



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

The Assembly met at the Assembly Chamber, Shillong, at 2 P.M. on Friday, the 19th November, 1943.

*Present*

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, ten Hon'ble Ministers and thirty-five Members.

## QUESTIONS AND ANSWERS

### STARRED QUESTIONS

(To which oral answers were given)

#### Money for relief work in the Province

Mr. BAIDYANATH MOOKERJEE asked :

- \*17. (a) Will Government be pleased to state whether they have allotted any money for relief work in the Province during the current year?  
(b) If so. (i) what is that amount and (ii) the amount already spent for the purpose (figures to be shown Subdivision by Subdivision) ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

17. (a)—Yes.

(b)—(i) Kamrup district—Rs.1,000-0-0  
Sibsagar district—Rs.1,796-12-0  
Goalpara district—Rs.3,242-0-0

... } For gratuitous relief.  
... }  
... } For test relief works.

... the Sibsagar district has been spent in full, but no report as regards the expenditure in other districts has yet been received.

In addition Rs 5,000 has been allotted for the grant of agricultural loans in the Goalpara district.

Starred Question Nos. 18 and 19 were not put and answered as the hon. questioner Maulavi Mabarak Ali was absent.)

### UNSTARRED QUESTIONS

(To which answers were laid on the Table)

#### Reinstatement of Srijut Padma Kanta Datta, a clerk in Subdivisional Office at Golaghat

Srijut BHAIRAB CHANDRA DAS asked :

28. Will Government be pleased to state —

- (a) On what terms Srijut Padma Kanta Datta, a clerk in Subdivisional Officer's Office at Golaghat has been reinstated ?  
(b) Whether the said clerk was given pay for the period he was out of service ?  
(c) Whether all the increments due to him for his continuous service was allowed to him ?  
(d) Whether effect was given to Rule 54 of the Fundamental Rules in this case ?



- (e) Whether the period of dismissal was counted for the purpose of his subsequent increments and arrear pay ?
- (f) Whether Government would be pleased to grant the said clerk a special pay if the arrear pay and increments were not allowed to him for the period of dismissal ?
- (g) If reply to question (e) above be in the negative, whether Government propose to give a special pay to the said clerk ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

28. (a)—Government ordered that the clerk concerned should be re-employed as soon as a post in the clerical cadre of districts fell vacant.

(b)—No.

(c) & (e)—After re-employment he was allowed two increments and was also allowed to count the period he had already served before dismissal towards the next increment falling due on completion of the full incremental period.

(d)—Yes.

(f) & (g)—Do not arise. Special pay can only be granted if the conditions laid down in Fundamental Rule 9(25) are fulfilled.

#### Quantity of rice purchased by Steel Brothers

Maulana ABDUL HAMID KHAN asked :

29. Will Government be pleased to state—

(a) The total quantity of rice purchased from this Province by Messrs. Steel Brothers during the course of the last twelve months ?

(b) What quantity out of this rice has been given to (i) the Military Authorities and (ii) the Civil population ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

29. (a)—Total purchases of rice made by Steel Brothers during the course of the last 12 months as it stands at 30th October 1943 is 17,09,223 mds.

(b)—(i) This cannot be supplied in the interests of security.

(ii) Civil population—

(a) High Priority Industrials	...	...	1,19,386	mds.
(b) Internal consumers	...	...	2,79,868	„
			<hr/>	
			3,99,254	„

#### Purchase of rice and paddy in Goalpara District

Maulana ABDUL HAMID KHAN asked :

30. Will Government be pleased to state the number of people who have been granted license up till now in the Goalpara District for the purchase of paddy and rice ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

30.—236 persons were granted licenses upto the first week of July 1943.



**Prevention of hoarding of food-stuffs, etc.**

Maulana ABDUL HAMID KHAN asked :

31. (a) Are Government aware that the people in villages have been experiencing much difficulty in getting the supplies of kerosene, rice, cloth, medicine and other daily necessities of life ?

(b) Are Government aware that in towns and in villages many merchants have hoarded articles of food-stuffs for making excess profit ?

(c) If so, what steps have been taken by Government to prevent such hoarding ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

31. (a)—Yes, but Government are always trying to improve distribution and ensure that the rural population get their due share of such essential commodities within easy reach.

(b)—Government have no definite information about the extent to such alleged hoarding for profit.

(c)—Government have instructed their officers to check hoarding by enforcing the Foodgrains Control Order and also requisitions were necessary.

**Distribution of Kerosene and Standard Cloth in Nowgong**

Khan Sahib Maulavi MUHAMMAD AMIRUDDIN asked :

32. Will Government be pleased to state—

(a) When the Civil Supply Officers of Nowgong took charge of their respective offices ?

(b) How many kerosene permits were issued by them to wholesale and retail dealers showing the number of old shop-keepers who were carrying on business from before-hand and who were new ones ?

(c) The number and names of Marwaris, Assamese Hindus, Assamese Muslims, immigrant Hindus and immigrant Muslims who have been given kerosene permits showing their respective place of business for selling kerosene and the area to be served by each of them ?

(d) Whether according to the population in each village and the demand therefrom, the proportionate quota was allotted ?

(e) If not, why not ?

(f) The principle followed by the Civil Supply Officers in the allotment or distribution of kerosene throughout the district and whether any enquiry was made or report obtained as to the fitness or otherwise of the permit-holders including both wholesale and retail dealers ?

(g) If the reply to the latter part of question be in the negative the reason why no enquiry was made ?

(h) Whether it is a fact that the Burmah Oil Company agents or their employees are the sole arbitrators of the fates of the kerosene seeking applicants and that according to their reports all permits were issued by the Civil Supply Officer, Nowgong ?

(i) If not, how many applications were personally enquired by him (when, whose and where) and how many villages (by names) were visited by him so as to ascertain the actual need or demand of any particular village till 20th June 1943 ?

(j) The population of each village and every mouza of the district of Nowgong and the amount of kerosene supplied (to be shown village by village of every mouza and the names of permit holders with the quantity of kerosene supplied to each of them either in a week or a month) ?



33. Will Government be pleased to state whether they propose to (i) direct a resurvey of the whole district of Nowgong on population basis, village by village under each mouza, so as to enable to ascertain either from the Land Records Staff or from the Village Defence Parties or from the local Thana Officers which of the village shopkeepers are, in their opinion, fit to undertake the kerosene and standard cloth supply responsibilities according to the demand of each and every family, or to (ii) formulate any other suitable scheme for the purpose in consultation with the local representatives of the people or to (iii) leave the entire supply business with the National War Front Organisation so as to ensure easy supply of kerosene and standard cloth to the villagers ?

34. Will Government be pleased to state—

(a) Whether any local leader or the representatives of the people were ever consulted in the matter of the allotment or distribution of kerosene or standard cloth in the district of Newgong ?

(b) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

32. (a)—Civil Supply Officer	...	...	...	23rd March 1943.
Sub-Inspector of Supplies	...	...	...	1st May 1943 (I).
Sub-Inspector of Supplies	...	...	...	15th May 1943 (II).
(b)—Wholesalers' permits	...	...	...	63
Retailers' permits	...	...	...	1,010

so far as is known all permit holders were already in business, and not new.

(c)—A statement showing the number of Marwari, Hindus and Muslims permit holders are given below. No information is readily available as to which of the Hindu and Muslim dealers are immigrants and who are indigenous. A copy of the list of dealers is placed on the Library Table. No fixed area was allotted to any shop when this first distribution was made.

	Wholesalers	Retailers	Amount supplied (tins)
Marwari	40	104	1,278
Hindus	19	625	2,713
Muslims	4	281	1,131

(d)—No.

(e)—Because the original scheme was based on the Government directive which was carried out speedily. Improvement of the scheme of distribution by consideration of population and other factors were left to be taken up after the original lists were issued ; the whole scheme is subject to changes in detail from time to time.

