAR BARUA: Mr. Speaker, Sir, we do not know what is going to be the fate of the report of the Line Enquiry Committee. During this session the report has not been placed on the table. We want to know whether it is going to be placed on the table during the next session and whether an opportunity will be given to the House to discuss the report of the Committee.

Srijut PURNA CHANDRA SARMA: Sir, the Jail Inquiry Committee Report was submitted a long time ago, but it has not been placed before the House till now. Sir, the Civil Surgeon of Nowgong is rather due to retire very soon and if the report is not placed before the House as soon as possible no action can be taken before he retires.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: As regards that report, I can tell my hon. friends that it will be circulated to the members as early as possible.

The Hon'ble the SPEAKER: The Hon'ble Revenue Minister has not supplied as yet, the information asked for by Srijut Sarveswar Barua.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: As regards the placing of the report on the Line Committee, I have not been able to go through it as yet. However, it will be placed before the Government as soon as possible and then they will come to a decision about the steps to be taken.

Complaints for small number of questions answered, members remaining absent while their questions are called out, statement by Speaker about the seating accommodation of members, etc.

Srijut MAHADEV SARMA : Sir, I beg to bring to your notice that many of our questions which were admitted have not been replied. So far we know Sir, this time the number of questions submitted for reply is not very great. So Government could have replied them easily. If the questions submitted in time are not replied then what is the necessity of submitting these questions for reply, Sir?

Mr. F. W. HOCKENHULL : Sir, with regard to the answering of 'starred' questions there is one other little point which I should like to bring to the notice of the House. Some indulgence has been shown by the Chair to the members who were not present at the proper time. Members remain absent and their questions are called and the opportunity of asking supplementary questions does not arise for other members. I would remind hon. members that they owe it to other members in the House who may wish to put supplementary question, to put their questions at the proper time or lose their privilege. These members may not be present when the matter is again raised. This is purely a question of principle such as I have urged upon the House before and I wish to make it particularly clear that I refer to no side of the House in particular but speak impartially.

The Hon'ble the SPEAKER : The complaint of the hon. members that many questions have not been answered is not new. With regard to that I should inform this Hon'ble House that the total number of unstarred questions tabled this time was 1600. All these questions were admitted by me and sent on to Government. Government generally get the answers prepared from the Departments concerned and perhaps the Departments have not been able to cope with the work that has been imposed on them by the large number of questions and it is perhaps due to this fact, some questions are going unanswered. But I am helpless in the matter. The hon. members very well know that I cannot compel Government to answer all questions.

In this connection, I may also tell the Hon'ble House about one fact which I have noticed from what I have seen of the questions that are sent. I am constrained to say that many members also do not take proper care in tabling their questions. It imposes great strain on the Assembly Department to go through and classify the large number of questions that are sent. Some times, questions are such that they require to be recast totally for being admitted and that the subject matters that are chosen for some questions are also such that requirements of the rules are hardly complied with. I have been noticing this since I have been engaged in this work as the Speaker of this House and have repeatedly pointed out to the hon. members sometimes by circulars issued from time to time, that they should carefully look into the rules and that before they frame their questions they should consider whether their questions conform to the requirements of the rules. I have also found that questions are framed in such a way that information on minutest details are asked for from Government. This is also not desirable. Something must be left for supplementary questions. Some questions are also framed in such a way that they appear to form strings of cross questions. That is also an objectionable feature, which should be discouraged.

Babu RABINDRA NATH ADITYA : Because the Hon'ble Ministers always ask for notice, Sir.

The Hon'ble the SPEAKER : Of course, they ask for notice ; but the Chair is here to see whether their claim for notice is reasonable or not. What I should impress upon this Hon'ble House is that, they should try to choose the subject matter of the questions with a scrupulous regard to rules and also frame their questions in such a way that everything may appear to be very appropriate and skilful when judged by the Assembly Rules relating to questions. Then with regard to the duty of the members when questions come up on the floor of the House for reply, I quite appreciate what Mr. Hockenull has said. I am really, at one with him in what he has said. Indulgence has been no doubt shown in this session in allowing the members who remained absent when their questions were called, by giving them opportunity of getting their questions answered when they appeared subsequently during the question hour. This has been done only for this session and for the next session I shall be strict and the hon. members should remember that when they will not be in their seats when their questions will come up for reply, their questions will never be called out, subsequently, even when there is time left after all questions on the order paper are finished.

With regard to allotment of days for non-official business, that is also a matter on which I feel very strongly, and I may tell the Hon'ble House that whatever little power there is in me, I shall always be ready to use that power to get a sufficient number of days for non-official business. The Hon'ble Chief Minister has explained why it was not possible during this session to allot 4 days and why only 2 days were allowed for non-official business, and I think, hon. members are satisfied with the explanation. I may tell the House that my suggestion was that if more than 2 days could not be allotted, there should be no non-official day at all during this session. I am in sympathy with the hon. members when they complain that only two days were allotted for non-official business and that there could not be time to take up resolutions. I am sorry for this. The second day that was reserved for non-official business this time was suddenly encroached upon by a motion of no-confidence in the Ministry, as I had no other alternative than to fix that day for the motion. This very limited number of days for non-official business this time really placed me in an awkward situation in finding any other date for the motion. All the days subsequent to that day on which the motion came up were booked for discussion of budget demands and it was not possible for me to find out any other day for the discussion of the motion in view of the rules relating to the discussion of budget demands. The Hon'ble Chief Minister has explained the position why more days could not be given this time and I think the hon. members are satisfied with his assurance that in future more days will be allotted for non-official business.

Now with regard to another quite different matter, I wish to draw attention of the hon. members. During the last budget session, some hon. members made some complaints about the seats. They complained that the seats are such that they do not afford any comfort to the hon. members. I may point out that these seats cannot be replaced by any other more comfortable seats. It is practically out of the question. I tried my best to find out if anything could be done in this respect. Certain alterations have been made in some of the seats with a view to afford comfort. These alterations would be noticed in the bench where the Hon'ble Minister for Local Self-Government and the Hon'ble Minister Legislative are sitting and in the bench in the occupation of two hon. members of the Congress party. Hon. members

will find that the arms between the seats in these benches have been removed and the position of the benches has been made a bit slanting. Hon. members may see them and ask the hon. members who are occupying them whether the alterations have been of any advantage and whether they find more comfort there (*laughter*) and if the hon. members so desire, the same sort of alterations can be made in the other benches as well. Some sort of arrangement has also been made for the purpose of keeping pencil and paper on the tables in front of these benches. Hon. members may inspect these seats and if they approve of these alterations such alteration can be made in other benches as well.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, as I have often said, we get notice of some of the questions very late. But as soon as we get them, we try our level best to get replies prepared. My hon. friend the Rai Bahadur P. C. Dutt who has a long experience of Government work knows our difficulties. Our main difficulty to reply to questions is that we get them very late and I hope the hon. members will send their questions early so that we get sufficient time. Some of the questions have got to be sent to the district authorities for materials to reply.

Srijut KRISHNA NATH SARMA: I find some questions are taken from session to session without replies.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry for that and if the hon. member gives me materials of his complaint, I will enquire into it. My hon. friend—Srijut Kameswar Das made some complaints and on enquiry I found that there were some additions in his questions which necessitated reference to district authorities. If my hon. friends will give us a little time to reply, then all the questions will be replied.

Babu RABINDRA NATH ADITYA: Sir, if 15 days time is not sufficient the rule must be altered.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The hon. member is perfectly correct. Now questions are to be sent 15 days before from the last day of the session and if they are sent 20 days before, that will be better. You, Sir, have already mentioned that some questions do need so much pruning that they are to be entirely recast and then put up to you for admission and finally sent on the Department concerned. So, they always take time. Again, you mentioned, Sir, that replies from Government have got to be sent to the Assembly Secretary 48 hours before the time they are actually taken up in the House. This leaves us with only 13 days within which we are to collect information and get the replies ready. In many cases when we are to collect materials from the district authorities in the plains, it is quite impossible to send the replies in the time thus allotted.

Mr. BAIDYANATH MOOKERJEE: Sir, my point is that if we do send our questions 20 days before and 5 days are taken by your Department, then the Government branches get 15 days to collect materials and get the replies ready. I mean to say that the extra days can be applied in the case of the questions which are replied to on the first day of the session. In the case of others Government get time for a month and sometimes a month and a half, e.g., the questions which were replied to-day got the highest number of days. So, the lowest number of days is 13 and the highest, about a month or a month and a half.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Our experience is that we do not get a month or a month and a half for replying these questions.

The Hon'ble the SPEAKER: Again with regard to the matter of questions, I should also tell the hon. members that I have noticed that the same set of questions come up from different members of the same party. That also is not desirable, and I am thinking whether I should introduce the practice of sending back all questions which are received from the members of different parties to the Secretaries of the parties so that they may revise the questions and choose which questions should be sent. This practice is being followed in some other Legislatures. When numerous questions are found to have been sent by members of a particular party, the questions are sent to the Secretary of the party to revise the questions and choose the questions which should come back to the Assembly Office. When I know, that there are definite parties in the House and the parties have their Secretaries, I am thinking whether I should introduce that practice here also. I have also noticed that some questions which have already been answered in the previous sessions are again repeated in the subsequent sessions. That practice also cannot be tolerated.

Mr. BAIDYANATH MOOKERJEE: May I suggest that there should be a limit put to the number of questions that a member can ask, so that all members may get a chance of reply?

The Hon'ble the SPEAKER: That is a matter which I think was discussed in the Rule Making Committee. The Report of the Rule Making Committee will be placed before the House for discussion, and if the hon. members so desire that any limit should be put as to the number of questions to be asked by a member, they can suggest a rule to be framed in that behalf when the rules framed by the Committee would be placed before the House for being passed.

Message from the Council *Re.* passing of the Assam Legislative Chambers (Members' Emoluments) Bill, 1937

Secretary, Assam Legislative Assembly:

Sir, the following message has been sent by the Secretary, Assam Legislative Council:—

“ I am directed to inform you that the Assam Legislative Council at its meeting held on the 19th February 1938 passed without amendment ‘ The Assam Legislative Chambers (Members' Emoluments) Bill, 1937, ’ (Assam Legislative Assembly Bill No.9 of 1937) which was passed by the Assam Legislative Assembly at its meeting held on the 1st day of September 1937. ”

The Good Conduct Prisoners' Probational Release Bill, 1937

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I suggest Sir, that the Good Conduct Prisoners' Probational Release Bill be put clause by clause.

