



**Proceedings of the Twelfth 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  
Monday the 22nd March 1943.

PRESENT

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

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

( to which oral answers were given)

**The Hon'ble the SPEAKER:** Srijut Rohini Kumar Chaudhuri is  
absent. He authorised Mr. Mookerjee to put his Questions, but Mr.  
Mookerjee is absent too. In this connection I want to draw the Hon'ble  
Premier's attention to rule 38; having regard to the nature of the Questions  
he may consider whether he will act upon rule 38.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I  
am prepared to act upon rule 38.

**The Hon'ble the SPEAKER:** Then the Questions will be answered  
under rule 38.

**Collective Fines**

**Srijut ROHINI KUMAR CHAUDHURI** asked :

- \*61. Will Government be pleased to state—
- (a) The total amount of Collective fines imposed and realised in  
each of the Subdivisions of Assam ?
  - (b) What communities have been exempted from payment of  
Collective fines ?
  - (c) Whether realisation of Collective fines has been stayed in any  
area ?
  - (d) If so, which are the areas and whether there has been recur-  
rence of sabotage in such areas since suspension of realisation  
of fines ?

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

61. (a)—The figures for districts are given in a statement laid on the  
table. Separate figures are not available for Subdivisions, and would not  
add materially to the information.



Statement referred to in reply to Starred Question No. 61(a) asked by Srijut Rohini Kumar Chaudhuri at the Budget Session of the Assembly, 1943

			<i>Imposed</i>	<i>Realised</i>		
			Rs.	Rs.	a.	p.
Darrang	...	...	45,700	31,575	8	0
Sylhet	...	...	2,000	593	0	0
Goalpara	...	...	38,000	26,880	12	0
Kamrup	...	...	66,011	17,997	15	9
Lakhimpur	...	...	10,000	9,708	6	0
Sibsagar	...	...	1,40,200	73,334	0	0
Nowgong	...	...	87,000	54,318	0	0
Total	...	...	3,88,911	2,14,407	9	9

(b)—Deputy Commissioners have instructions to exempt communities and also individuals who have taken no part in, and have shown themselves against the sabotage campaign. The communities differ in different areas, the only community that has wholly stood aside everywhere being the Muslim.

(c)—At Dhubri, and also certain villages in Bokota Mauza, Sibsagar. Government have also given Deputy Commissioners discretion to suspend the collection of part of the fine provided the people show themselves prepared to take active steps to stop such outrages.

(d)—Generally speaking, where relaxation of collection has been made the effect has hitherto been good and outrages have stopped, but there have been cases where damage has been done.

#### Incidents of sabotage

**Srijut ROHINI KUMAR CHAUDHURI** asked :

\*62. Will Government be pleased to state the incidents of sabotage which had taken place in Assam since August 1942 with dates of occurrence and the places where they had occurred ?

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

replied :

62.—A list has been placed on the Library table.

#### Security prisoners

**Srijut ROHINI KUMAR CHAUDHURI** asked :

\*63. Will Government be pleased to state—

(a) The number of persons who have been or were detained as Security prisoners in Assam Jails since August 1942 with date of their arrest and number of persons who have been released ?



- (b) In case of prisoners released, the respective date of their arrest and release ?  
 (c) Have any such persons been rearrested after release ?  
 (d) If so, for what offence ?  
 (e) The names and occupations of persons who were rearrested either at jail gates on their release or shortly after release ?  
 (f) The offences for which they were rearrested and when were these offences committed ?

\*64. Will Government be pleased to state—

- (a) The names of Members of the Assam Legislative Assembly who have been arrested in connection with political movement since August 1942, showing the date of their arrest and also the Section and the law under which they were arrested ?  
 (b) Have any of these Members of Legislative Assembly been tried and convicted ?  
 (c) If so, for what offences ?  
 (d) The dates of their trial and the sentences imposed in each case ?

\*65. Do Government propose to set up any tribunal in Assam to review the grounds on which each of the security prisoners was arrested and has been since detained ?

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

63. (a) & (b)—Government perceive no purpose to be served by collecting the dates of release which would involve much correspondence, since they are not prepared to give the names and occupations of persons who have obtained release by giving undertakings. The total number of those detained as security prisoners is 227, and of those released, so far as reported hitherto, is 29.