(f)—As regards the first part of the question the hon. Member is referred to the reply to question 32 (e) above. As regards the second part the reply is in the negative. Permits are cancelled if the holders are found unfit.

(g)—Permits were issued in consultation with the Burmah Oil Company agents with a view to maintaining the usual channels of supplies as far as possible.

(h)—No. The proposals of the Burmah Oil Company agents were taken as a basis for the original issue of permits.

(i)—The Civil Supply Officer did not enquire into applications or visit villages to ascertain the demand of any village. Sub-Deputy Collectors were however asked to supply lists of dealers with a view to fairer distribution for villages in their circles.

(j)—The labour involved will not commensurate with the result obtained. A statement of quantities allotted to each dealer is shown in the list given in response to question No.32 (c).



33. (i)—No. For kerosene, detailed rationing of each family is not practicable over the entire district and survey proposed would thus be largely wasted. Improvement of the distribution with reference to population, and the selection of retailers with a fixed consuming area, is under consideration in consultation with Sub-Deputy Collectors. For standard cloth Government do not propose to distribute through shop-keepers.

(ii)—Government will welcome practical suggestions from popular representatives, but the scheme laid down, though its detailed execution needs improvement, is sufficient.

(iii)—No, but the organisation may be utilized for distribution if Deputy Commissioner thinks it advisable.

34. (a)—No. But as regards kerosene, methods of improving distribution were discussed with members of the Nowgong bar, and with Mauzadars, and so far as communal representation for distributors is concerned, with an hon. Member of this House.

(b)—For kerosene (in so far as this arises) action had to be taken at once in accordance with the directive.

### Supply of winter crop seeds to agriculturists of Sylhet

Babu KARUNA SINDHU ROY asked :

35. Will Government be pleased to state—

- (a) Whether the Agriculture Department has been advancing winter crop seeds to the poor agriculturists of the Sylhet district on credit ?
- (b) Whether Government are aware that seeds are sold to solvent persons who either sell them on profit or use them for their consumption ?
- (c) Whether Government propose to make a scheme of supplying seeds to poor agriculturists on credit to be repayable after harvest ?

36. Will Government be pleased to state—

- (a) Whether the cultivators of circles Nos.16, 18 and 20 under Police Station Kamalganj applied to the Agriculture Department for supplying them with winter crop seeds ?
- (b) If so, whether they have been supplied with seeds either in cash or on credit ?
- (c) If not, why not ?
- (d) Whether the cultivators of Katerkana, Rajnagar, Kanaitikar, Isabsadar, etc., under Police Station Kulaura have been given advance money for buying seeds ?
- (e) Whether it is a fact that the aforesaid cultivators have failed to purchase seeds and returned the money to the Agricultural Department ?
- (f) If so, why money has been advanced to them instead of supplying them with seeds ?

The Hon'ble Mr. NABA KUMAR DUTTA replied :

35. (a)—No, not on credit. Seeds are being issued on cash payment.

(b)—Seeds are issued to the deserving persons for seed purpose and not for consumption.

(c)—No. Government do not see any reason to make a departure from the existing principle of selling seeds to the cultivators on concession rate and on cash payment.

Babu KARUNA SINDHU ROY : Are Government aware that the poor cultivators are unable to buy seeds on credit and that they could not buy because they could not pay at that time ?

The Hon'ble Mr. NABA KUMAR DUTTA : We received no complaints to that effect from any quarter.



The Hon'ble Mr. NABA KUMAR DUTTA replied :

36. (a)—Yes.  
 (b)—Seeds are being supplied on cash payment.  
 (c)—Does not arise.  
 (d)—No.  
 (e)—Does not arise.  
 (f)—Does not arise.

**Irrigation project in Dhubri South Bank**

Maulana ABDUL HAMID KHAN asked :

37. Will Government be pleased to state—

- (a) Whether it is a fact that Government was approached on several occasions in the past to undertake some irrigation work in the form of giving "Khals" and drains in the Dhubri South Bank for facility of growing Buro crops ?  
 (b) If so, what action has been taken in this respect ?  
 (c) Whether they have appointed any officer for that purpose ?  
 (d) If so, what is the name of that officer and what work has he done so far ?

The Hon'ble Mr. NABA KUMAR DUTTA replied :

37. (a)—Yes.  
 (b)—Two Irrigation projects (small) were taken up during last year in Dhubri South Bank namely Gotlabeel and Sonaibeel.  
 (c)—One Irrigation Inspector with headquarters at Dhubri has been appointed with effect from 3rd June 1943.  
 (d)—Md. Wahed Ali, Irrigation Inspector, who is at present surveying the possible projects for which applications have so far been received as well as supervising the old projects.

**The Assam Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943**

The Hon'ble the SPEAKER : The Secretary is now to lay on the table under rule 127 of the Assam Legislative Assembly Rules, copies of "The Assam Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943" which was introduced in and passed by the Assam Legislative Council.

SECRETARY to the Assembly : In accordance with the provisions of rule 127 of the Assam Legislative Assembly Rules, I lay on the table "the Assam Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943" which was passed by the Assam Legislative Council on the 28th June, 1943. The Bill was not referred to a Select Committee of the originating Chamber.

The Bill was already circulated to the hon. Members.

The Hon'ble the SPEAKER : To-day is the last day for giving notice for taking this Bill into consideration. It will come up on the 26th of November, 1943.

**The Assam Debt Conciliation (Amendment) Bill, 1942**

Maulavi ABDUL BARI CHAUDHURY : Mr. Speaker, Sir, I beg to move that the Assam Debt Conciliation (Amendment) Bill, 1942, be taken into consideration.

Sir, we gave notice of the Bill in 1941 at the December Session of the Assembly but in that Session it could not be taken up for want of time. After the present Bill was admitted by the Hon'ble the Speaker, Government came forward with a separate Bill on the subject and it was passed by this House. It has now come back to us from the Assam Legislative Council in an amended form. The consideration of the present Bill was postponed in the last Autumn Session of the Assembly as the House was a depleted one at that time.

It has been asked whether it is not possible to withdraw this Bill when Government has got a Bill of their own on the same subject. A cursory glance on the two Bills will convince the hon. Members that the two Bills are fundamentally different. You correctly remarked, Sir, that the Government Bill was mostly procedural. As a matter of fact, the Government Bill is mostly formal. Except an amendment to



Section 8 which intends to compel the attendance of the creditors in case of usufructuary mortgages, it only aims at rectifying some formal defects.

The Hon'ble Education Minister who sponsored the Government Bill in the absence of the Hon'ble Revenue Minister who was lying ill at that time, frankly admitted that these amendments were based on the reports from the Chairmen of the Sylhet and Gauhati Debt Conciliation Boards about some defects in the working of the Boards. On the other hand, the present Bill suggests changes of far-reaching character in the Parent Act. The main object of this Bill is to make the Debt Conciliation Boards effective bodies so that they may deliver real good to the people.

At the very outset, I would like to assure the hon. Members that the provisions of the present Bill are not in conflict with the few amendments suggested in the Government Bill. It rather supplements the Government measure.

We have already been told that the present Act governing the Debt Conciliation Board are modelled on the Central Provinces and Berar Act and was passed as back as the year 1936. In the meantime, the Central Provinces Act has undergone several changes but we have remained where we were in the year 1936. Hence the necessity of the present Bill.