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The Hon'ble M:
I move that the Bill be passed.

The Hon'ble the SPEAKER: The motion is that the Good Conduct Prisoners' Probational Release Bill, 1937, be passed.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, this Bill is a distinct advance over Section 562 of the Criminal Procedure Code.

The Hon'ble the SPEAKER: Does the hon. member oppose the Bill?

Maulavi MUHAMMAD AMJAD ALI: No, Sir.

The Hon'ble the SPEAKER: Then what is the use? Very well, the hon. member may speak.

Maulavi MUHAMMAD AMJAD ALI: It is a very happy move on that part of the Ministry, and I have to congratulate the Ministry for sponsoring a Bill of this nature. I can see that it enjoins a duty on society and its success entirely depends on the co-operation of the people who are interested in social and humanitarian work. Many families have been ruined where the head of the family has been sent to the prison simply for the fact that he did an act at the heat of the moment but the motive and criminal intention are absent altogether. It is with a view to do away with this sort of thing that this Bill has been sponsored.

The Hon'ble the SPEAKER: The motion is that the Good Conduct Prisoners' Probational Release Bill, 1937, be passed.

The motion was agreed to.

Presentation of an Address by the House for the establishment of a High Court in Assam

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I beg to lay before the House an Address* for presentation under Section 229 of the Government of India Act, 1935, for the establishment of a High Court in Assam. Hon. members may remember that in the December session this matter was discussed in the shape of a private resolution, and the proposal to establish a High Court in Assam was adopted by a considerable majority. Since a special procedure is laid down under Section 229 of the Government of India Act, we have got to follow this procedure if we want to see our resolution translated into reality. I have therefore, Sir, to present before the House this particular Address which has already been adopted by the Upper House. We have taken the earliest opportunity for if we delay the submission of this, we shall lose nearly two years, for as is well known, by the time that this Address is agreed to by the House, or if my proposal is accepted and the Address is forwarded to the Secretary of State to be presented to His Majesty, long time may elapse.

*Appendix A.

I find, Sir, that notice of an amendment to the Address has been laid on the table. I will request hon. members to ponder calmly over the proposed amendment, for if this House accepts that amendment, we will not be able to forward the Address to the proper quarter now as the Address adopted by the Upper House will be modified by the Lower House, and as I read the Section, it ought to be coming in the same form from both the Legislatures in the province. As most probably I will have a chance of speaking when this is put before the House I will not press that matter now. The main point to be considered is whether a High Court is desirable for the province and secondly, whether we could have this highest institution for the administration of justice without sacrificing any of our revenues to the detriment of the poor agriculturists. On the first matter, as I mentioned already, I have got the vote of the House. And on the second matter, I have sufficient indication in the last debate that the High Court can be established without spending any money from the province. With these few words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: What I gather from the speech of the Hon'ble the Chief Minister is that he has only read the address before the House. There has been no motion as yet and unless there is a motion, the House cannot proceed to give its verdict.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: thought, Sir, that that was the next stage.

The Hon'ble the SPEAKER: There is no other item in the list of business.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then I beg to move "that under the provision of Section 229 (1) of the Government of India Act, 1935 this Legislature do present the address as laid down on the table of the hon. members, for the establishment of a High Court in Assam to His Excellency the Governor of the province for submission to His Majesty."

The Hon'ble the SPEAKER: When there is this motion before the House, the hon. members will be quite at liberty to move any amendment.

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, I beg to move That paragraph 7 of the proposed Address be substituted by the following:—

"On the expenditure side, we would save the cost of the member, Assam Revenue Tribunal and his staff. We suggest that the salary of the Chief Justice might be Rs.3,500 and of the two Puisne Judges Rs.3,000 each. As the Legal Remembrancer will have to attend the sitting of the Council for a very short period within the year, he may also perform the duties of the Registrar of the High Court. We beg to submit that the general feeling of the public is that the seat of the High Court should be at Gauhati. Gauhati is the Headquarters of the Sessions Judge of the Assam Valley and if the creation of a sounder and more capable Bar in the Province is to be fulfilled, Gauhati is the only place eminently suited for it. It would also be possible to find buildings for the proposed High Court at Gauhati".

Sir, an Address has been proposed to be submitted to the King's most Excellent Majesty praying to His Majesty to be pleased to constitute by Letters Patent a separate High Court for the Province of Assam. Now that this Address has been placed before the House with the idea of obtaining our consent and also because under the provisions of the Act we shall be bound by everything contained in this address, we shall have to take a

long view and circumspect in all matters. First, Sir, the Address is proposed to be presented under section 229 (1). The section in question reads thus: "His Majesty, if the Chamber or Chambers of the Legislature of any Province present an address in that behalf to the Governor of the province for submission to His Majesty, may by letters patent constitute a High Court for that province or any part thereof, or reconstitute in like manner, where existing High Court in that Province or for any part thereof, or, where there are two High Courts in that province, amalgamate those courts".

Then again, Sir, if His Majesty is pleased to constitute a separate High Court by letters patent we will be bound under the terms and conditions contained therein as we gather from section 221 which runs thus: The Judges of the several High Courts shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by His Majesty in Council. Provided that neither the salary of a Judge, nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment".

So, Sir, the section is explicit enough, that is, we or for the matter of that the public will not by any Act of any legislature change or extend the jurisdiction of the High Court so constituted or will have no power to vary the salary of the Judges or his rights. It is for that reason, I propose to fix the salary of the hon. the Chief Judge and that of the Puisne Judges at a lesser figure than those put in the Address. Ours is a poor province, Sir, and we cannot afford to indulge in luxuries as in the major provinces. So far as my information goes, the Hon'ble Chief Justice of Agra and Oudh draws a salary of Rs. 3,500 and the other Puisne Judges Rs. 3,000 each. Oudh is certainly much more affluent than our poor province of Assam, and there is no reason why we should not cut our coat according to our cloth.

By this amendment, Sir, I propose to express in unambiguous term where the venue of the proposed High Court should be. The Hon'ble Chief Minister has stated in the Address that there has been a widespread and insistent demand from the people of Assam that they should have a High Court of their own. I am sure the Hon'ble Chief Minister also knows that the demand is equally persistent and widespread that the venue of the High Court should be Gauhati (*Hear! hear!*) Many hon. members may remember that a committee was appointed by a general meeting of the public of Assam to report on the possibility of having a High Court for Assam and the venue thereof. That committee reported after full investigation that the venue should be fixed at Gauhati. The report of the committee was printed and published, and my hon. friend Mr. Fakhruddin was one of the members of that committee. I hope he will enlighten the House on this matter. One singular advantage of the location at Gauhati is that all concerned will have the advantage of the Gauhati Bar, which is the strongest bar in the whole of the Brahmaputra Valley, and at such, the object mentioned in paragraph 3 (d) at page 2 of the Address, namely, the creation of a sounder and capable bar in the province, will be secured. On the contrary, Sir, by the location of the High Court at Shillong one will have to be faced with the disadvantage of bringing the civil jurisdiction of Shillong under the High Court of Calcutta, and with due deference to the members of the Shillong Bar, I may say as they have been deprived of the benefit of coming under any High Court up till now it will not be able to attain the required degree of efficiency within a reasonable length of time.

As regards the building, Sir, for holding the courts of the Hon'ble Judge of the proposed High Court, the buildings of the Law College which is used only up to 9 a.m. and remains vacant throughout the day may be utilised

for the High Court. Or in the alternative, the office of the Commissioner of the Assam Valley Division, which we confidently hope will be abolished in view of our repeated verdict, with some additions, will be suitable to accommodate the courts of the Judges. The cost will not be much. One year's savings, according to the estimate given by the Hon'ble Chief Minister, will meet the expenditure. With these words, Sir, I commend my amendment to the acceptance of the House.

The Hon'ble the SPEAKER: The amendment moved is—

That paragraph 7 of the proposed Address be substituted by the following:—

"On the expenditure side, we would save the cost of the Member, Assam Revenue Tribunal and his staff. We suggest that the salary of the Chief Justice might be Rs. 3,500 and of the two Puisne Judges Rs. 3,000 each. As the Legal Remembrancer will have to attend the sitting of the Council for a very short period within the year, he may also perform the duties of the Registrar of the High Court. We beg to submit that the general feeling of the public is that the seat of the High Court should be at Gauhati. Gauhati is the Headquarters of the Sessions Judge of the Assam Valley and if the creation of a sounder and more capable Bar in the Province is to be fulfilled, Gauhati is the only place eminently suited for it. It would also be possible to find buildings for the proposed High Court at Gauhati".

Babu RABINDRA NATH ADITYA: Sir, there was no proper notice of this motion. How can we move amendments?

The Hon'ble the SPEAKER: I have already told the House that the members will be quite at liberty to move amendments when the motion is moved before the House, without any previous notice that such a motion should be moved.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: Sir, I do not know, how I should oppose this motion and what words to use. I may characterise the amendment that has just been placed before the House as selfish, unreasonable and improper (*applaus*) as I happen to belong to a Bar which has got some reputation, I do not see whether it would be proper for me to say whether the Sylhet Bar or the Gauhati Bar is the sounder.