(c)—Nil.

(d), (e) & (f)—Do not arise.

64. (a)—A list is placed on the Library table.

(b)—Yes.

(c) & (d)—A list is placed on the Library table.

65.—No.

#### *Re Release of Mahatma Gandhi*

**Srijut ROHINI KUMAR CHAUDHURI** asked :

\*66. (a) Has Government received a resolution passed in a public meeting of the citizens of Shillong held on 22nd February 1943 and presided over by Mr. Basanta Kumar Das, asking Government to request the Government of India to release Mahatma Gandhi ?

(b) If so, what action was taken on the said resolution ?

(c) When was action taken and what was the result ?

(d) Did Government make the request as desired in the aforesaid resolution ?

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

66. (a)—No.

(b) (c) & (d)—Do not arise.



**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI:** With regard to Question 66 (a), may I know if our Hon'ble Speaker presided over the meeting?

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

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI:** May I know whether the meeting was organised by the Congress Party?

**The Hon'ble the SPEAKER:** Such Questions cannot be put to the Chair. Who is to reply to this Question? The hon. Questioner is absent.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Can the Hon'ble Speaker who is supposed to be a non-party man preside over such party meeting organised by the Congress?

**The Hon'ble the SPEAKER:** No question of party or non-party arises in a matter like this.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The hon. Member cannot criticise the Chair.

**The Hon'ble the SPEAKER:** Yes, the hon. Member ought to know the rules. I always find him over-anxious about matters prompted by a particular line of thinking and does not very often care for the rules.

#### Incidents connected with political movement

**Srijut ROHINI KUMAR CHAUDHURI** asked:

\*67. Will Government be pleased to state—

(a) What action if any has been taken against persons responsible for the following incidents connected with political movement since August 1942:—

(i) Shooting of a girl aged about 13 years in Gohpur Thana of Darrang.

(ii) Shooting of an old woman in Berhampur in the district of Nowgong.

(iii) Shooting of several innocent *hat-goers* and passers-by in Dhekiajuli.

(iv) Causing death at dead of night by bayonet wounds to a man in Goalpara whose bullock had been seized in daytime for realisation of Collective fines.

(b) Whether any enquiry was made after these instances were brought to the notice of Government in the last November Session of the Assembly?

(c) If so, by whom were inquiries held in each case?

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

67. (a), (b) & (c)—So far as Government can identify the incidents referred to, the action which involved these injuries to the person was the result of breaches of the peace, and was taken in self-defence in each case. Government have found no reason to make enquiries as suggested. In all the cases, sometimes by Deputy Commissioners themselves, and in some cases by Magistrates, enquiries were made immediately after the occurrences.



## UNSTARRED QUESTIONS

(to which answers were laid on the table)

**Railway accident near Panitola and Safrai Stations****Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY** asked :

54. (a) Is it a fact that a serious Railway accident took place somewhere near Panitola and Safrai Stations in the Province of Assam ?

(b) If so, will Government be pleased to state the details of that accident ?

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

54. (a)—Yes.

(b)—The 3 Up-mail train was derailed. The engine and three carriages left the rails and capsized down the embankment. An inspection of the line after the accident revealed that this was due to sabotage. Eight passengers were killed outright and of the 28 injured passengers 3 have since died.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY**: May I know on what date did the accident take place ?**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: It was on the 27th January 1943.**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY**: Did the Government find out the culprits ?**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: Not so far.**Babu KAMINI KUMAR SEN**: Was any attempt made to find out the culprits ?**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: Yes, enquiry is still proceeding.**Results of Matriculation Examinations of Government High Schools****Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY** asked :

55. Will Government be pleased to lay on the table a statement showing the results of each of the Government High Schools of Surma Valley in relation to the Matriculation examinations held in the course of the last nine years from 1934-35 to 1942-43 on the following heads, year by year :—

- (a) Number of boys that appeared ;
- (b) Their percentage of success ;
- (c) Number of passes in the 1st division ;
- (d) Number of asterisks secured by each school ;
- (e) Number of letters secured by each school ;
- (f) Number of (i) Provincial 1st grade, (ii) Junior second grade and (iii) Special Muslim scholarships secured by the students in each of the school ;
- (g) Their position in the University ;
- (h) Their position in Assam ;
- (i) Number of University scholarships secured by each school ;
- (j) Number of medals won by the students on their results in Assam ?