Sir, it has been felt on all sides that these Boards must be empowered to effectively deal with the large number of cases coming before them. A big proportion of these cases deal with usufructuary mortgages and the Boards find it difficult to give adequate relief in the absence of express provisions. The present Bill seeks to strengthen the hands of the Boards in dealing with the creditors who refuse to accept an offer which is considered fair and equitable—in other words it provides for "Award". It also prescribes a procedure for dealing with debts secured by usufructuary mortgages and for the restoration of possession of immovable property to the debtor. Finally the Bill intends to remove minor anomalies that have been experienced in the day-to-day working of the Act. I should also submit, Sir, that the Central Provinces Act is not suitable for our debtors or creditors because the local conditions are different. Therefore, in drafting the present Bill, we have sought shelter under the Bengal Act where the conditions prevailing are almost similar. With these words, Sir, I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Debt Conciliation (Amendment) Bill, 1942, be taken into consideration".

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, in this connection I beg to move an amendment that the Bill be referred to a Select Committee consisting of the Mover Maulavi Abdul Bari Chaudhury, Maulavi Naziruddin Ahmed, Maulavi Maqbul Hussain Chaudhury, Maulavi Namwar Ali Barbhuiya, Mr. Baidyanath Mookerjee, Babu Nirendra Nath Deb and myself...

The Hon'ble the SPEAKER: Did the hon. Member take the consent of all the Members?

Maulavi ABDUR RAHMAN: Yes, Sir.

The Committee may be requested to submit their report by the 31st January, 1944. Four Members are to form a quorum.

My object in moving this amendment is that if the Bill is taken into consideration now, I think, it will be premature. The Bill has not been thoroughly examined by a special committee constituted for this particular purpose and so I wish that the Bill be sent to a committee which may sit for the purpose and examine all the necessary clauses of the Bill and may modify, wherever it will be found necessary. With these words, Sir, I think, I may get the support of the House for referring the Bill to a Select Committee.

The Hon'ble the SPEAKER: Amendment moved:

"That the Bill be referred to a Select Committee consisting of the following members:—

1. The Mover, *viz.*, Maulavi Abdul Bari Chaudhury,
2. Maulavi Naziruddin Ahmed,
3. Maulavi Muhammad Maqbul Hussain Chaudhury,
4. Maulavi Namwar Ali Barbhuiya,



5. Mr. Baidyanath Mookerjee,
6. Babu Nirendra Nath Deb and
7. Maulavi Abdur Rahman".

(The committee to submit their report by the 31st January, 1944. Four Members to form a quorum.)

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, I am grateful to the hon. Member who has moved the Motion for the consideration of the Bill.

Maulavi ABDUR RAHMAN: Just an interruption, Sir, I think, the Hon'ble Minister in-charge ought to be there in the Committee.

The Hon'ble the SPEAKER: Yes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I be permitted to make a suggestion, Sir? If I heard the names aright, all the Members are from the Surma Valley. The Debt Conciliation Boards are in operation in the Assam Valley also. Will it not be proper to take some Members from the Assam Valley also?

The Hon'ble the SPEAKER: The Hon'ble Minister may continue. If any other names are suggested, let there be amendments.

Maulavi ABDUR RAHMAN: May I mention the name of Srijut Surendra Nath Buragohain, Sir? I think, he has no objection.

Srijut SURENDRA NATH BURAGOHAIN: I have no objection, Sir.

The Hon'ble Maulavi MUNAWWAR ALI: I may suggest the name of Mr. Rohini Kumar Chaudhuri.

The Hon'ble the SPEAKER: The Committee is going to be unwieldy.

The Hon'ble Maulavi MUNAWWAR ALI: Sir, the hon. Mover himself admitted that an element of compulsion has been incorporated in his Bill and yet we see that he has named that Bill to be Debt Conciliatory. That is the epithet, that is the title of the Bill. In that case it ought to have been a Debt Settlement Bill and not a Debt Conciliation Bill. Our Bill is conciliatory—both the parties are brought side by side for conciliation.

Maulavi ABDUL BARI CHAUDHURY: The Hon'ble Minister is not stating the fact, Sir. I said that in the Government Bill an element of compulsion had been incorporated in section 8.

The Hon'ble Maulavi MUNAWWAR ALI: That is not compulsion. That has been done with a view to facilitate the working of the Board expeditiously, and while going through his Bill very carefully one will be impressed with this impression.....

Maulavi ABDUL BARI CHAUDHURY: Sir, in the Statement of Objects and Reasons of the Government Bill it is seen "As the intention of the Act is to work by securing amicable settlement between debtors and creditors it is essentially necessary to enforce attendance before the Board. Section 8 is thus sought to be amended."

The Hon'ble Maulavi MUNAWWAR ALI: That is with regard to the attendance of the creditors and with regard to the expeditious discharge of the functions of the Boards and not in settlement of the debt itself; but in the hon. Mover's Bill there is an element of compulsion. Sir, he has taken great pains and modelled his Bill on Bengal Act but ours is one which is modelled on the Central Provinces Act. Although they do not essentially differ very much, there is a great deal of difference between the two in matters of detail. Government are also convinced that the present Debt Conciliation Act which has been in operation for some time past needs some overhauling and with a view to that they sought the advice of the Government Pleader, Sylhet. They also obtained the opinions of the two outstanding Boards, *viz.*, Sylhet and Kamrup. The two veteran Chairmen have given us advice and laterly Government invited opinions of all the existing Chairmen and *ex-Chairmen* of the Debt Conciliation Boards in this Province and also other bodies. Those opinions have been carefully gone through and we have framed the skeleton of a Bill on the opinions and advice that we have got and my plan is that I would invite some of the Debt Conciliation Boards' Chairmen and also some hon. Members of this House, particularly those who have been taking a keen interest in the matter and place that very Bill before them for their advice. I think, Sir, it



would be the best and expeditious also if the hon. Member would wait and attend that meeting and favour us with his advice and suggestions. In that case all the Bills—his Bill, the Government Bill the Central Provinces Act, and the Bengal Act will be before that committee and what will emerge might be expected to be somewhat of an ideal one. In that view, Sir, I request the hon. Member whether it would not be worth his while not to press his Motion but to take advantage of the offer that I have made.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I have very little to say in reply. I am glad that Government contemplates to introduce a comprehensive Bill. But, Sir, I must admit that the ways of Government are mostly uncertain. We do not know what will happen in future. As the contemplated Bill is not before the House it is not possible for me to drop my Bill. Sir, when the Motion for referring the Bill to a Select Committee was moved, the Hon'ble Revenue Minister suggested some alterations and additions in the personnel. That convinced me that he was going to support the Bill. Any way, Sir, if I was assured that all the provisions of my Bill would be incorporated in the Government Bill I could consider it. But as no such assurances were forthcoming I have now no other alternative but to push on with my Bill.

The Hon'ble Maulavi MUNAWWAR ALI. May I intervene for a moment, Sir? I admitted that there was no very much fundamental difference between the two, but there was difference in matters of details. It would be too early to commit Government to a state of things as suggested by the hon. Mover. I think, he could appreciate it. I can assure him, Sir, that I will try my level best to accommodate the provisions of the Bills that is before the House compatible with the spirit of a conciliatory Bill that should emerge.

The Hon'ble the SPEAKER: I think, this is in reply to Maulavi Abdul Bari's speech. So, the Hon'ble Minister has got a right to reply. I may ask him to do it.

\*The Hon'ble Maulavi MUNAWWAR ALI: No further reply, Sir, I have got to give.

Maulavi ABDUL BARI CHAUDHURY: In view of the speech just now made by the Hon'ble Minister-in-charge I gather that he has given a full assurance that the provisions of the Bill, as far as practicable, would be incorporated in the Government Bill.

\*Mr. A. WHITTAKER: May I point out, Sir, that no such assurance is given. The hon. Mover cannot put his words in the mouth of the Hon'ble Minister to say as the Mover thinks.

Maulavi ABDUL BARI CHAUDHURY: But, Sir, I understand it to be so, and so I do not like to proceed with my Bill.