The Hon'ble the SPEAKER: The hon. member has not made any comparison between the two Bars.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: The hon. member said that Gauhati is the headquarters of the Sessions Judge of the Assam Valley and if the creation of a sounder and more capable Bar is to be fulfilled, Gauhati is the only suitable place. I would ask my hon. friend over there just to open the Civil List and obtain information as to how many Munsifs and Subordinate Judges there are in the district of Sylhet. Probably that may be the logic with the people who are much more concerned with the establishment of a High Court, that the desires of others may be ignored in favour of their own, simply on the strength of votes, irrespective of the reasonableness of their cause. But I must say that that should not be the logic of people in these days of democracy and I do not want to discuss any more on that point. The undertaking given by the Hon'ble Chief Minister that the High Court will be established in Shillong is quite clear and express. Shillong being the capital of the province I think it is in the fitness of things that it should be located there. It is always the practice in all provinces. If a High Court is at all to be established in this province, I submit it should be located in Shillong, the capital of the province. With these few words, Sir, I oppose the amendment.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Sir, I rise to oppose the amendment. So far as questions of law are concerned I do not propose to make any comment, because I am not a lawyer. But so far as questions of facility are concerned, I think myself quite competent to express my opinion. The hon. Mr. Lakshesvar Borooah, the mover, said that Gauhati is the headquarters of the Sessions Judge of Assam Valley and therefore, the seat of the proposed High Court should be located at Gauhati. I am sorry, I cannot persuade myself to support this contention. That would have been sound if the proposed High Court were to be established for the convenience of the people of the Assam Valley. If the proposal were such, then I would have opposed this very motion of proposing this Address. If the proposed High Court is meant for the people of the whole province, as I think it is, it should be located at a place which is centrally and conveniently situated.

According to me, Sir, Shillong is the only place in the province, under the present circumstances, where an institution like High Court can be located. It is connected by best possible roads with both the valleys, I mean Brahmaputra and Surma Valleys. Any and everybody from both the valleys can come to Shillong to get the benefit of the Highest Court of Judicature of the Province. Shifting the seat of the proposed High Court to Gauhati will be taking it to a corner and depriving hundreds of people from the easily available benefit of it.

Importance of Shillong is growing day by day. The proposed High Court, when located in Shillong, will help in the growth of Shillong and that will be for the interest of the people of the entire province. Above all Shillong is the seat of Government and therefore it should be the seat of the High Court also. I see nothing but a selfish motive devoid of all sense of decency in proposing the seat of the High Court at Gauhati.

With these words I emphatically oppose the amendment of my friend Mr. Lakshesvar Borooah.

Rai Bahadur PROMODE CHANDRA DUTT: I spoke on this subject so many times that I really feel bored having to speak on it once again. This question of establishing a High Court in this Province came before this House in the last session and I then stated my grounds for opposing its immediate establishment. I made it perfectly clear at the time that I was not opposed to the establishment of a High Court within the limits of this province for all time, but I do submit as I did before, that it is yet premature to think of it now. The same question came up twice before the Legislative Council in 1936-37 while I was a member of the Government and held the portfolio of the Judicial Department. Then I stated at length the reasons which I thought made it utterly impossible for us to ask for the establishment of a High Court at the present stage. I submit and I ask the Hon'ble Chief Minister to take those reasons into consideration before they come to a decision after having heard all the discussions here and if they decide to refer the matter to the higher authorities to refer to those reasons.

Sir, in this year's budget we find that our expenditure charged to revenue exceeds our receipts from revenue and I ask the Hon'ble Finance Minister if it is at all a sound finance to go in for new schemes specially an expensive scheme like that of a High Court relying on capital receipts. The capital receipts of this year are 35 lakhs of borrowed money—15 lakhs in Provident Fund and a few lakhs in the shape of deposits from local bodies and civil courts. These cannot help to find the recurring expenditure for a High Court.

To meet this objection it has been said that in the opinion of the Ministry no appreciable burden on the revenues of the province will be necessary, but that on the contrary there might indeed be a saving. Here, Sir, we are taken at a disadvantage. We have not been given the estimates in details. It is all very well to make a general statement that so much will accrue from this source, so much from that source. But in the absence of detailed estimates little reliance can be placed on such statements. Indeed the Hon'ble Chief Minister gives away the whole case when he says that the estimates are very tentative and provisional. I put it to the House whether we should go up to His Majesty for considering such a scheme when these estimates are so very tentative and provisional? I think, it will not be showing respect to His Majesty—also to this House. Let the House have an opportunity of examining the estimates and come to a decision whether additional expenditure will not be imposed if we try to have a High Court in our province at the present stage. In paragraph 7 of the Address it is.....

Khan Bahadur Maulavi KERAMAT ALI: May we know whether the hon. member is opposing or supporting?

Rai Bahadur PROMODE CHANDRA DUTT: I have been opposing this consistently.

As regards the amendment I may say at once that I do not propose to take any serious notice of it. I am perfectly aware that the Hon'ble Chief Minister is not worrying at this stage over the venue of the High Court. That question will come later. For the present we are considering whether there should be a High Court within the limits of this province.

Now, Sir, in paragraph 7 of the Address it is said that the Legal Remembrancer will perform the duties of the Registrar. Well, Sir, we have indeed a Legal Remembrancer, but I must say that he has much work to do and that there will be no time for him to attend to the duties of the Registrar. Some saving can indeed be made by this arrangement, but such an arrangement does not obtain in any other province.

As for the buildings it is suggested that the present Legislative Council buildings could be utilised for this purpose. Whether the buildings of the Legislative Council will be enough for a High Court is a question on which widely different views are held. To my mind they will be entirely unsuitable for a High Court. Whether the buildings will be available is a different matter. But the question is if they become available, will they be sufficient for the High Court? It has never been considered whether these buildings can be used for any other purpose. All these statements are vague statements.

Sir, I have been saying that the High Court is not the greatest necessity for this province. We have got a High Court already. The only thing is that it is not established within the limits of the province. I refer to Section 230 of the Government of India Act which gives us statutory right to Calcutta High Court.

Then, Sir, it is assumed that there will be some saving from the abolition of one of the posts of Commissioners. Well, Sir, if there be any saving from that, there will be better use of that money, but we have not yet been told, that one of the two Commissioners' posts will be abolished. We were told yesterday that the Secretary of State had asked for particulars as to saving. I can tell the Hon'ble Chief Minister that the Secretary of State will never agree to the abolition of the Commissioners' posts.

Then, Sir, it is said, receipts from Court fees will be doubled. In regard to this, may I inform the Hon'ble Chief Minister that I wanted whole-time Judicial officers for the Assam Valley. I tried my best; I called for a report. The reply was that there was not enough work for

whole-time Munsifs. Well, Sir, how can then it be expected that there will be any increase from stamp receipts? We have not enough cases for Munsifs. What cases can be expected to come up to High Court? It is all very well to say that receipts will be increased by increased litigation. But the report of the Commissioner states that there is not sufficient work for lower Courts even.

Then, Sir, as regards probate fees, we have not got any statistics of cases that go to Bengal. How many "Bezbaruas" are there in this province who could give us thousands every year?

Then, Sir, two-thirds of the cases that go to High Court now are from Sylhet. There is a persistent demand for the transfer of Sylhet from this province, and the question of a High Court is linked up with that question. Until that question is decided, I do not think any case for a High Court can be made out. If Sylhet goes away with its cases what will be the fate of the High Court here?

Then, Sir, with regard to the distance of the Province from Calcutta, I think Gauhati and the Goalpara district are not more distant from Calcutta than Sylhet and Cachar.

How are the other Assam Valley districts very farthar off? On the contrary we find hundreds of Assamese gentlemen are in Calcutta now engaged in other than legal business.

Then it is said that lawyers in Calcutta do not know Assamese language. The Assam Valley districts have been under the Calcutta High Court for three quarters of a century. But this is the first time that I hear that the litigants experience difficulty because the Assamese language is not known to the Calcutta lawyers. The Hon'ble Chief Minister was in the Calcutta High Court and he knows whether any disadvantage is felt by Assamese litigants on that ground.

It is said that the Hon'ble Judges have no local knowledge. I do not know what this mean. Hon'ble Mr. Jack was a Judge in the Assam Valley; Mr. Peterson was a Judge in the Assam Valley and I am not sure if Mr. Edgley was in the Assam Valley. Could not they try cases from Assam?

Then about the delay in the disposal of cases, everybody suffers from the delay. Sylhet also suffers from delay; Bengal also suffers from delay. This is not peculiar to the Assam Valley litigants.

Then, Sir, there are lawyers from this province in Calcutta. They can make their way there if there is mettle in them. It is the Bar that makes the Judges and not Judges that make the Bar.

So, Sir, the grounds given are very weak for the establishment of a High Court in this province now. On the contrary there are reasons why if we have any money, we should utilise it for other purposes, e.g., an Agricultural College (Mr. Naba Kumar Dutta—and Medical School). Certainly that is another requirement. Apart from that we get our revenues from the people. What do you give them back? What is the percentage of literacy in this province? About primary schools how many have you got? What is the pay of teachers? Have you got an Agricultural College which will benefit the agriculturists? You are talking of institutions which will benefit the educated intelligentsia alone. How many institutions have you got that will benefit the masses? I submit, if we have got any money we should apply it to the benefit of the masses.

These are some of the reasons which compel me to oppose this motion. I say again there will be time for this province to have a High Court of its own but that time has not yet come. On the grounds given, I oppose this motion.