56. Will Government be pleased to state the names of Head Masters who worked in each of these schools during the said period of nine years as stated in Question 55 above?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied:

55 (a) to (j) & 56.—The labour involved in preparing replies to these questions will not be commensurate with the result.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** The answer is "The labour involved in preparing replies to these questions will not be commensurate with the result". My aim was to show that some Government High Schools have deteriorated in efficiency, but Government has given the usual evasive reply.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** If that be the object of the hon. questioner, the matter will be looked into.

### Messages from the Assam Legislative Council re certain Bills

**Secretary to the Assembly:** It is learnt from Messages received from the Secretary, Assam Legislative Council, that the Council has agreed to—

- (1) The Assam (Temporarily-Settled Districts) Tenancy (Amendment) Bill, 1940,
  - (2) The Assam Maternity Benefit Bill, 1940, and
  - (3) The Assam Forest (Amendment) Bill, 1940,
- all Government Bills, on the 13th March 1943 and to (4) the Assam Land and Revenue Regulation (Amendment) Bill, 1941, also a Government Bill, on 12th March 1943, without any amendments.

### The Assam Finance Bill, 1943

**The Hon'ble the SPEAKER:** Now the next item is, consideration of the Assam Finance Bill, 1943, clause by clause. I think there are no amendments to this Bill. The Hon'ble Finance Minister may at once move that the Bill be passed.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I beg to move that the Assam Finance Bill, 1943 be passed.

**The Hon'ble the SPEAKER:** Motion moved:

"That the Assam Finance Bill, 1943 be passed."

(After a pause)

Then I am putting the question.

The question is:

"That the Assam Finance Bill, 1943 be passed".

The question was adopted.

### The Assam Court of Wards (Delegation of Powers) Bill, 1943

**The Hon'ble Maulavi MUNAWWAR ALI:** Mr. Speaker, Sir, I beg to introduce the Assam Court of Wards (Delegation of Powers) Bill, 1943.

And, now, Sir, I beg also to move that the Assam Court of Wards (Delegation of Powers) Bill, 1943 be taken into consideration.

As you must have seen, Sir, this Bill is merely of a formal nature. It is with a view to enable the Deputy Commissioner who is already overworked to delegate all or some of his functions to an officer appointed in that behalf.



**The Hon'ble the SPEAKER :** Motion moved :

"That the Assam Court of Wards (Delegation of Powers) Bill, 1943 be taken into consideration."

Then I think no hon. Member is going to start a debate on this.

The question is :

"That the Assam Court of Wards (Delegation of Powers) Bill, 1943 be taken into consideration."

The question was adopted.

### The Assam Revenue Tribunal Bill, 1941

**The Hon'ble the SPEAKER :** Next item is, consideration of the Assam Revenue Tribunal Bill, 1941, clause by clause.

**The Hon'ble Maulavi MUNAWWAR ALI :** Mr. Speaker, Sir, I beg to bring to your kind notice that I do not propose to proceed with the Bill at this stage. There are certain considerations about this Bill which have been engaging very serious attention of this Government and Government have not been able to come to a decision, particularly in the matter of association of the Commissioner of Divisions as a member of the Tribunal and things like that. So it has been decided that we should not proceed with the Bill at this stage.

**Mr. A. WHITTAKER :** Mr. Speaker, Sir, may I, in continuation of what I said before on this Bill, draw the attention of the Hon'ble Revenue Minister to the fact that in the Province of Bengal an announcement has already been made regarding the future of the Permanent Settlements ? Will the Hon'ble Revenue Minister, when considering any amendment to this Bill, consider the possibility of similar changes being made in the Province of Assam, particularly as to how those changes will affect the constitution of the Revenue Tribunal ? When I made this point originally the Hon'ble Revenue Minister was good enough to say that the contingency was almost impossible. I think, events in Bengal show that that contingency may be much nearer a practicable proposition than he or I thought at the time.

**Babu KAMINI KUMAR SEN :** I do not know what reason has prompted the Government to abstain from proceeding with the Bill. Only about a week ago, the Motion for consideration was made and at that time the Hon'ble Minister gave us no idea that there was any such difficulty in the way. I think, Government should be more outspoken about the reasons that have prompted them to drop this Bill at this stage.