\*Mr. A. WHITTAKER. The Hon'ble Minister has never said like that, Sir. Maulavi ABDUL BARI CHAUDHURY: I wish to know from the Hon'ble Revenue Minister when he intends to come forward with that Bill?

\*The Hon'ble Maulavi MUNAWWAR ALI: Next Session decidedly, Sir.

Maulavi ABDUL BARI CHAUDHURY: Then I do not press my Bill, Sir. The Hon'ble the SPEAKER. Has the hon. Mover of the Motion got the leave of the House to withdraw his Motion?

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

#### **The Sylhet Non-Agricultural Tenancy Bill, 1941.**

\*The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, with your permission I beg to bring to the notice of the House that the Select Committee because the hon. Mover of the Motion for referring the Bill to the Select Committee did not fix a date by which the Select Committee had to submit its report. It is the procedure adopted in this House, and it has been invariably a case to make a mention of this and to accept that Motion fixing a date endorsed by the Assembly. This was not done and for this it was not possible for Government to hold a Select Committee meeting. Perhaps you might allow the hon. Mover now to make a Motion fixing a date.

\*Speech not corrected by the Hon'ble Minister or by the hon. Member concerned.



The Hon'ble the SPEAKER: Does the Hon'ble Minister propose to hold a Select committee meeting?

\*The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, a Select Committee meeting will have to submit a report.

Maulavi ABDUR RAHMAN: I may tell the House, Sir, that 30th of June was fixed for this purpose, if I remember a right.

The Hon'ble the SPEAKER: This date is in connection with another Bill. But with regard to this Bill no definite date was fixed and I have now verified it from the proceedings. It is found that a Select Committee to consider the Sylhet Non-Agricultural Tenancy Bill, 1941, was appointed consisting of certain hon. Members, but no date was fixed. But although there was no date fixed, there was the verdict of the House that the Select Committee should meet and the Hon'ble Minister should now take steps for the disposal of this Bill. I can therefore allow the hon. Member in charge of the Bill to make a Motion that the Select Committee should meet by a certain date and submit their report.

Maulavi ABDUL AZIZ: I think, the date should be 15th of January. The next Session will be in February, perhaps. So, I move Sir, that the Select Committee on the Sylhet Non-Agricultural Tenancy Bill, 1941 do meet and submit their Report by the 15th of January, 1944.

The Hon'ble the SPEAKER: The Motion before the House is:

"That the Select Committee on the Sylhet Non-Agricultural Tenancy Bill, 1941 do meet and submit their Report by the 15th of January 1944".

\*The Hon'ble Maulavi MUNAWWAR ALI: I think, the intention of the hon. Member is that the Select Committee's Report ought to be taken into consideration in the next Budget Session and in that case may I suggest that he might change it to the middle of February which will be convenient to all Members.

\*Maulavi ABDUR RAHMAN: I think that will be more convenient for the Hon'ble Minister.

\*The Hon'ble Maulavi MUNAWWAR ALI: I am not only to see to the convenience of myself but also of the hon. Members.

Maulavi ABDUL AZIZ: I don't see what difficulty the Government can have. If they specifically mention any difficulty then I may consider, Sir.

The Hon'ble the SPEAKER: Then I am putting the question before the House. The question is:

"That the Select Committee on the Sylhet Non-Agricultural Tenancy Bill, 1941 do meet to submit their report by the 15th of January 1944".

The question was adopted.

### The Goalpara Tenancy (Amendment) Bill, 1941

The Hon'ble the SPEAKER: Now I will take up further discussion on Maulavi Muhammad Amjad Ali's Motion for referring the Goalpara Tenancy (Amendment) Bill, 1941 to a Select Committee. The whole debate has been practically closed. On the last occasion the Hon'ble Minister-in-charge gave his reply and the hon. Mover in charge of the Bill was to give his reply; but I don't see him in his seat today. So, I have no other alternative but to put this question to the House without asking any other hon. Member to make a speech. It was the duty of the hon. Member in charge of the Bill to be present today in the House. So I am putting the question to the House.

The question is:

"That the Goalpara Tenancy (Amendment) Bill, 1941 be referred to a Select Committee consisting of the following Members:—

- (1) Mr. C. Goldsmith,
- (2) Mr. Jobang D. Marak,
- (3) Maulavi Abdul Bari Chaudhury,
- (4) Maulavi Ghyasuddin Ahmed,
- (5) Srijut Jogendra Chandra Nath,
- (6) The Hon'ble Mr. Naba Kumar Dutta,

\*Speech not corrected by the Hon'ble Minister or by the hon. Members concerned.



- (7) Khan Bahadur Maulavi Mahmud Ali,
- (8) Maulana Abdul Hamid Khan,
- (9) Raja Ajit Narayan Deb of Sidli,
- (10) The Hon'ble Minister-in-charge of Revenue, and
- (11) The Mover (*i.e.*, Maulavi Muhammad Amjad Ali)."

(Four Members to form a quorum)

The question was lost.

### The Assam Primary Education (Amendment) Bill, 1942

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that the Assam Primary Education (Amendment) Bill, 1942 be referred to a Select Committee consisting of the following Members:—

- (1) Maulavi Muhammad Maqbul Hussain Chaudhury,
- (2) Maulavi Dewan Muhammad Ahbab Chaudhury,
- (3) Maulavi Abdur Rahman,
- (4) Babu Akshay Kumar Das,
- (5) Srijut Rohini Kumar Chaudhuri,
- (6) Mr. Baijyanath Mookerjee,
- (7) Mr. Jobang D. Marak,
- (8) The Hon'ble Education Minister, and
- (9) The mover.

(Four Members to form a quorum and the Select Committee to submit their report by the 31st January 1944.)

Sir, this Bill was circulated for eliciting public opinion last year. Generally speaking it has enlisted the support of all the educationists to whom it was sent. On the last occasion I made it absolutely clear that I would have no hesitation to drop the Bill if the Hon'ble Education Minister came forward with a more comprehensive measure for facilitating the introduction of compulsory primary education in the Province. But during this one year we have not heard of any effort on the part of the Hon'ble Education Minister.

The Hon'ble Education Minister while pressing the Bill for circulation made some observations which need answering. First of all, he objected to certain wordings of the Bill. With all respect to him, I must point out that the Bill as drafted has been in the usual form of drafting of all Bills till His Excellency, the Governor in sending some Bills for re-consideration in this House pointed out some probable anomaly that might arise in the interpretation of the final enactment. Any way these are very small matters which can easily be rectified, if necessary, by the Select Committee or even on the floor of this House. This does not at all affect the Bill vitally.

The main objection lay in the fact that the Hon'ble Education Minister apprehended that the Bill if passed into law would entail expenditure on the Provincial Exchequer and as such the recommendation of His Excellency, the Governor should have been obtained.

Sir, the Assam Primary Education Act of 1926 of which the amendments, if passed, would form an integral part, already provides for expenditure by the Government as well as by the local body. I do not anticipate any additional burden upon the Provincial Government for which the previous recommendation of His Excellency, the Governor is needed. The travelling allowance of the members of the Central Primary Education Board can easily be met by a little readjustment between the Government and the local body under the Act. The details might be worked out by rules and the Government have ample power to amend the existing rules which are now in force.

Now, I shall try to analyse the opinions which have been expressed on the merit of the Bill. Except from one quarter, *viz.*, the Planting and Commerce Group, the Bill has obtained generous support. I am glad to find, Sir, that most of the educationists of the Province have supported the main principles of the Bill. Mr. L. N. Chatterjee, Veda Sastri, M.A., Principal, Murarichand College, Sylhet, says "the



Bill may be put before the Assembly as it is drawn up by the Member-in-charge". Mr. S. C. Goswami, I.S.O., former Inspector of Schools, Assam Valley Circle, who is a staunch supporter of compulsory primary education, says "I fully support the idea of a Central Primary Education Board directly under the Hon'ble Minister for Education to be in charge of Primary Education. All the Educational Officers have been asking for such a Board for a long time. The proposal to have a Director of Primary Education is also sound.