Adjournment

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

After lunch

The Assembly re-assembled after lunch at 2 p.m.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, the discussion whether we should have a High Court or not, is, I think, quite out of place in the present debate. This matter was discussed threadbare in the last session when my hon. friend Mr. Naba Kumar Dutta brought forward that resolution. At that time my revered friend Rai Bahadur Premode Chandra Dutt raised several objections but in spite of that the House gave the verdict on the motion that we must have a High Court of our own. I am sorry to find that the hon. Rai Bahadur Promode Chandra Dutt has raised the same stereotyped objections to this proposal also. I remember when the Cotton College at Gauhati was started, there was a chorus of protest to its establishment on the ground that the college will not have enough materials to go on with. The same sort of objection has been raised by our friend Rai Bahadur Promode Chandra Dutt. I do not consider it necessary to reply to the criticisms that have been levelled by him. For the present we are concerned with the amendment that has been moved forward by my hon. friend Srijut Lakshesvar Borooah. As a native of Gauhati, I would welcome the idea of having a High Court at Gauhati, but there are other considerations which must weigh with us. In the proposal itself I found that he has raised the point of salary of the Chief Justice and other Judges. He wants to reduce it to Rs.3,500 for the Chief Justice and Rs.3,000 for the other Judges. I think, Sir, if we want to have an efficient High Court, we must have also able Judges and the question of salary should not deter us from having a High Court of the first order. I am afraid, the salary proposed by my hon. friend will not attract the best men for the post of Judges. So, if we want to have economy I am afraid, we will sacrifice efficiency. Then the point that he suggests is that the Legal Remembrancer of the province should be the Registrar of the High Court. As the hon. members are aware, the Legal Remembrancer has got other duties to perform. He is not only the Legal Remembrancer but also the Administrator General and Secretary to the Legislative Council and Legislative Department of the Government of Assam. Now, if his proposal be accepted, then I am afraid the Legal Remembrancer will have to shift his Headquarters from Shillong to Gauhati otherwise it will not be possible for him to discharge all the duties that are assigned to him. I request the House to consider whether this is a feasible proposition or not. Then my hon. friend says that the general feeling of the public is that the seat of the High Court should be at Gauhati. If by the term 'public' he means the public of Assam Valley, then I am afraid, it will be a misrepresentation of facts, because we are out for the establishment of a High Court for the whole province and we shall have to consider the feelings of the people of both the Valleys. So long Surma Valley is with us, we must respect the feelings of that Valley also and if a plebiscite be taken of the matter, I think, the generality of the feeling of the public will be for location of the High Court at the capital town of the province. As you all know, High Courts in all over the provinces of India are situated in the capital towns of the provinces except perhaps in the United Provinces. In Lucknow they have got a Chief Court but in Allahabad they have got a High Court. Barring this, I think, the High Court should be located in the capital (*Hear! hear!*). Our preference for the

seat of the High Court should be for Shillong. Then he has raised another point about the sound and capable Bar. As my hon. friend Maulavi Ashraf-uddin Md. Chaudhuri has stated just before me that if we consider the question of a sound and capable Bar then we will also have to consider about the Sylhet Bar. As there is a tug-of-war between the two Valleys regarding the seat of the High Court, I think, it will be prudent on our part to have a common place where both the Valleys can meet and where we can have a Bar constituted with Legal luminaries of both the Valleys. Now as regards the accessibility, I think, Shillong is the only place which is accessible to both the Valleys. As regards the building facility it is not known whether the post of the Commissioner of Assam Valley will be abolished at all. So it is uncertain whether the building occupied by the Commissioner's establishment will be available for that purpose but here, Sir, we have got the building of the Upper House. So, I think that the balance of advantages will be in favour of the location of the High Court at Shillong.

Then, there is another matter to which I want to refer, that is about the Message itself. If we are to send this Message through the Governor to His Majesty the King Emperor, this Message should be efficacious and necessarily unanimous as far as possible that Shillong had been selected as the place for the proposed High Court. I think if we carry the amendment proposed by Mr. Barua by a majority of votes the bitterness of feelings between the valley will persist.

(A voice: there is no bitter feeling.)

I am sure there are bitter feelings as are evidenced by the jarring notes sounded in the House. In order to reach an unanimity I would appeal to the hon. mover of the amendment to withdraw it and to lend his whole hearted support to the Message itself so that the proposal for a High Court in the province might materialise in the immediate future. If we pass the amendment, what will be the result? It will again have to go to the Upper House and that will take some time more. It may be that the amendment will not be accepted by the Upper House and in that case it will have to come here again. This means unnecessary delay and the project may not materialise within the life time of this Assembly. Here is an opportunity for getting our long cherished object fulfilled and if we show disagreement among us, that opportunity will be lost. So, I appeal to the hon. mover of the amendment to forego his desire to have the High Court located at Gauhati in the interest of the province as a whole. With these words, Sir, I oppose the amendment and support the original motion.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, it has been the avowed policy and desire of the Congress to distribute the provincial boundary on linguistic basis. In that view of the fact Sylhet has been included as a part of the Bengal province so far as the Congress policy is concerned. (Laughter.) We, the members of the Congress party here, Sir, have come with the avowed policy and with clear intention that Sylhet should be transferred to Bengal (Hear! hear!). We, the people of Sylhet have our natural desire to remain under the ægis of the Calcutta High Court because we have the peculiar land system, manners and customs of the district quite distinct from those prevalent in other districts of the Assam Valley, but quite alike to those in Bengal. With the reservation that Sylhet should not form part of Assam, and that Sylhet should be under the jurisdiction of the Calcutta High Court we, the members from Sylhet, have full sympathy with the desire of the people of the Assam Valley to have a High Court established in the province (Hear! hear!). In that view of the matter, that is, when Sylhet will be excluded from Assam and

added to Bengal, i.e., Sylhet remaining under the jurisdiction of the Calcutta High Court, I say that the proper place for the High Court of Assam is not Shillong but rather somewhere in the plains (Hear! hear!) where there is enough public life. Moreover, Sir, we have a sad experience about this hill fort. Here things are done under the cover of the night. In certain afternoon we find one thing and in the next morning we find a new thing.

As regards the financial aspect of the question, Rai Bahadur Promode Chandra Dutt has fully dealt with it and we have nothing to add but I cannot but refer to only one aspect of the thing. When I look to the financial aspect of the question as presented by the Hon'ble Chief Minister in the Address, it does not seem to come from the Finance Member, but seems to be the *bazar khatha* of a private individual. There is no estimate—no proper statement of the receipt and expenditure side. Sir, I would, therefore, ask the House to consider the financial aspect of the question before we decide anything. We should not fall into a trap in the hands of a gentleman who might have been disappointed some where in life and might have chosen to establish this mimic show only to satisfy his ambition. With these words, Sir, I beg to take my seat.

Maulavi ABDUR RAHMAN: Sir, I rise to oppose the amendment as well as the original motion the motion, presenting the Address to His Excellency the Governor (Laughter). Sir, while this particular resolution was moved by my hon. friend Mr. Naba Kumar Dutta during the last December session, I also tried my level best to oppose the motion with the little language I have at my command. Sir, the Address that has been presented to us does not seem to be a satisfactory one. The financial aspects that have been shown in support of the establishment of a High Court here are far from satisfactory. First of all, Sir, I shall deal with the financial aspect of the thing. In the Address the Hon'ble Minister has tried to show that the financial aspect would be met with by the abolition of the post of the Member, Revenue Tribunal and his staff and by the abolition of one of the Divisional Commissioners and his staff. Sir, this is a probable thing. We have been trying our level best to get it from the present Ministry that according to the desire of this House the Commissioners with their staff would go away, but they are reluctant to give any final reply to that question. When they are desirous of establishing the High Court, they have come forward with a suggestion that one of the Commissioners with his establishment will go. But this is also a probable thing. Even no attempt has been made by the Ministers whether the Revenue Tribunal would be abolished, of course, there was a move in that respect by this House. If we are to build castle in the air for such a responsible thing such as the establishment of the High Court, it will be unwise on our part. Then, again Sir, it has been stated in the Address that for many years there has been a persistent and wide-spread demand from the people of Assam, whom we represent, for the establishment of a High Court in the province, but I do most emphatically raise my objection to that. There is, of course, a demand, but the demand may be of the majority. So far as the people of the Surma Valley are concerned, we stand as a minority and whenever any such thing comes from Assam Valley we do not find any place to take shelter in. We were of course defeated by a very meagre number of votes on the floor of this House on this question, but still I stand by my point that Assam is not such a position as to have the luxury of a High Court at the present stage as has been observed by hon. Rai Bahadur Promode Chandra Dutt. The principle and desirability of establishing a High Court is not opposed by many of us, but this is not a matter to set our hands so immediately.

Sir, as for the amendment that has been moved by my hon. friend Mr. Barua, he has tried to convince the House that Gauhati is the only proper centre for the establishment of a High Court, if there be any. As to the venue it has been opposed by some of my hon. friends like Maulavi Ashrafuddin Md. Chaudhury and Khan Bahadur Sayidur Rahman. The reasons why Gauhati or the Assam Valley cannot have a High Court are obvious. If we look into the merits of the case we cannot but be convinced that the majority number of cases come from the Surma Valley.....

Maulavi ASHRAFUDDIN MD. CHAUDHURY: Eighty per cent.

Maulavi ABDUR RAHMAN: It is not the area which can justify the establishment of a High Court, but it must be population and the number of cases that are being instituted. It has been mentioned by Maulavi Ashrafuddin Md. Chaudhury that Sylhet alone is maintaining as many as one District and Sessions Judge, several Additional Judges, several Sub-Judges and Munsifs and several other things. It has been stated that in Gauhati there is a District and Sessions Judge and a Subordinate Judge, but if we compare the cases of the Surma Valley with those of the Assam Valley we will be taken by surprise and I can ask how a proposal come for the establishment of a High Court at Gauhati. As for the Bar, of course that is a matter of opinion, and my hon. friends there are the best persons to say whether the Sylhet Bar is the best one or the Gauhati Bar is the best one.

Rai Bahadur PROMODE CHANDRA DUTT: That is not the question.

Maulavi ABDUR RAHMAN: As for the Address itself, it does not state a positive account upon which we can take our stand to consider the desirability of establishment of the proposed High Court. The hon. mover of the amendment has said that a poor province like Assam cannot indulge in luxuries, and he has said a just thing. Because whenever there is any demand for any money for the uplift of the poor people whom we represent, we get a big denial or are told "when funds will be available". How can the Government now come up for such a proposal which is really a luxury. Sir, it will be seen that I am always opposed to such a luxurious thing. Unless we can do some good for our poor people, unless we can improve their social life, unless we can improve their economic condition, I think such attitude for such luxurious things will be detrimental to the interests of the poor public.

Then, again, Sir, if any High Court is established can anybody say that it will go to the benefit of the poor people. If any benefit can be derived by this it will be for a few persons only. As for justice, it has been stated that if a High Court is established here the poor will get better justice because they cannot afford to go up to the Calcutta High Court. I pointed out in my last speech that the number of cases goes upto the Calcutta High Court is not many from poor people for whose interests we have come here. The utmost these poor people can go up to is the Judges Court, and the number of cases that go upto the Calcutta High Court is very small. Sir, Khan Bahadur Saiyidur Rahman has said that the Cotton College at Gauhati, while started was merely a thriving institution, but an educational institution cannot be compared with a High Court which is the highest tribunal for justice. One word I would like to say as regards the suggestion that the High Court should be established at Gauhati, that it is a parochial matter, and if we are to move under parochial ideas I think we cannot do justice to our poor people.