With regard to the contention of Mr. Whittaker, I do not exactly understand what he means by asking the Government to consider the fact that the Government of Bengal have already announced their decision to give effect to the Flood Commission's Report. I think, in that announcement it has also been clear that the determination of compensation that has to be given to the landlords would be made by a Special Tribunal to be set up by the Government of Bengal. There is no contemplation to refer all these matters to a Revenue Tribunal. So I do not see what alterations we need make or Government can suggest in the clauses of the Bill even though the decision that has been announced by the Government of Bengal is taken up here. The Revenue Tribunal will have nothing to do with it.



At any rate, I request the Hon'ble Minister-in-charge to let us know what is the real reason for not proceeding with the Bill. I do not think that the question of associating the Commissioner with the Revenue Tribunal is the only reason that is standing in the way of Government in proceeding with the Bill at this stage. As the Bill has been long before us and the Select Committee's Report was submitted more than a year ago I do not think that the question of associating the Commissioner with the Revenue Tribunal is a difficulty which can justify the decision of the Government in not proceeding with the Bill at this stage.

**Mr. A. WHITTAKER:** May I reply, Sir, since the question has been addressed to me? My case is that when such legislation is on the anvil we should take a long-term view, as far as possible, and, when a contingency is in sight we should endeavour to meet that contingency.

As regards the second point raised by my Friend, Mr. Sen, I must point out that Bengal's conditions and Assam's conditions are rather different. Bengal has not got a Revenue Tribunal but we in Assam have a Revenue Tribunal. Secondly, Bengal can afford to have a Revenue Tribunal specially constituted for the permanently settled areas, if there is any such change, but there will be a large number of speakers in this Assembly saying that we cannot afford special machinery and we must use the Revenue Tribunal. Therefore, Sir, I suggest that the contingency is a very relevant consideration, if there is any proposal to amend the present Revenue Tribunal Bill.

**The Hon'ble the SPEAKER:** What did Mr. Sen say, *i.e.*, what were his objections?

**Babu KAMINI KUMAR SEN:** My objection is, Sir, that I do not think there is any real difficulty which stands in the way of Government in proceeding with the Bill. The other day Motion was moved for the consideration of the Bill and to-day the question of association of Commissioner being pleaded as a difficulty in proceeding with the Bill.

There is another question. The post of the Member, Revenue Tribunal has been made a reserved post for the I. C. S., though the Legislature has got a right to make anyone a Member. The question is a very important one and should be decided without further delay.

I do not think, Sir, that the suggestion made by my Friend, Mr. Whittaker, should alter our position in any way at this stage because even if effect is to be given to the recommendations, of the Floud Commission in Bengal, that will take a very long time because a legislation like this will require the sanction of His Majesty's Government. In Assam, even if a decision like this is taken, it will take still more long time because there are essential preliminaries necessary to give effect to the recommendations of the Floud Commission. Preparation of record-of-rights will be necessary. Here there is no record-of-rights. Even in Bengal instead of the fact that there is a record-of-rights there is a recommendation to the effect that revision of record of-rights is an essential preliminary to state acquisition. So even if it is decided here that a measure like that as proposed in Bengal is to be taken up, I think, it will take a very long time and so we cannot take such a remote contingency into consideration in going on with this Bill which has long been before this House. I would appeal to Government not to drop it on such flimsy consideration because the House will have a right to amend it later on.

**The Hon'ble the SPEAKER:** As the Hon'ble Minister-in-charge does not like to proceed with this Bill—the Assam Revenue Tribunal Bill, 1941—the item of business in the Order Paper in regard to this Bill is dropped.



**The Hon'ble Maulavi MUNAWWAR ALI:** I think, I should give a reply to Mr. Sen, Sir ?

**The Hon'ble the SPEAKER:** I cannot allow a debate on the declaration of his intention by the Hon'ble Minister in regard to this Bill.

**The Hon'ble Maulavi MUNAWWAR ALI:** I will only say, Sir, that Mr. Sen has entirely mistaken. The Bill is simply postponed now and during the next session it will be taken up and thereby, the hon. Member loses nothing—the Upper House is no longer in Session.