The substitution of the word 'majority' in place of the phrase 'two-thirds of' and 'at least two-thirds' will be an improvement. The omission of the proviso to sub-section (i) of Section 7 also will be an improvement. These will expedite action."

Then Rev. Br. O'Leary, M.A., H.D., ED., (N.U.I.), Principal, St. Edmund's College, Shillong says: "The proposal to insert Part III seems to me a good one, that is the creating of a Central Primary Board".

Rai Sahib Uma Prasanna Biswas, B. A., Retired Deputy Inspector of Schools says: "Sections 1-4 of the Bill are, experience shows, necessary and desirable..... The Central Primary Education Board is intended rightly to be an Advisory Body for the purposes of advising the Provincial Government and the Local Authorities and for the co-ordination and re-organisation of Primary Education in the Province".

The Political Secretary, Planting and Commerce Group—Assam Legislature also has not found any fault with the principles of the Bill; they have only taken objection to certain details of the Bill. In this connection I beg to submit that so often it has been our bad luck to differ with this Group.

Sir, a few weeks back a conference for the re-organisation of Primary Education was held under the presidency of the Hon'ble Education Minister. The general discussions that were held there were in favour of the principles of the Bill. It was also emphasised that a Central Primary Education Board should be established and that in no time. Sir, the amendments that have been sought to be incorporated in the Parent Bill are very small and I request the Hon'ble Education Minister to accept these. With these words, I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Primary Education (Amendment) Bill, 1942 be referred to a Select Committee consisting of the following Members:—

1. Maulavi Muhammad Maqbul Hussain Chaudhury,
2. Maulavi Dewan Muhammad Ahab Chaudhury,
3. Maulavi Abdur Rahman,
4. Babu Akshoy Kumar Das.
5. Srijut Rohini Kumar Chaudhuri,
6. Mr. Baidyanath Mookerjee,
7. Mr. Jobang D. Marak,
8. The Hon'ble the Education Minister, and
9. The Mover."

(Four Members to form a quorum and the Select Committee to submit their report by the 31st January 1944.)

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, on the last occasion when the Motion for circulation of the Bill for eliciting public opinion was discussed, I had pointed out the defects of this Bill. Opinions received on the Bill do not warrant me to support the Bill as it stands. On an analysis of the opinions I find that out of 21 persons whose opinions have been received, 5 have no comments to make, 8 support the Bill generally with some comments or suggestions and the others make various suggestions. For the information of the House, I think, I should read out some of the opinions.

Reference has already been made to the opinion received from the Political Secretary, Planting and Commerce Group. This portion of their opinion is very important. They say: "It appears that this proposal would only introduce a top heavy procedure at the present stage, although the formation of such a Board might be found desirable in practice after some experience had been gained of the working of Compulsory Primary Education in areas which had initiated it".



Then Rai Sahib Nadiya Behari Das, M. A., Retired Assistant Inspector of Schools, Sylhet, says: "It is regrettable that while so much is made of a Central Advisory Body, there is nothing in the Bill to make reference to it obligatory on the Provincial Government or for the matter of that, the Local Authority. The Act which the Bill seeks to amend has no provision for such reference. It is also regrettable that while the object of the Bill is apparently to make the Central Body a central co-ordinating authority, the Bill has nothing to say on what specific matters the Board's advice shall be necessary. The constitution of the Board is again vague. The Bill has nothing to say about the qualifications for membership. The Board, if it is to be of any use, should be an expert body. In the absence of definite qualifications being laid down there is every probability of the Board's becoming a heterogeneous body unable to focus attention on the objective in view. The financial aspect of the question has been altogether ignored, and proper notice has not been taken of the inadequacy of representation, so far as the Local Authorities are concerned. Ten members hardly do justice, seeing that in the original Act the Local Authorities have been considered to be very important in making Compulsory Primary Education a success. The present Bill should go before a Committee for necessary redressing. An Education rate on the lines laid down in the English Act and the Bengal Act must be thought out so that the minimum necessary for introducing compulsion may be available to Government. In redressing the Bill, use should be made of Mr. Small's draft Primary Education Bill which is a valuable document".

Then, Sir, the officiating Principal, Gurucharan College, Silchar says: "The Central Primary Education Board, if it is really to serve the cause of education should contain *bona fide* educationists, who unfortunately now-a-days get little share in directing nation building activities, only due to the fact that they are politically unimportant. Nomination by Government is often made to serve political purposes irrespective of the cause for which these nominations are made".

Maulavi ABDUL BARI CHAUDHURY: Are these remarks relevant?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is the opinion I am reading. Whether it is relevant or irrelevant—that is not my concern.

Then the Inspector of Schools, Surma Valley and Hill Districts writes: "A survey of the existing primary schools and the new schools required should be made and their unit area and location may be permanently fixed. The existing schools may also be re-distributed where necessary. After a complete scheme of the Primary Education on the basis of the survey suggested above is made all new grants available from year to year may be utilised in taking up new schools according to the scheme until such time as would permit of imposition of a primary educational cess or tax. I would also suggest that a committee of experts with representatives from the Local Bodies may be appointed to draw up a scheme on the lines suggested above. The question of amendment of the Act may be postponed until the committee has examined the position and drawn up a scheme. The Act will have to be amended according to the requirements of the scheme so prepared".

Then the Assistant Inspector of Schools, Surma Valley and Hill Division says: "This is a tinkering amendment of the Act. Its purpose is:—(1) to create a Central Board with a Director of Primary Education and (2) to enable Local Bodies to introduce compulsion by a majority of votes. Powers and duties of the Central Board or its finance are not provided in the Act. Neither Government nor any Local Body is under any obligation to introduce compulsion in any area. Government is not bound to provide any funds in the annual Budget. Nor is any time limit set within which Government and Local Bodies are bound to introduce compulsion in, at least a part or the whole of the area of the Local Board. In the absence of such provision, the Act has remained practically a dead letter.

The constitution of the Education committee is left uncertain. I do not believe in Local Bodies electing the whole committee. There should be a more scientific constitution of these committees. Some qualification for membership should be laid down.

The whole Act needs recasting. The English Education Act and Bengal Primary Act should give us sufficient guidance."



Sir, this Government is also as anxious as the hon. Mover to see the introduction of compulsory primary education in the Province as soon as possible. The Government realises that the present Act is almost a dead letter, and will be only glad to support any measure that would be effective in introducing the scheme of compulsory primary education. As has already been pointed out, the Bill brought forward, though an improvement in some direction, is not enough to attain the end the hon. Mover has in view. The main difficulty that stands in the way of introduction of primary education on a compulsory basis is finance, but there is no provision in this Bill for solution of that difficulty.

Maulavi ABDUL BARI CHAUDHURY: The provision is there in the Act. The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is a dead letter. Have you seen any Local Body undertaking to levy any educational cess for spread of compulsory primary education? Sir, the constitution of the Central Board of Education is most desirable for co-ordination and advice, but this Bill is silent about the aims, objects and function of that Board. The constitution of the Board itself is defective as no qualifications have been laid down for the members thereof. The hon. Mover has suggested that all these things will be provided for in the rules. But I may point out to the House that the power of the Local Government to make rules is defined in section 13 of the existing Act. The section reads thus: "The Provincial Government may by notification make rules which shall be laid down before both the Chambers of the Provincial Legislature to carry out the purpose of this Act; in particular and without prejudice to the generality of the foregoing provision such rules may, etc." (here there are reference to other matters). But there is no mention, Sir, of Part III which my hon. Friend is going to introduce now by the Amendment Act. I think the hon. Mover ought to have amended, or at least sought for an amendment, of this section 13 of the Act in order that all these matters could be later provided for by rules.