With these few words, I oppose both the amendment and the Address.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I rise to oppose the whole Address on other grounds than those that have been advanced before the House. While the resolution for the establishment of a High Court in Assam was under discussion before the House, I apprehended that a tug-of-war regarding the venue or location of the High Court would ensue, and now I find that it has come to pass. In fixing the location or the venue of the High Court one point is to be considered here. The first point I think is this, whether the districts of Sylhet and Goalpara are to remain as a part and parcel of this province for all time.....

Srijut DEBESWAR SARMAH: And Kamrup?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: Yes. If that point is decided once for all then of course the question of location comes in. In this respect I would like to sound a note of warning to Sylhet members as well as to members of Goalpara. I would like to ask them whether they have decided in their minds or whether they have consulted their constituencies to remain within the province of Assam for all time to come or whether they want to go to Bengal. I think this question of location must be left to the members coming from the remaining districts of the province. In that case, I think, Gauhati would be the proper place (*applause*). But if Sylhet and Goalpara districts are to remain within the province, if they decide that way, I think, Sir, that the venue that has been mentioned in the Address, would be the proper place (*Hear! hear!*). (*A voice:* What about Cachar?) Sir, I need not mention about Cachar because it is a temporarily settled area. Then again, Sir, I draw the attention of this hon. House to one point, to one argument that has already been advanced that 80 per cent. of the cases come from Sylhet alone. If that be the case and if Sylhet decides to go over to Bengal, I would ask the hon. members coming from the other Valley whether they would be able to supply food to this white elephant that has been proposed. It may be very pleasant to our ideas that if a High Court be established then some of us would be Advocates, some would be an Advocate General and some of us would be Judges—it is all pleasant to contemplate. But the thing is what about the poor people for whom we are over here and whom we have come to represent? Sir, Abraham Lincoln (*laughter*) in defining democracy has said that Government ought to be "of the people, by the people and for the people." But here I find that this Government can be described as Government of the servant, by the servant and for the servant. With these few words, Sir, I oppose the Address.

Babu KAMINI KUMAR SEN: Sir, I think, I shall be failing in my duty if I do not say a few words as a protest against the proposed Address to His Majesty for the establishment of a High Court in Assam. Though I am quite aware that there is much enthusiasm for this proposed High Court in the Assam Valley, I cannot help putting the case of the Surma Valley before the House comes to a decision. The proposed High Court which is estimated to bring in an annual income of two lakhs is estimated on the basis of the income derived from the cases sent up from the Surma Valley, and it is admitted that 80 per cent. of the cases come from the Surma Valley. If that is so, and if as some of the hon. members have already stated before the House, Sylhet is eager to cut away from Assam and Assam is no less eager to keep her in, then what would be the fate of this proposal? If two-thirds of the income go out of the estimate I do not think that Assam will be able to maintain a High Court. Moreover if Sylhet does not go or is not allowed to go, I think it is well known to the hon. members that when Sylhet was separated from Bengal

it had the solemn assurance from Lord Northbrooke that as long as they desire to have the advantage of the High Court and University at Calcutta they will be allowed to have that privilege. And that assurance, if I remember aright, was repeated by our late Chief Commissioner Sir Beatson Bell as well. So, Sir, even if we take that Sylhet does not go to Bengal, should not Sylhet be allowed to retain the privilege they are so long enjoying under that solemn assurance. Is there any justification on the part of the Government to refuse Sylhet to have the benefit of that solemn assurance? If a referendum is made it will be found that Sylhet is almost unanimous in protesting against this proposal of a High Court. At least it is not agreeable for the present to come within a High Court established within this province. So, Sir, I think, we should at least wait till the question of separation of Sylhet is settled or at least the opinion of Sylhet as to whether they are agreeable to waive their claim and their right under that assurance, is ascertained. Unless that is done, I think it would not be fair to the Surma Valley people to deprive them of that privilege.

Next, Sir, many of my hon. friends have already referred to the question of more urgent needs. I quite agree with them. I admit that for an autonomous province we should have a High Court. But I would ask whether an autonomous province can do without an Agricultural College and an Agricultural School; can an autonomous province do without a technical college and a technical school? Can an autonomous province do without an Engineering School, a Medical College, an Engineering College and a host of various other such elementary institutions? If we cannot find money for those institutions, if we cannot find funds to remove illiteracy of the masses, to save the people from the scourge of malaria and other fell diseases and if we have to run our ordinary administration, practically on borrowing, can we have the luxury of a High Court at the present moment? I admit that in future if Assam becomes a full fledged autonomous province it will require a High Court. But it has to meet many more urgent things before it can have the pleasure of a High Court.

Lastly, Sir, what percentage of the population get the services of the High Court? I do not think it will be even half a per cent. of the population, and of that half a per cent. most of them are financially better off than the poor peasants whom we represent and for whose amelioration we are crying hoarse here and outside. Sir, can we ignore the needs of the poor peasants, the thousands and thousands of poor peasants, for the benefit of less than half a per cent. of people when even that half per cent. gets the services of an efficient High Court like that of Calcutta, although it may entail some more difficulty or money? Whenever a case is sent to the Calcutta High Court, it never refuses to entertain it. But what do we find as regards our necessity for other institutions here? When our boys want to enter an Agricultural College or an Engineering College in other provinces the doors are closed against them. The colleges in other provinces say that they cannot accommodate them. When our boys cannot even get admission in other provincial colleges or schools, when we have no means for the economic uplift of our people should we have the luxury of a High Court here, Sir? I do not think the time is opportune for the purpose, and at least for the sake of the Surma Valley, I appeal to members to consider before they come to a decision. With these words, Sir, I oppose the Address that is proposed to be presented to His Majesty for the establishment of a High Court.

Khan Bahadur Maulavi KERAMAT ALI: I regret to say, Sir, that several of the members of this House have unnecessarily opposed the proposal for the establishment of a High Court in Assam, because the House is already committed itself to such a proposal. Therefore, Sir, much of the arguments that have been advanced in favour of doing away with such a proposal should have been avoided.

Now, Sir, as regards the location of the High Court, I may draw the attention of hon. members to paragraph 7 of the Address itself. They will find that in this paragraph no mention has been made as to the place where the High Court will be located. I am inclined to think that the Government have purposely avoided the mention of the place. As has been pointed out, the question of the separation of Sylhet is in the minds of all the members of this House and it may be that the resolution on this subject that is being tabled from time to time in this House may some day be carried. In that case perhaps the Government will recommend that the seat of the High Court should be at Gauhati. In case no such resolution is passed by this House, the Government will have to recommend that the seat of the High Court should be at Shillong.

Now, Sir, I think, even if this motion for the presentation of an Address be passed by the House to-day, it will take not less than two years to have the establishment of a High Court materialised. And in the meantime, I am sure, the question of the transfer of Sylhet will be decided. Therefore, if we now leave this question open as to where this High Court should be located we shall be able to fix up after the Sylhet transfer question is settled. And in that view I would appeal to my hon. friend to withdraw his amendment.

Mr. BAIDYANATH MOOKERJEE: Sir, I rise with great fear, because so long only members of the legal profession have spoken about this High Court matter. I won't take much of the time of the House. I am not going either to oppose or to support the motion. But before the hon. members of the House decide their course, I just want to mention one point and it is this. Whether the High Court is absolutely necessary for us at present and whether, before we take any move in the matter we have a defined plan of our own so that we can find the real situation regarding our expenditure side and our income side. Sir, during the last session when this High Court affair was discussed, of course the Hon'ble Chief Minister gave us some information regarding the estimated income and expenditure, and in the present Address also I find that some main heads have been laid down. But I doubt whether from these heads which are full of 'ifs' and 'buts' it would be prudent on our part to present this Address. (Here there were interruptions from members). One hon. member who is a lawyer has been interrupting me, but I do not propose to take any notice of it.

The Hon'ble the SPEAKER: The hon. member need not take note of these interruptions.

Mr. BAIDYANATH MOOKERJEE: As I have already said, Sir, members of the legal profession think that this House is their monopoly. They should not think so. Before the House comes to any conclusion, I would request the Hon'ble Chief Minister who is moving in the matter just to prepare a real plan and place it before the House so that the members of the House may find the real situation and act accordingly. With these words, Sir, I take my seat.

Babu HIRENDRA CHANDRA CHKRAVARTY: Sir, I rise to oppose the amendment moved by my hon. friend, Mr. Borooah, and also to oppose the motion for presenting the Address to His Majesty the King-

Emperor through His Excellency the Governor. So far as I could learn from my constituency, Sir, I can say that it is not the desire of the people in my district to have a High Court in Assam. They are quite contented with the present sort of arrangement.

Sir, it has been said by a speaker from the Surma Valley that it is still a question whether Sylhet should be transferred to Bengal. I do not know, Sir, what will happen to Cachar, if that question comes up and if there is a possibility of Sylhet being transferred to Bengal. Of course, the position of Cachar is quite different. If Cachar remains, I think its position will be quite difficult and therefore there might be a possibility of Cachar also being transferred to Bengal. Under these circumstances, and on the same argument as has been advanced both by the Khan Sahib over there and my hon. friend Mr. Kamini Kumar Sen, I think the people of Cachar also do not like to have a High Court established there. When the resolution for having a High Court was discussed in this House I had not the opportunity to express my views and now I take this opportunity of expressing the views of the people of Cachar. With these words I oppose the amendment.

Srijut GOPINATH BARDOLOI: My hon. friend Mr. Dakshinaranjan Gupta Chaudhuri was pleased to state the Congress position in reference to this resolution from the Surma Valley side. We thank him for the support he has given to the motion and endorse the view point suggested by him. We, belonging to the Congress group, believe that the distribution of provinces should be on linguistic basis. It is in accordance with that principle that the Congress as early as 1920 adopted a resolution distributing provinces on linguistic and cultural basis, according to which Assam Valley with tracts round about it, is a province.