**The Hon'ble the SPEAKER:** Yes, the Bill will stand over for the next Session.

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

**The Hon'ble Maulavi MUNAWWAR ALI:** Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Debt Conciliation (Amendment) Bill, 1942.

And, now Sir, I beg to move that the Assam Debt Conciliation (Amendment) Bill, 1942, as reported by the Select Committee be taken into consideration.

The Select Committee's Report, Sir, has been with the hon. Members for a considerable length of time and the Committee has not made any radical change except that it has suggested one or two modifications in the detail and in mere amplification, and I think, it is not necessary for me to make any speech on them.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Mr. Speaker, Sir, I want to speak a few words on the Report.....

**The Hon'ble the SPEAKER:** Why a few words ? The hon. Member may speak as much as he likes (*laughter.*)

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I do not like to speak much, Sir, I will speak only a few words.

In clause 6, in sub-section (1) of section 21 of the principal Act, after the words 'Civil Court', it is proposed that the words "or a Revenue Court" shall be added. But I find, Sir, that there is no definition of 'Revenue Court'. As a Chairman of the Debt Conciliation Board, I found Sir, that the money that are to be collected by the Collector under the Public Demands Recovery Act cannot be settled by the Debt Conciliation Board. Perhaps with that idea in mind the Hon'ble Minister while drafting the Bill added the words 'or a Revenue Court', but unfortunately there is no definition of the term 'Revenue Court'. I want that a comprehensive definition be given so that the Chairman of the different Debt Conciliation Boards do not find any difficulty in settling debts with regard to the rents of estates under the Court of Wards which are being realised by certificate procedure and also debts of Co-operative Societies.

With these few words, Sir, I beg to resume my seat.

**The Hon'ble the SPEAKER:** The Hon'ble Minister may reply.

**The Hon'ble Maulavi MUNAWWAR ALI:** Mr. Speaker, Sir, I only suggest that while undertaking a more comprehensive revision of the Act I shall bear the question in mind, which has been raised.

**The Hon'ble the SPEAKER:** The question is: "That the Assam Debt Conciliation (Amendment) Bill, 1942, as reported by the Select Committee be taken into consideration".  
The question was adopted.



**The Shillong Execution of Decrees Bill, 1943**

**The Hon'ble the SPEAKER :** Now we will take up the consideration of the Shillong Execution of Decrees Bill, 1943, clause by clause. There are two amendments—one to clause (1) and one to clause (4). These were received at 4-30 P.M. Is there any objection to relaxing the rule with regard to these ?

**The Hon'ble Srijut RUPNATH BRAHMA :** Mr. Speaker, Sir, you fixed a definite time for submitting the amendments. These amendments were received after that and I think, we should stick to the time limit.

**The Hon'ble the SPEAKER :** Late by only a few hours, I think.

**The Hon'ble Srijut RUPNATH BRAHMA :** If the House wants to consider, Sir, I have no objection.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Government have no objection, Sir.

**The Hon'ble the SPEAKER :** As there is no objection I relax the rule with regard to time limit.

Clause (1) Maulavi Abdul Aziz or Maulavi Maqbul Hussain Chaudhury may move.

*Clause 1*

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Mr. Speaker, Sir, I beg to move that for clause 1(2), the following shall be substituted:—

“ 1(2) It shall come into force after the Civil Courts in Shillong are empowered to execute decrees of any other Civil Courts established in any other parts of British India and that the said Civil Courts of Shillong are also empowered to transfer their own decrees to those Civil Courts and on such date thereafter as the Provincial Government may specify by Notification in the Official Gazette”.

I don't like to make any speech, Sir.

**The Hon'ble the SPEAKER :** Why not, the hon. Member should say why he wants this amendment to be made.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Sir, by this Bill the Government wants to give some powers to the Courts that will exercise the same in Shillong. The Shillong Courts will execute the decrees that will be passed by other Courts but decrees that will be passed by Shillong Courts would not be executed by them. To bring all the Courts on par, I move this amendment. Until such arrangements are made the power to execute decrees passed by other Courts by the Shillong Court may be postponed.

**The Hon'ble the SPEAKER :** Amendment moved :

“ That for clause 1(2), the following shall be substituted:—

“ 1(2) It shall come into force after the Civil Courts in Shillong are empowered to execute decrees of any other Civil Courts established in any other parts of British India and that the said Civil Courts of Shillong are also empowered to transfer their own decrees to those Civil Courts and on such date thereafter as the Provincial Government may specify by Notification in the Official Gazette”.