Now, this is with regard to the merits of the Bill. The hon. Mover has accused Government that since the introduction of this Bill—it is about a year—Government has done nothing to sponsor another Bill or a more comprehensive Bill on these lines. I beg to inform the House that Government has already taken up the matter in hand. The hon. Mover will remember that in connection with his Motion about the Mass Literacy Campaign I gave an assurance to the House that I would call a conference to review the whole situation. The conference was accordingly called in March last and one of the recommendations of that conference was like this: "The Committee is agreed that the Mass Literacy Campaign should be regarded as a part of primary education and should be continued, subject to the following conditions, viz., that the primary education of the Province be placed on a sounder basis, particularly with an eye to the prevention of wastage and faulty distribution of schools, and, to this end, a Committee be forthwith constituted to make definite recommendations". In view of this resolution of the Mass Literacy Conference I constituted a Committee of which the hon. Mover was also a member, and in that Committee we adopted another resolution. The resolution reads thus: "It is the considered opinion of this Committee that, with a view to accelerate the progress of primary education in the Province, and to carry out substantial improvement and reform, both in respect of administration and instruction, it is of imperative necessity that the entire system be reorganised and remodelled. And that, to this end, action be taken, by Legislative enactment, to provide for the creation of a Central Primary Education Board with non-official majority and with adequate representation of Local Bodies in which the control and management of primary education in the Province, including administration of funds, determination of conditions of service of employees, and exercise of other necessary powers may be vested; and to provide for the constitution, in each subdivision, of Subdivisional Board, with non-official majority in its composition, including in its personnel, among others, representatives of the Local Bodies of the area, to remain in control and management of primary education within the subdivision, and to work generally under the guidance and direction of the Central Board".



This resolution is now under consideration of the Government. We are engaged in considering whether we should not appoint a Special officer to go into this matter because many preliminaries will have to be gone through before any Bill is drafted to carry out the intention of the Committee.

Maulavi ABDUL BARI CHOUDHURY: What about the University Bill for which an expert was appointed?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is a different matter, and we were preoccupied with more important things, such as the food problem, etc.

So, Sir, Government is already taking steps to give effect to the Resolution of the Committee to which the hon. Mover was a party. I am confident that unless the hon. House wants a half measure like this, they would prefer to wait till the Government brings forward a more comprehensive Bill on the subject. I can assure the House that all possible steps to introduce a legislation on this line embodying the provisions of this Bill will be taken as speedily as possible. I would appeal to the hon. Mover to withdraw the Bill and if he does not do so, I hope the House will reject this Motion for reference of the Bill to a Select Committee for the reasons I have already given.

The Hon'ble the SPEAKER:—Does any other hon. Member want to take part in the debate?

*(After a pause).*

The hon. Mover may give his reply.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I am sorry to hear what the Hon'ble Education Minister has said. It seems we have fallen on bad days. It is really an irony of fate that as soon as a Member, so popular and cultured, takes up the reins of office he changes his colour and he turns overnight into a full-fledged bureaucrat. Unless a Bill or a Resolution is sponsored by some Member of the Treasury Bench, it is looked with suspicion and disfavour. I was apprehending the attitude that the Hon'ble Education Minister has already taken. Sir, I am afraid, that as the strength of the Members present is so small, the Motion for referring the Bill to a Select Committee may be defeated, but yet I have won my objective. I have compelled the Hon'ble Education Minister to give a promise that in the next session he will come up with a comprehensive Bill.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Not in the next session but as speedily as possible.

Maulavi ABDUL BARI CHAUDHURY: Anyway it is something as the Hon'ble Education Minister has said that he wants to appoint a Special Officer for the drafting of a comprehensive Bill. I must say that we have no faith in this procedure. In this connection it may not be irrelevant if I refer to the fate of the Assam University Bill. There also a very highly paid officer was appointed. His services were retained for several months. Experts were invited from all over India and vast sums were spent and we do not know what is the fate of the Bill. I consider our present staff with the Director of Public Instruction and the Hon'ble Education Minister, who is a very experienced educationist, are quite sufficient to draft a Bill. So by appointing a Special Officer no time should be wasted.

The Hon'ble Education Minister has quoted some opinions and stated that as the minimum qualification of membership for the proposed Central Primary Education Board has not been stated in the Bill, it is defective. I submit with all humbleness that it is not the practice anywhere. Sir, those members who are connected with the Dacca University Board or with the University of Calcutta know that no minimum qualification has been prescribed for membership of the Senate or of the Court of the Dacca University. It is not at all necessary. No such minimum qualification should be stated in the body of the Bill.

Another objection has been raised that in the Bill there is nothing about the location of the Schools. I submit that it is impracticable that in a Bill which seeks to amend the existing Act all these details should be incorporated. From some of the opinions that the Hon'ble Education Minister has quoted, we find that the gentlemen were under some misconception. Their idea was that the Primary Education Board would be a political Body and the educationists would be debarred from it. From



this misapprehension they have made their un-warranted remarks.

Sir, it is so provided in the Bill that the local bodies will elect 50 per cent. of the members and 50 per cent. would be nominated by Government. As such I find no scope for such fear.

The Hon'ble Education Minister referred to the Mass Literacy Conference. He said that this Conference appointed a Committee and that Committee in their turn adopted a resolution to the effect that Government would take steps for coming up with a Bill for introduction of compulsory primary education. Sir, I submit that the whole procedure was irregular. Mass Literacy can hardly be a part of compulsory primary education. At least it may supplement it. If I remember, the Education Minister aright, he stated that Mass Literacy was intended not for children but for the adults. So I do not know how the Mass Literacy Conference could adopt a resolution like this. It was outside its scope entirely. The other objections that he has raised are only repetitions of what he said on the previous occasion and I have already replied to all these items.

The Hon'ble the SPEAKER: Does the Hon'ble Minister want to say anything in reply.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I have nothing to add to what I said. The only point that the hon. Mover has raised is about the appointment of a special officer. At the present moment I cannot say whether a special officer will be appointed for drafting the proposed Bill. We will consider the question however, whether this Bill can be drafted without appointing a special officer. We will see to it.

The Hon'ble the SPEAKER: The question is:

“That the Assam Primary Education (Amendment) Bill, 1942, be referred to a Select Committee consisting of the following Members:—

1. Maulavi Muhammad Maqbul Hussain Chaudhury.
2. Maulavi Dewan Muhammad Ahab Chaudhury.
3. Maulavi Abdur Rahman.
4. Babu Akshay Kumar Das.
5. Srijut Rohini Kumar Choudhuri.
6. Mr. Baidyanath Mookerjee.
7. Mr. Jobang D. Marak.
8. The Hon'ble Mover (Maulavi Abdul Bari Chaudhury), and
9. The Hon'ble the Education Minister.”

(Four Members to form a quorum and the Select Committee to submit their report by the 31st January, 1944).

The question was put and adopted.

#### The Assam Pasture Bill, 1943

Maulavi ABDUR RAHMAN.—Mr. SPEAKER: Sir, I beg to move that the Assam Pasture Bill, 1943, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister-in-charge.
  2. Rai Sahib Daulat Chandra Gohain.
  3. Mr. C. Goldsmith.
  4. Maulavi Badaruddin Ahmed.
  5. Maulavi Abdul Bari Chaudhury.
  6. Mr. Baidyanath Mookerjee, and the Mover. (Maulavi Abdur Rahman).
- (Three Members to form a quorum and the Committee to submit their report by the 15th of February, 1944).