Sir, we cannot think that an autonomous province should be without an independent Judiciary of its own and as we believe that Assam Valley with other surrounding districts is forming a provincial unit, it should have a High Court of its own. But while we believe in this, we also believe in what the hon. member of the Congress from Sylhet has stated, *viz.*, that they should also be given the option to be under such High Court as they desire to remain. Falling within Bengal according to distribution, recognised by the Congress, they can legitimately claim to be within the jurisdiction of the High Court of Bengal.

On the matter of the Address itself, I cannot congratulate the Hon'ble Chief Minister because he brings into it so many things which are evidently controversial. He knew that the House was not at one with him in regard to the retention or at any rate abolition of one of the Commissioner's posts only. He has introduced that in his Address. Then, Sir, in regard to the salary we have heard criticism enough in this House that the establishment is likely to be a very heavy one and we should try to curtail it as much as possible. I understand that in the Chief Court of Agra the Chief Justice's salary is Rs.3,500 and the salary of the puisne judges is Rs.3,000. I think the same thing prevails in Lucknow Chief Court also. But the most important point in which evidently we differ from the stand point of Government is that the Address brings us to the implication that the seat of the High Court should be at Shillong. Although we agreed to the resolution in the early stage for having a High Court in Assam, we surely did not agree to the venue of the High Court. In our opinion it should be at Gauhati. The learned mover of the amendment has given sufficient reasons on that account and I do not propose to add anything more. All that I want to say is that if there is to be a High Court in the province it should function at Gauhati. In this connection I would only repeat what has been said by my hon. friend Mr. Lakshesvar Borooah that the unanimous opinion of the people of the Assam Valley Districts is that it should be at Gauhati.

Babu RABINDRA NATH ADITYA: On a point of information, Sir. May we request the Hon'ble Chief Minister that the debates on this subject may be forwarded to the proper authorities.....

The Hon'ble the SPEAKER: Let the motion be carried.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am really pained to see that the issue has been clouded by the discussion this afternoon. Some hon. members who cannot view matters except through spectacles of their own mentality saw, in this move, opportunity for self-aggrandisement of various members of this House. I therefore want to lay before the House the genesis of this motion of mine.

It was in the December session that a private member, my hon. friend Mr. Naba Kumar Dutta, moved a resolution for the establishment of a High Court for Assam which resolution was carried by an overwhelming majority. If after that vote of the House, I sat silent I would have been open to the charge of flouting the opinion—an overwhelming opinion of this hon. House. As there is a specific provision (Section 229) in the Constitution Act for moving in this matter, I had to prepare this draft Address to be submitted to His Excellency the Governor for transmission to the proper authority, namely, His Majesty.

As to the discussion, I took part only as one who had meddled with the subject and who had experience of the working of the Calcutta High Court. I gave certain figures to show that a High Court for Assam is a practicable and financially profitable proposition. On that occasion, some of the hon. members opposed the resolution. I admire the consistency of those hon. members, but I cannot congratulate them when they are saying that the establishment of a High Court means the ruination of the agriculturists, in other words, when they argued that the High Court would be a luxury which will be pampered by the revenues of the State, which should in reality have gone for the betterment of the nation-building departments. There is an Arabic saying "*Oma alaina illal balag*" or "I have no duty except to place the message", and here it was my duty to place the figures and it was up to the judgment and intelligence of the hon. members to find out whether those figures were wrong. I had mentioned then that we were contributing a sum of Rs. 1½ lakh annually to Bengal for the service rendered by the High Court, their Law Officers and this sum we would save if we start a High Court of our own. Similarly I showed that Bengal is benefiting to the extent of very nearly half a lakh of rupees in license fees of lawyers practising in Assam. If we had a High Court of our own, we would save that amount. Similarly I mentioned about 'Paper Book' printing. In that we have clearly showed that all this money will be saved and not a single farthing will be taken away from Assam's exchequer. Even after that it has really pained me to see that some of the most acute brains of this House say that it is a financially ruinous proposition to establish a High Court in Assam. I admire their consistency, but I question their mentality. We must as an autonomous province have a High Court of our own, and the only question is where it should be located. The argument advanced is the supposition that some day Sylhet may be transferred to Bengal. Even if I concede that Sylhet is going to be incorporated with Bengal within the next five years and if I expect the position that we are going to have a High Court of our own within the next three years and that is located at Shillong, there will be no difficulty on contingency of Sylhet being transferred to Bengal or of the High Court being transferred from Shillong to Gauhati or any other place.

Calcutta was the seat of the Capital of the whole of India till 1911, but by one stroke of pen that seat was transferred to Delhi (A voice—at enormous cost). My hon. friend interjects 'at enormous cost'. I deplore the cost, I

deprecate the change ; but in the case of the High Court, we need not spend much for accommodating it in Shillong. My hon. friend the mover of the amendment has made a suggestion of utilising the Law College at Gauhati for this purpose (Maulavi Abdur Rahman—why not in the Sylhet Medical School building ?).

It appears that my request not to interject has fallen on flat ears. Hon. members indulge in interruption when I get up to speak.

I was saying, Sir, that the hon. member is proposing a very cheap expedient of converting the Law College building for High Court. Surely there will be no enormous cost which my interjectors are envisaging, but we, in our zeal of patriotism, should not blink facts and realities. All those gentlemen very glibly say that Sylhet is going to be transferred to Bengal. I would refer them to the provisions of section 290 of the Government of India Act. This redistribution of boundaries is not an easy matter under the new Constitution (Babu Harendra Narayan Chaudhuri—Partition of Bengal was an easy matter). Even when the move comes from the Government or no less a person than His Majesty, the following procedure has to be followed for redistribution of boundaries of provinces.

Section 290 reads like this :

“Subject to the provisions of this section, His Majesty may by Order in Council” I read sub-clause (d)—

“alter the boundaries of any Province

Provided that, before the draft of any such Order is laid before Parliament, the Secretary of State shall take such steps as His Majesty may direct for ascertaining the views of the Federal Government and the Chambers of the Federal Legislature and the views of the Government and the Chamber or Chambers of the Legislature of any Province which will be affected by the Order, both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.”

This is the elaborate procedure which is to be followed when the wish for the transfer comes from His Majesty. I believe the same procedure shall have to be followed even in the case when some private member of this House tables a resolution and gets it passed by the House. That resolution shall have to be transmitted to His Majesty—most probably in the same order as we propose now. It is for His Excellency and the Secretary of State to place anything before His Majesty. If His Majesty thinks that the matter should be pursued further, then that resolution will be placed before the Assam Legislative Council. If the Assam Legislative Council passes that proposal, the matter shall have to be discussed in the Legislatures of Bengal. If the Bengal Legislatures do give their consent, then the matter goes up to the two Houses at the Centre. If the two Houses agree then the matter shall have to be placed before Parliament. And then the Order in Council is issued. Therefore much time will lapse before we can contemplate the decision of having Sylhet transferred to Bengal. It is nothing but merely a bogey placed in the way of having a High Court that Sylhet is going to be transferred and that 80 per cent. of the cases come from Sylhet. To all that I need not give any answer. My learned friend the opposition leader has himself produced a reply. Assam being an autonomous province must have a High Court of its own. Next comes, Sir, the question of location. These are matters of details and any accounts that have been given in the Address are not binding on any party far less upon His Majesty. These details shall have to be gone through at the time when His Majesty is graciously pleased to grant us charter for High Court. I have already mentioned in the last debate, in consonance with the practice that obtains in other High Courts, at least one of the Judges of Assam High Court should be recruited from the Indian Civil Service and as the Selection grade District and Sessions Judge draws a salary of Rs.3,000 per month, it is only

meet and proper that the gentleman who will be promoted from the grade of District and Sessions Judge to that of the High Court Judge should get little more than what he gets in the former post. I think it will be proper to give him Rs.250 more. In Bengal we know that the Puisne Judge draws a salary of Rs.4,000 and the Chief Justice Rs.6,000. Thus there is a difference of Rs.2,000, i.e., near about 50 per cent. between the salary of the Chief and the other Judges, but here we have provided only a sum of Rs 750 as the difference and we have submitted the proposal for the consideration of His Majesty and the Secretary of State. We cannot be charged of submitting an extravagant proposal. As I said, Sir, these are the questions of details and the question of salary should not deter us. Then comes the question as regards the location of the seat of the High Court. During the last December session, 1937 the majority of the members gave their verdict that we must have a High Court of our own. Now I request all the hon. members to calmly ponder whether in the province as now constituted, its capital is not the best place for the location of the High Court. My hon. friend Khan Bahadur Maulavi Sayidur Rahman has already mentioned that throughout India, the High Courts are located in the capitals of the provinces.

Srijut KRISHNA NATH SARMA: Capital is, Sir, situated in the partially excluded areas. (*Laughter.*)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It does not, in any way prevent the functioning of the High Court here. On the other hand it will facilitate the transformation of the partially excluded area into one of the included area (*Hear ! hear !*). Now I should say, Sir, that taking everything into consideration, Shillong is the central place where the High Court should be located. It is easily accessible from the Surma Valley and the Assam Valley. If at any time Sylhet is transferred, there will be no difficulty for the then Government to remove the seat of the High Court from Shillong to any place in the plains.

One point which has been missed by my hon. friend is that the establishment of a High Court in Assam will solve the unemployment of Law graduates to a considerable extent. As I have a little experience of the Calcutta High Court, I hope I will be pardoned if I give a few figures. In the English Bar of the Calcutta High Court, so far as I know there is not a single Barrister from the province of Assam except one who may be a domiciled one (*A voice:—There are many now.*) He is Mr. Kar of Dibrugarh.

Mr. ARUN KUMAR CHANDA: Agarwalla is there.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: At least there are four now.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: But I have not seen them practising. I am speaking of those Barristers who are practising.

Babu RABINDRA NATH ADITYA: Is there anyone in the original side from the district of Sylhet ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is none except that particular gentleman Mr. Kar. Mr. S. K. Datta, brother of our friend Mr. Naba Kumar Dutta, was not long in Calcutta and was junior to Mr. Clough, a European Barrister with considerable practice.