**The Hon'ble Srijut RUPNATH BRAHMA :** So far as this amendment is concerned, first of all I beg to refer to the replies given by me to Starred Question No. 45 which was put by my learned Friend, Mr. Maqbul Hussain Chaudhury. I think, if he had known this reply he would not have moved this amendment. I may read it for the hon. Mover's information.



The relevant portion is—" Sections 223 to 228 of the Civil Procedure Code of 1882 (corresponding to Sections 38, 39, 41 and 42 and Order 21, rules 4 to 9 of the present Code) were extended to the Hill districts by Notification No.132, dated 22nd November 1888, in order to enable the decrees passed by the Courts in those areas where the Civil Procedure Code of 1882 was not in force to be executed by the Courts in other districts where the Civil Procedure Code of 1882 was in force, and *vice versa*. Section 157 of the Civil Procedure Code of 1908 which is in force in the Hill districts kept alive that Notification". So, I don't think there is any necessity of bringing this amendment and I oppose it.

**Rev. J. J. M. NICHOLS-ROY:** Mr. Speaker, Sir, this Bill is to empower the British Court in the British portion of Shillong to execute the decrees sent to it by the Courts in the Khasi States. This is a very necessary Bill. The amendment is not necessary at all as pointed out by the Hon'ble Minister.

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, I support the amendment that has been moved by my hon. Friend, Mr. Maqbul Hussain Chaudhury. For, by this Bill that has been brought by the Government it is proposed that all decrees passed by the Courts in Khasi Estates will only be executed in the British Courts in Shillong but with regard to decrees that are passed by the British Courts in any other Courts of India there is absolutely no provision. This is why I was insisting that the Code of Civil Procedure should be introduced in the British portion of Shillong. The only thing that is being done by this Bill is taking powers to execute only the decrees that are passed by the Courts in the Khasi Estates but, I think, that is only a fraction of what is necessary. There should at least be provision by which decrees passed by the British Courts in all parts of British India could be executed by the British Courts in Shillong. So I think this amendment is absolutely necessary. When Government is making provision for execution of decrees of other Courts they should not remain satisfied only by taking power for execution of decrees that would be passed by the Khasi States. They should also at the same time take power to have similar effect given to those decrees passed by the British Courts in rest of British India. So, I think, Government should not object to the acceptance of this provision. Before they introduce the whole of the Civil Procedure Code in Shillong, I think, it would be better if Government take this power also. With these words, Sir, I support the amendment that has been moved by Maulavi Muhammad Maqbul Hussain Chaudhury.

**Maulavi ABDUL AZIZ:** Sir, I rise to support the Motion moved by Maulavi Muhammad Maqbul Hussain Chaudhury.

This is a very short piece of legislation by which power is being given...

**The Hon'ble the SPEAKER:** The Hon'ble Minister has said that there are rules made by a notification.

**Maulavi ABDUL AZIZ:** Now, Sir, there is some rule, called administrative rule, which does not permit free transfer of any decree from the Civil Court at Shillong to any other Civil Court. There is no rule permitting any decree passed by the Khasi States to be executed in the Civil Court at Shillong. I do not understand what has prompted the Hon'ble Minister to make this piece of legislation by which he is creating the right against the people living in the British area or British portion of Shillong, in favour of people living in the Khasi States and he is at the same time denying the same right to people living in the British area to have their decrees executed against the people living in the Khasi States. In my opinion, Sir, a law should be comprehensive



and it should be reciprocal. So I submit that this piece of legislation is a very one-sided one and, as it stands, we cannot support such a legislation and for this the amendment which has been moved has become necessary. Therefore until and unless a comprehensive piece of legislation is brought and passed and equal rights are given to the people living in the British portion of Shillong the present legislation should remain or at least that portion should remain stayed.

With these few words, Sir, I support the Motion.

**The Hon'ble Srijut RUPNATH BRAHMA :** Mr. Speaker, Sir, I have already pointed out the position that the relevant sections of the Civil Procedure Code were extended to the Hill Districts by Notification No. 132, dated 22nd November, 1888. I do not think there is any bar to executing such decrees in the Courts of Shillong.