Sir, in this connection, I beg to submit that since the Bill was sent for eliciting public opinion, the opinions have been received, and I must not conceal facts that the majority of the opinions from Assam Valley are not in support of the Bill. The private bodies to whom the Bill was sent are of opinion that the Assam Valley Districts have sufficient grazing lands which will be adequate for the purpose of pasturing their cattle. I am really sorry, Sir, that I am not very much acquainted with the conditions of the Districts of the Assam Valley but if I may be permitted to say, I may speak on authority about the District of Sylhet where grazing lands are quite inadequate. I may rather say that there is no provision for



any pasture land in any of the Subdivisions. Although there are big *Haors* in some of the Subdivisions, you will find that most of the pasture lands are now being converted into cultivable lands. There are some who are of opinion that as Government launched their "Grow-More-Food" Campaign the people have been encouraged to cultivate the pasture lands for the purpose of growing more food crops, because due to war they find it necessary to bring more lands under cultivation, but at the same time they forget altogether how to maintain the health of their own cattle. Without good plough-cattle it is not possible on the part of the farmers to produce more food or grow more food. If some progress is to be made in the matter of "Grow-More-Food" Campaign, attention must be paid to the health of the cattle. But the people in their endeavour to get more money by growing more food forget about the health of their own cattle. Sir, unless there is some legislation to enforce on the people to keep some land for the purpose of grazing their cattle, I am of opinion that the cattle will degenerate and the condition of cattle, at least of the Surma Valley, will be very bad. Time may come when we may find that our cattle have become altogether useless and the farmers or cultivators will be very much hard hit then. Sir, in that view of the case I thought it prudent that when people are not realising the desirability of keeping land for pasture of their cattle, some legislation was necessary and hence I brought forward this Bill. I do admit, Sir, and at the time of the introduction of the Bill also admitted that there might be some defects or mistakes. But these are not incurable. If the Bill be referred to a committee specially meant for scrutiny of the Bill, those defects could be removed. With these few words, Sir, I move that the Bill, be referred to a select committee as proposed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Pasture Bill, 1943, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister in Charge,
2. Rai Saheb Daulat Chandra Gohain,
3. Mr. C. Goldsmith,
4. Maulavi Badaruddin Ahmed,
5. Maulavi Abdul Bari Chaudhury,
6. Mr Baidyanath Mookerjee, and
7. The Mover."

(Three Members to form a quorum and the committee to submit their report by the 15th of February 1944.)

Mr. A. WHITTAKER: Sir, at the very outset, I might make one point—that this Assembly seems to be coming in serious danger of having professional Select Committee Members. There is a monotony.....

Maulavi ABDUR RAHMAN: Is it a very happy term, Sir, I mean 'professional Select Committee Members'? Can he make such remarks, Sir?

The Hon'ble the SPEAKER: Frequent recurrence of some names in Select Committees has led him to make this observation.

Mr. A. WHITTAKER: There is a monotony about the frequency with which certain Members appear in Select Committees. But this is by the way, Sir.

Sir, I would like to speak again on this Bill on which I have spoken on three previous occasions. I can congratulate the hon. Mover in two respects. I think, Sir, this Bill achieves an all time high in the strength and the volume of the criticisms against it and it achieves an all time low in the wretchedness of its drafting.

I have been through the opinions received on this Bill—33 pages of them—perhaps with more care than the hon. Mover himself and during my investigation of these opinions I find that out of 33 pages of opinions there are only 2½ pages which say that the Bill has quite a good object but it is not a good Bill whilst the remaining 30 pages are full of vigorous criticisms.

There is one particular opinion I wish to quote—page 24.

"Moreover, the Bill is based on unsound theory and is in many respects incomplete, inaccurate, faulty and obscure to the last degree and militates against the sound principles of the prevailing law on the subject, which has ripened into perfection by the rulings of the higher courts including the Privy Council."



I should have hesitated to use such language about any Bill but I have no hesitation in saying that it is fully justified.

The criticisms refer to the principle of the Bill, to the manner in which it has been drafted and to the timing of the Bill. With regard to the last aspect, Sir, the timing of the Bill, quite a large number of persons who responded to the invitation to deal with the Bill drew attention to the fact that it cuts clean across the "Grow-More-Food" Campaign.

The Assam Valley is almost unanimous. It is not wanted there. My hon. Friend the Mover says it will be very useful in the Surma Valley. But those opinions from Cachar, Sir, say that it is quite unnecessary there. Even from Sunamganj there are two opinions against the Bill. I notice that from Habiganj there is a certain amount of support and also from South Sylhet. I quite agree, and I have said so on a previous occasion, with the hon. Mover in his desire to increase the milk supply. But this Bill is not going to produce one seer of extra milk. It is quite clear that the Mover has forgotten elementary facts. The first point is, Sir, that a poor cow requires just as much fodder as a good cow, a castrated bull requires as much fodder as a pedigree bull. Therefore surely the object of the Mover can only be achieved by taking three steps. Firstly, he has got to increase the quality of the cattle in this Province either by breeding or by importing better cattle, secondly, he must reduce the number of cattle and thirdly he must increase the amount of fodder crops grown to feed the cattle. But these alone will not help the Mover in his desire to produce more milk and better milk.

In Europe, Sir, and also in America it has been found that the quickest way to secure better and more milk is for Government to guarantee a price. In Britain at the present moment every child in primary school, whether his parents pay income-tax or not, whether the parents are wealthy or poor, receives a free issue of milk everyday it attends school. Similarly, in every Municipality nursing mothers receive from the State either free or at concession rate an extra supply of milk. That surely, Sir, is the way in which progress can be made and not by introducing a Bill like this which, I believe, is beyond the capacity of any Select Committee to reduce into a working measure. This, Sir, is a bad Bill and if the House is going to tolerate this kind of a sloppy legislation, we are bringing ourselves into disrepute. I admit the existence of the problem but I do not admit that this is the way to solve it. It can be solved, but it must be solved by a far more careful effort than by anything described in this Bill. I had hoped, Sir, that this afternoon the hon. Mover, having read all those opinions, would bury this Bill. Instead of hearing the funeral oration I have heard a speech which endeavoured to make the best of a very bad job. But he did not succeed. I trust that Government will not allow this House to lose some of its reputation for sound workmanship. If we are going to have a Bill on this subject let us draw up a better one, or alternatively if Government accept my views that there is a problem of milk supply then let them come forward with a proper scheme and in that scheme, Sir, may we suggest Government pay some attention to the coming generation, because the current generation that can only propose legislation of this kind makes one despair.

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, on behalf of Government I endorse every word and sentence that have dropped from the lips of my predecessor, the Leader of the Planting Group, Mr. Whittaker, as regards the merits and demerits of this Bill, although I would have couched, if I were to put the same thing before the House, in a more moderate language. He has practically said all that I wanted to say in those matters, and I have very little to add. For refreshing, I would recapitulate the volume of opinions that have been given against this Bill in response to the Motion for eliciting public opinion. As many as 56 associations, public bodies and private individuals have expressed opinions. Of them, as many as 47 have opposed the Bill. Of the 47 who have opposed as many as 17 are private individuals and associations and public bodies and the rest are Government officers. Of the 9 opinions which have favoured this Bill only as many as 5 are private persons or associations and the rest are Government officers. The opinions, I must say those opinions that have been expressed, have not been



done light-heartedly. And, as Mr. Whittaker has remarked, those opinions are worthy of consideration and given great weight to. Even from the District from which the hon. Mover hails, the opinions against the Bill have also been overwhelming.

I should bring to the notice of the hon. Members certain defects which are radical and incurable and of some of those I made mention at my preliminary speech after this Bill was introduced last Session. Some of them, perhaps, might with great excogitation and stress be cured with some inherent defect still lingering in them. I will mention those also together with others.

*Clause 2 (a)*—the very definition is vague and it is proposed that it be declared by this very Act.