Then as regards the Vakil Bar, I know that from Assam Valley proper there are only four Advocates, while from the other about a dozen practising in the High Court. Comparing with the total number of the practitioners at the Calcutta Bar on the Vakil Bar side, there are as many as 600 enrolled as member of the Advocates Associate. I know, Sir, that there are more than 100 who practise but are not members of Vakils Associations while the library of the English Bar has an enrolment of very nearly 400. If we have

a High Court of our own, the majority of the Bar will be our own people who are as capable and legally qualified as many of the Calcutta legal practitioners but who never get opportunity to shine.

Then speaking of the English Bar, if my memory serves me aright, I may tell my friends that the first gentleman that joined that bar from Assam was the late Mr. Majid who retired as the first Executive Councillor of Assam. He could not remain there for want of practice and after two years of practice he had to come back to Assam joining the Provincial Service. The next one that I remember is our well-known patriot Mr. T. R. Phukan who was Congress leader for many years. He struggled in Calcutta for seven years and ultimately had to come back. Of these two gentlemen, Mr. Majid is dead and Mr. T. R. Phukan is living and may he live long. Anyone who has come in contact with these two gentlemen must have noticed that they possessed the keenest intellect. Mr. Phukan is one of the most eloquent speakers. Had he got the opportunity in the Calcutta Bar, he would have proceeded far far but that opportunity was denied to him because he was in an alien atmosphere. In the Vakil Bar side, the pioneer from Assam Valley was the late lamented Mr. Nabin Chandra Bordoloi who also after the constitution of the Bihar High Court had to come back. He received more patronage from the Bihar seniors than from the Bengal ones. After Bihar had her own High Court Mr. Bordoloi had very little practice in the Bar to maintain himself in Calcutta and he had to come back. The next man is my humble-self.

(A voice:—What is your experience?)

My experience is that unless Assam lawyers can obtain sufficient number of cases from Assam litigants, they have absolutely no hope of standing in Calcutta. Therefore, Sir, we are in urgent need of establishing a High Court of our own. It would open up a new field where our national intelligentsia of the bars of the Assam Valley and the Surma Valley will be able to have a fair practice. There is absolutely no hope—I say from my own experience—for the Assam lawyers to have sufficient practice in Calcutta where there are so many legal luminaries.

Now, to revert to the remark that with some object in view this motion has been tabled by me, I may say for the information of the House that it was only to carry out the wishes of the House I have placed this Address for the acceptance of the House and I have not made it a question of the Ministerial party. My party—the coalition party—is free to vote in this matter as they like.

I will come now, Sir, to the amendment itself. The amendment consists of three different recommendations. The first one is amendment of the salary of the Judges mentioned in the original Address; this I have already dealt with. The second recommendation for change is that my hon. friend Sriji Laksheswar Borooah wants that as the Legal Remembrancer will have to attend the sitting of the Council for a very short period within the year, he may also perform the duties of the Registrar of the High Court. The third recommendation is that the High Court should be at Gauhati. My hon. friend Khan Bahadur Maulavi Sayidur Rahman has successfully dealt with the contrariness—I will not say contradictoriness—of this proposition. It was in one of my speeches, either in this House or in the Upper House, I suggested that a further saving can be effected by asking the Legal Remembrancer to take up the duty of the Registrar of the High Court. This may be possible provided the seat of the High Court be at Shillong for the Legal Remembrancer is Secretary to the Legislative Council and also Secretary to the Government in the Legislative Department—not to speak of his other functions. As Secretary to Government his constant presence at Shillong is

necessary. My hon. friend Rai Bahadur Promode Chandra Dutt has doubted that the Legal Remembrancer will be able to function in both capacities. It may be so, but there is no harm in making an experiment, as we have succeeded in another sphere in performing the same experiment. In other richer provinces, the Secretary in the Public Works Department is an officer different from the Chief Engineer. Here, in Assam the Chief Engineer functions both as Chief Engineer and also as Secretary in the Public Works Department without any loss in efficiency. When we have this precedent before us there is no harm in making this experiment. But this is a question of detail which need not be put in the charter itself. Therefore, this recommendation of my hon. friend is redundant. But, as I said before, it militates with the third recommendation that the seat of the High Court should be at Gauhati, because in that case you cannot make the Legal Remembrancer who will be functioning at Shillong to be also the Registrar of the High Court which will be functioning at Gauhati. Therefore, I request my hon. friend who is as keen as most of the hon. members here to have a High Court to leave that point to be decided in future. As I have pointed out early, if this Address is to be amended by this House, the Amended address shall have to be placed before the Upper House again, for you cannot submit the Address to His Majesty unless both the legislatures agree in the recommendation. So, the very aim we have in our view may be frustrated.

My hon. and learned friend—the leader of the opposition has made a novel suggestion that let Surma Valley be under the Calcutta High Court as before and let Assam Valley have a High Court of their own. Sir, in that case the establishment of the High Court will cost money, for the Bengal Government will charge contribution of money for the amount of work they will do for Sylhet. As I have already mentioned that two-thirds of the work comes from Sylhet, and as at present we are making a contribution to the Calcutta High Court of Rs.1,25,000, we will be paying Bengal Rs.1,00,000 for the work from Sylhet. So with a saving of only Rs.25,000 we cannot start a High Court of our own. I therefore, place all these facts before the House to enable the members to come to a deliberate conclusion first as to whether they want a High Court of their own, and if they agree on that point, to leave the other matters out for the present. As I have already mentioned, the Ministerial Party are perfectly at liberty to vote as they like in the matter because it is not a Government proposal and it is immaterial whether the motion is carried or not.

Babu RABINDRA NATH ADITYA: Are you apprehending a defeat?
The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: You are welcome to your own conclusions. (I am sorry I addressed the hon. member direct.) It was only to carry out the wishes of the House expressed by an overwhelming majority that I have brought up this matter in the proper shape.

The Hon'ble the SPEAKER: The question is that paragraph 7 of the proposed Address be substituted by the following:—

“On the expenditure side, we would save the cost of the Member, Assam Revenue Tribunal and his staff. We suggest that the salary of the Chief Justice might be Rs.3,500 and of the two Puisne Judges Rs.3,000 each. As the Legal Remembrancer will have to attend the sitting of the Council for a very short period within the year, he may also perform the duties of the Registrar of the High Court. We beg to submit that the general feeling of the public is that the seat of the High Court should be at Gauhati. Gauhati is the Headquarters of the Sessions Judge of the Assam Valley and if the creation of a sounder and more capable Bar in the Province is to be fulfilled, Gauhati is the only place eminently suited for it. It would also be possible to find buildings for the proposed High Court at Gauhati”.

The motion was then pressed and a division taken with the following result :—

“Ayes”—43

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|---|------------------------------------|
| 1. Kumar Ajit Narayan Dev. | 23. Dr. Mahendra Nath Saikia. |
| 2. Mr. Arun Kumar Chanda. | 24. Mr. Naba Kumar Dutta. |
| 3. Mr. Baidyanath Mookerjee. | 25. Srijut Omeo Kumar Das. |
| 4. Srijut Beliram Das. | 26. Srijut Paramananda Das. |
| 5. Srijut Bhuban Chandra Gogoi. | 27. Srijut Purandar Sarma. |
| 6. Srijut Bipin Chandra Medhi. | 28. Srijut Purna Chandra Sarma. |
| 7. Babu Dakshinaranjan Gupta Chaudhuri. | 29. Srijut Rajani Kanta Barooah. |
| 8. Srijut Debeswar Sarmah. | 30. Srijut Rajendra Nath Barua. |
| 9. Srijut Ghanashyam Das. | 31. Srijut Ram Nath Das. |
| 10. Srijut Gaurikanta Talukdar. | 32. Srijut Sankar Chandra Barua. |
| 11. Srijut Gopinath Bardoloi. | 33. Srijut Sarveswar Barua. |
| 12. Srijut Haladhar Bhuyan. | 34. Babu Shibendra Chandra Biswas. |
| 13. Babu Harendra Narayan Chaudhuri. | 35. Srijut Siddhi Nath Sarma. |
| 14. Srijut Jadav Prosad Chaliha. | 36. Maulavi Muhammad Amjad Ali. |
| 15. Srijut Jogeschandra Gohain. | 37. Mr. Fakhruddin Ali Ahmed. |
| 16. Srijut Kameswar Das. | 38. Srijut Bideshi Pan Tanti. |
| 17. Babu Karuna Sindhu Roy. | 39. Srijut Binode Kumar J. Sarwan. |
| 18. Mr. Kedarmal Brahmin. | 40. Srijut Dhirsingh Deuri. |
| 19. Srijut Krishna Nath Sarmah. | 41. Srijut Karka Dalay Miri. |
| 20. Babu Rabindra Nath Aditya. | 42. Srijut Rabi Chandra Kachari. |
| 21. Srijut Lakshesvar Borooh. | 43. Srijut Rupnath Brahma. |
| 22. Srijut Mahadev Sarma. | |

“Noes”—53

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 26. Maulavi Jahanuddin Ahmed. |
| 2. The Hon'ble Maulavi Munawwar Ali. | 27. Khan Bahadur Maulavi Keramat Ali. |
| 3. The Hon'ble Rev. J. J. M. Nichols-Roy. | 28. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 4. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 29. Khan Bahadur Maulavi Mahmud Ali. |
| 5. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 30. Maulavi Matior Rahman [Mia. |
| 6. The Hon'ble Babu Akshay Kumar Das. | 31. Maulavi Mabarak Ali. |
| 7. Babu Balaram Sircar. | 32. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. |
| 8. Babu Bipin Behari Das. | 33. Khan Bahadur Maulavi Mufizur Rahman. |
| 9. Babu Hirendra Chandra Chakravarty. | 34. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 10. Srijut Jogendra Narayan Mandal. | 35. Maulavi Muzarraf Ali Laskar. |
| 11. Babu Kalachand Roy. | 36. Maulavi Namwar Ali Barbhuiya. |
| 12. Babu Kamini Kumar Sen. | 37. Maulavi Naziruddin Ahmed. |
| 13. Babu Lalit Mohon Kar. | 38. Maulavi Sheikh Osman Ali Sadagar. |
| 14. Rai Bahadur Promode Chandra Dutt. | 39. Khan Bahadur Maulavi Sayidur Rahman. |
| 15. Maulavi Abdul Aziz. | 40. Col. A. B. Beddow. |
| 16. Maulavi Abdul Bari Chaudhury. | 41. Mr. A. F. Bendall. |
| 17. Maulavi Md. Ali Haidar Khan. | 42. Mr. J. R. Clayton. |
| 18. Maulavi Abdur Rahman. | 43. Mr. W. R. Faull. |
| 19. Maulavi Syed Abdur Rouf. | 44. Mr. W. Fleming. |
| 20. Maulavi Md. Abdus Salam. | 45. Mr. B. I. Barry. |
| 21. Maulavi Dewan Muhammad Ahabab Chaudhury. | 46. Mr. F. W. Hockenhull. |
| 22. Maulavi Dewan Ali Raja. | 47. Mr. D. B. H. Moore. |
| 23. Maulavi Ashraf Uddin Md. Chaudhury. | 48. Mr. R. A. Palmer. |
| 24. Maulavi Badaruddin Ahmed. | 49. Miss Mavis Dunn. |
| 25. Maulavi Ghyasuddin Ahmed. | 50. Srijut Bhairab Chandra Das. |
| | 51. Rev. L. Gatphoh. |
| | 52. Mr. C. Goldsmith. |
| | 53. Mr. Jobang D. Marak. |

The Ayes being 43 and the Noes 53 the amendment was lost.