*Clause 2 (b), the definition of cattle.*—Perhaps this can be cured. It does not include the castrated bulls which are larger in number in this Province. This defect was also mentioned on the last occasion.

*Clauses 7-9.*—In the administration of his District and even in deciding whether there is pasture land, the Deputy Commissioner has been made subordinate to the Senior Munsif.

*Clauses 10-14.*—As pointed out by Mr. Whittaker in his speech during the last Session, there is no provision for a fund from which compensation is to be paid, nor has anybody been made responsible for payment of compensation for the land to be acquired. Therefore, Sir, it goes against Section 299 (2) of the Government of India Act, and no effort by the proposed Select Committee can cure these defects without certainly going beyond the scope of the Bill, and any amendment to this would be *ultra vires*.

*Clause 19.*—It has been provided that railway road-side lands are to be acquired. Every hon. Member, I feel sure, knows these are Central Government lands and Provincial Governments have no jurisdiction over them and the acquisition proceedings if any, initiated, by a Provincial Government would also be *ultra vires*.

In the circumstances stated by me, Sir, I have no other alternative but to request the hon. Mover, who has himself admitted that overwhelming volume of opinions are against the Bill, and also on account of the organic and radical defects that I have just now pointed out to kindly see his way not to press his Motion.

Maulavi ABDUR RAHMAN: Sir, I see that my proposal has very much agitated Mr. Whittaker. It seems that he is playing the part of a substitute of the present Government. Sir, he has found fault with the persons whom I proposed to serve in the Select Committee. May I point out to Mr. Whittaker that can he name a better set of persons or can he name any other persons from among the hon. Members present in the House whom I could name? During the last session probably, my hon. Friend Mr. Maqbul Hussain Chaudhury mentioned his name to serve in a Select Committee but he at once refused. Mr. Whittaker has advanced his argument instructing the Government not to give support to this Bill which has been opposed by a voluminous opinion. He can do so as he is the next administrator of the Province. His unhealthy remarks are not only condemnable but also provocative. He speaks of Government money to be spent in this behalf. I may say, Sir, that hon. Mr. Whittaker is a man whose sympathy or feeling for the Provincial Exchequer is only an eyewash to catch the eyes of the public outside. Sir, he has made mention of the remarks of Rai Bahadur Amarnath Ray who is known to the hon. Members of this House and who, I may say, is a lieutenant of the Hon'ble Maulavi Munawwar Ali.....

Mr. A. WHITTAKER: On a point of information, Sir,.....

The Hon'ble the SPEAKER: Order, order.

Maulavi ABDUR RAHMAN: Sir, I have got every reason to believe that this opinion was drafted at the instance of the Hon'ble Minister-in-charge.

The Hon'ble the SPEAKER: The hon. Member is going too far in making such an observation.

Maulavi ABDUR RAHMAN: At the time of moving the Motion, I clearly mentioned that the majority of the volume of opinions are against the principle of the Bill. But what are these opinions, Sir? If we make a scrutiny, we will find that these persons are zeminders or landholders. If this Bill is passed into law, it will seriously affect these people. This is why the European Group and the zeminders are against



the enactment of this Bill. If I might speak really then I can boldly say that it is only the zeminder class who are opposing this Bill. Who is Rai Bahadur Amarnath Ray and who are those officers who opposed this Bill? Do they not all belong to the zeminder class? If the purpose of this Bill is given effect to, it will mean that the Government will take up much of their land to be declared as waste land under this Act. Sir, the provision is there that at least five persons may approach the Government with a demand that certain land which has been kept fallow for the last five years should be declared as pasture land. They have seen the danger there. It is the apprehension of each and every zeminder and landholder that if this Bill is passed into law it will adversely affect them. Mr. Amarnath Ray is not here otherwise I would have told him on his face that he has got more experience about the tactics as to how vote can be achieved and he is an old master and we are novices. May I enquire of the Government on what capacity the said Rai Bahadur was selected to be a prominent person in Sunamganj to give his opinion on this Bill? While I have been provoked by Mr. Whittaker I may say that if we were not within the precincts of this House I would have explained to him why the volume of opinions are against the Bill. His provocative speech opposing the Bill and the improper remarks against the proposed names of Members to serve in the Select Committee deserve emphatical protest. He was lacking in ordinary courtesy to make such remarks.

\*Mr. A. WHITTAKER: On a personal explanation, Sir. That I made a quotation from a person called Rai Bahadur Amarnath Ray is quite wrong because the quotation I made is from Babu Hemendra Chandra Das Gupta whom I don't know and I do not know Rai Bahadur Amarnath Ray also.

The Hon'ble the SPEAKER: Has the Hon'ble Minister got anything to say in reply?

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, I have got very little to say by way of reply. But I have to offer a personal explanation and it is for this reason that I shall take a minute or two of this Hon'ble House and it is this: Since an insinuation has been made by the hon. Member that the opinion expressed by Rai Bahadur Amarnath Ray was engineered by me, for the edification of the hon. Member I could at once say, Sir, that I have had up till now no talk whatsoever over this Bill with the revered Rai Bahadur. By way of reply to the speech that the hon. Member has been pleased to deliver just now I have nothing to say because he has not been able to meet one single point out of the numerous ones that have been urged against his Bill. I again place my request to the hon. Mover to see that he drops his Bill. I could do no better than that.

The Hon'ble the SPEAKER: The hon. Member is not willing to withdraw his Motion. The question is:

"That the Assam Pasture Bill, 1943, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister in charge,
2. Rai Sahib Doulat Chandra Gohain,
3. Mr. C. Goldsmith,
4. Maulavi Badaruddin Ahmed,
5. Maulavi Abdul Bari Chaudhuri,
6. Mr. Baidyanath Mookerjee, and
7. Maulavi Abdur Rahman, the Mover."

(Three members to form a quorum and the report to be submitted by the 15th of February, 1944.)

The House divided with the following result:—

AYES—14

1. Mr. Baidyanath Mookerjee.
2. Babu Bipin Behari Das.
3. Babu Karuna Sindhu Roy.
4. Mr. Kedarmal Brahmin.
5. Srijut Rohini Kumar Chaudhuri.
6. Babu Nirendra Nath Dev.

NOES—23

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Mr. Naba Kumar Dutta.
3. The Hon'ble Maulavi Munawwar Ali.



AYES—*concl'd.*

7. Rai Sahib Doulat Chandra Gohain.
8. Maulavi Abdul Bari Chaudhuri.
9. Maulavi Abdul Rahman.
10. Maulavi Badaruddin Ahmed.
11. Maulavi Muhammad Maqbul Hussain Chaudhury.
12. Khan Bahadur Maulavi Mufizur Rahman.
13. Mr. Jobang D. Marak.
14. Babu Sanat Kumar Ahir.

NOES—*concl'd.*

4. The Hon'ble Srijut Hirendra Chandra Chakravarty.
5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
6. The Hon'ble Dr. Mahendra Nath Saikia.
7. The Hon'ble Maulavi Abdul Matin Chaudhuri.
8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Raja Ajit Narayan Dev of Sidli.
12. Maulavi Abdul Aziz.
13. Maulavi Dewan Muhammad Ahab Chaudhury.
14. Mr. F. W. Blennerhassett.
15. Mr. D. B. H. Moore.
16. Mr. R. A. Palmer.
17. Dr. C. G. Terrel.
18. Mr. A. Whittaker.
19. Mr. Benjamin Ch. Momin.
20. Srijut Bhairab Chandra Das.
21. Srijut Bideshi Pan Tanti.
22. Rev. L. Gatphoh.
23. Mr. C. Goldsmith.

The question was lost.

*Adjournment*

The Assembly was then adjourned till 11 A. M. on Saturday, the 20th November, 1943.

SHILLONG

The 15th December 1943.

A. K. BARUA,

Secretary, Assam Legislative Assembly, Assam.