The Hon'ble the SPEAKER: I shall now put the main motion to the House.

The question is “that under the provision of Section 229(1) of the Government of India Act, 1935 this Legislature do present the Address, as laid down on the table of the hon. members, for the establishment of a High Court in Assam to His Excellency the Governor of the province for submission to His Majesty.”

The motion was then pressed and a division taken with the following result:—

“ Ayes ”—40.

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 19. Khan Bahadur Maulavi Keramat Ali. |
| 2. The Hon'ble Maulavi Munawwar Ali. | 20. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 3. The Hon'ble Rev. J. J. M. Nichols-Roy. | 21. Khan Bahadur Maulavi Mufizur Rahman. |
| 4. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 22. Maulavi Muzarrof Ali Laskar. |
| 5. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 23. Maulavi Namwar Ali Barbhuiya. |
| 6. The Hon'ble Babu Akshay Kumar Das. | 24. Khan Bahadur Maulavi Sayidur Rahman. |
| 7. Babu Balaram Sircar. | 25. Col. A. B. Beddow. |
| 8. Srijut Jogendra Narayan Mandal. | 26. Mr. A. F. Bendall. |
| 9. Babu Kalachand Roy. | 27. Mr. J. R. Clayton. |
| 10. Mr. Kedarmal Brahmin. | 28. Mr. W. R. Faull. |
| 11. Mr. Naba Kumar Dutta. | 29. Mr. W. Fleming. |
| 12. Srijut Santosh Kumar Barua. | 30. Mr. B. I. Barry. |
| 13. Maulavi Syed Abdur Rouf. | 31. Mr. F. W. Hockenhull. |
| 14. Maulavi Dewan Muhammad Ahab Chaudhury. | 32. Mr. D. B. H. Moore. |
| 15. Maulavi Muhammad Amjad Ali. | 33. Mr. R. A. Palmer. |
| 16. Maulavi Badaruddin Ahmed. | 34. Miss Mavis Dunn. |
| 17. Maulavi Ghyasuddin Ahmed. | 35. Mr. Benjamin Ch. Momin. |
| 18. Maulavi Jahanuddin Ahmed. | 36. Srijut Bhairab Chandra Das. |
| | 37. Rev. L. Gatphoh. |
| | 38. Mr. C. Goldsmith. |
| | 39. Mr. Jobang D. Marak. |
| | 40. Srijut Rabi Chandra Kachari. |

“ Noes ”—16.

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| 1. Mr. Baidyanath Mookerjee. | 10. Maulavi Md. Abdus Salam. |
| 2. Babu Bipin Behari Das. | 11. Maulavi Dewan Ali Raja. |
| 3. Babu Hirendra Chandra Chakravarty. | 12. Maulavi Ashrafuddin Md. Chaudhury. |
| 4. Babu Kamini Kumar Sen. | 13. Khan Bahadur Maulavi Mahmud Ali. |
| 5. Babu Lalit Mohan Kar. | 14. Maulavi Mabarak Ali. |
| 6. Rai Bahadur Promode Chandra Dutt. | 15. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. |
| 7. Maulavi Abdul Aziz. | 16. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 8. Maulavi Md. Ali Haidar Khan. | |
| 9. Maulavi Abdur Rahman. | |

The Hon'ble the SPEAKER: Order, order. The result of the division is Ayes 40 and Noes 16. The motion is carried.

Babu RABINDRA NATH ADITYA: Sir, may I request the Hon'ble Chief Minister to send a copy of the debates of this House to the proper authorities so that they may know the view points of the members?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will send it to the Government of India.

Mr. BAIDYANATH MOOKERJEE: And also showing the number of neutral members, Sir.

Election of members to the Public Accounts Committee

The Hon'ble the SPEAKER: Order, order. Now the election of members to the Public Accounts Committee under Rule 94 of the Assam Legislative Assembly Rules, Part II is to take place. I will allot two minutes for the distribution of ballot papers to the hon. members.

(After the voting papers were distributed.)

Mr. BAIDYANATH MOOKERJEE: I do not find my name in the list.

The Hon'ble the SPEAKER: The hon. member would please wait. I shall tell him the reason why his name is not in the list.

(While the voting was going on a complaint was made to the Hon'ble Speaker that some members had got more than one ballot paper.)

The Hon'ble the SPEAKER: I think all the members who have voted are in the House. Have any members left after voting? (Voices—Many have left.) They ought not to have left the House after voting; they ought to have remained, because I am to see whether the total number of ballot papers issued corresponds with the actual number of members present in the House. I have followed the old practice that was in vogue in the previous Council. Bell may be rung in order that those who have gone out may come in.

(The bells were then rung and the members who were outside came in.)

It appears that 97 ballot papers have been issued to hon. members and I notice that in the Division which took place on the amendment of the main motion regarding the address for the establishment of a High Court in Assam 96 members voted. I think some hon. members remained neutral. Then I think the number really corresponds with the number of members present in the House.

With regard to Mr. Mookerjee's point, it appears that he did not intimate his desire to the Assembly Office that he would stand for election. Therefore, his name is not there in the list.

Mr. BAIDYANATH MOOKERJEE: Are we to send our letters by registered post, Sir?

The Hon'ble the SPEAKER: Every intimation came to the Assembly Office. There is no reason why his intimation, if he sent any, should not have reached the Assembly Office.

As I was telling the hon. member, the practice that was in vogue in the old Council of taking votes for election to the Public Accounts Committee has been followed. But I think, that practice is unsatisfactory. Elsewhere, I have noticed that voting is done in the Secretary's Chamber. The box is kept there and hon. members are informed that on such and such date voting would take place from such and such hours. Members go to Secretary's room and get their ballot papers after signing a receipt and they vote. I think that practice would be far better and from the next year, I shall follow that practice. (Hear! hear!)

The result of the election will be announced in the Gazette.

Presentation of Authenticated Schedule of authorised expenditure for the year 1938-39

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to present the authenticated schedule* of authorised expenditure for the year 1938-39.

* Appendix B.

**Presentation of Authenticated Schedule of authorised expenditure
in relation to Supplementary Demands for grants for 1937-38**

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir to present the authenticated schedule* of authorised expenditure in relation to Supplementary Demands for grants for 1937-38.

Srijut GOPINATH BARDOLOI: Along with the presentation of the authenticated schedule both in reference to the year 1938-39 and in reference to the supplementary demand that is restored, I beg to make a statement on behalf of my party.

It has pained us to find that the amount of Rs.78 thousand for 1938-39 and the amount of Rs.14 thousand for the year 1937-38, which were unanimously rejected by this House have been restored in the authenticated schedule.....

The Hon'ble the SPEAKER: No discussion is allowed on the presentation of the authenticated schedule.

Srijut GOPINATH BARDOLOI: I am simply making a statement. We had at different stages of this matter opposed the action of His Excellency the Governor. As no further criticism is allowable we, as the last act of protest walk out of this House.

(The Congress Members then walked out of the Chamber.)

Governor's assent to the Assam Legislative Chambers (Members' Emoluments Bill), 1937

The Hon'ble the SPEAKER: I am to announce to the hon. members that I have got intimation to the effect that under the provision of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the Assam Legislative Chambers (Members' Emoluments) Bill, 1937, which was passed by both Chambers of the Assam Legislature during the last August-September session, 1937 of the Assembly and the February session, 1938 of the Council

Decision of the Assembly re Retention of the Inglesby Bungalow as part of Members' Hostel

The Hon'ble the SPEAKER: Before we disperse, I want to draw the attention of the hon. members to one other fact. The hon. members might remember that during the last Budget Session, the House rejected the item of expenditure that was allotted for the purpose of constructing a new House for the members' hostel. Then a desire was expressed by the members that the old Inglesby Bungalow should not be dismantled, but should be maintained as part of the Members' hostel. The Public Works Department has informed me that the Inglesby Bungalow is in a very bad state of disrepair and that if the house is to be maintained, then extensive repairs are necessary. The necessary repairs would require an expenditure of about 3 to 4 thousands of rupees. I may inform the hon. members that I am acting upon the desire which was expressed during the last Budget Session that this Bungalow should be maintained as a part of the Members' hostel. I would ask the Public Works Department to undertake the repairs and I think that would be in accordance with the desire of the House. (Cries of "yes, yes.")

* Appendix C.

Prorogation of the Assembly

The Hon'ble the SPEAKER: Now, I read the following message received from His Excellency the Governor proroguing the session of the Assembly:—

"In exercise of the power conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, Robert Niel Reid hereby prorogue the Assam Legislative Assembly at the conclusion of its meeting of the 5th March, 1938.

Shillong,

The 3rd March, 1938.

R. N. REID,
Governor."

The Assembly stands prorogued.

SHILLONG:

30th April, 1938.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

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