**The Hon'ble the SPEAKER :** The question is whether the Civil Court at Shillong have got power to execute decree of any other Civil Courts of the Province. (*Voices: It has*). Then the other question is whether the Civil Courts at Shillong are also empowered to transfer their own decrees to other Civil Courts in the Province. These are the two questions involved here.

**The Hon'ble Srijut RUPNATH BRAHMA :** Sir, I think this is being done.

**The Hon'ble the SPEAKER :** Very well, I am then putting the amendment.

The question is :

"That for clause 1 (2), the following shall be substituted :—

'1(2) It shall come into force after the Civil Courts in Shillong are empowered to execute decrees of any other Civil Courts established in any other parts of British India and that the said Civil Courts of Shillong are also empowered to transfer their own decrees to those Civil Courts and on such date thereafter as the Provincial Government may specify by Notification in the Official Gazette.'

The question was negatived.

**The Hon'ble the SPEAKER :** The question is :

"That clause 1 do stand part of the Bill".

The question was adopted.

#### Clause 4

**The Hon'ble the SPEAKER :** The amendment to clause 4 may now be considered. The hon. Movers may move the amendment.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Sir, I beg to move that at the end of clause 4, the following proviso shall be added :—

"Provided that this section will not operate till the Central Government or the Crown Representative make necessary enactments enabling any Civil Courts established or continued by their authority in the Khasi States to execute a decree of a Civil Court having jurisdiction in Shillong".

Sir, in the Rules for the Administration of Justice in the Khasi and Jaintia Hills District you will find that in Rule 37 the courts of the Commissioner and Deputy Commissioners are not bound by the Civil Procedure Code. This was published by a Notification dated the 29th March 1937 and subsequently in 1941 Government published another Notification on 4th November. Here we find that the salary or allowance equal to salary referred to in clause (a).....

**The Hon'ble the SPEAKER :** There is no question of salary. The hon. Mover should deal with clause 4.



**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Sir, to make relevant to the previous amendment that was moved by me I move this amendment.

**The Hon'ble the SPEAKER:** Does the hon. Mover want reciprocity?

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Yes, Sir, we want reciprocity.

Sir, it is yet not known whether the Central Government has made any necessary rule or enacted any law to give this reciprocity and this is why I am moving this amendment. With these words I press my Motion.

**The Hon'ble the SPEAKER:** Amendment moved:

“That at the end of clause 4, the following proviso shall be added:—

‘Provided that this section will not operate till the Central Government or the Crown Representative make necessary enactments enabling any Civil Courts established or continued by their authority in the Khasi States to execute a decree of a Civil Court having jurisdiction in Shillong’.”

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, I do not think this is at all necessary. We heard from the Hon'ble Minister-in-charge that the Central Government has also agreed to issue by a notification like that.

**The Hon'ble Srijut RUPNATH BRAHMA:** As it has already been pointed out by Mr. Kamini Kumar Sen, there is no point to move this amendment. It seeks to delay the operation only. There is no reason to believe why the Crown Representative will not make complementary provision for the rules to apply to Khasi States. It would be better to wait and see in what exact form the Bill emerges from the Legislature. If the Bill is passed, I believe such necessary provision will be forthcoming.

**The Hon'ble the SPEAKER:** The question is:

“That at the end of clause 4, the following proviso shall be added:—

‘Provided that this section will not operate till the Central Government or the Crown Representative make necessary enactments enabling any Civil Courts established or continued by their authority in the Khasi States to execute a decree of a Civil Court having jurisdiction in Shillong’.”

The question was negatived.

**The Hon'ble the SPEAKER:** The question is:

“That clause 4 do stand part of the Bill.”

The question was adopted.

**The Hon'ble the SPEAKER:** The question is:

“That clause 2 do stand part of the Bill.”

The question was adopted.

**The Hon'ble the SPEAKER:** The question is:

“That clause 3 do stand part of the Bill”.

The question was adopted.

**The Hon'ble the SPEAKER:** The question is:

“That the Title and Preamble of the Bill do stand part of the Bill.”

The question was adopted.

**The Hon'ble Srijut RUPNATH BRAHMA:** Mr. Speaker, Sir, I beg to move that the Shillong (Execution of Decrees) Bill, 1943, be passed.

**The Hon'ble the SPEAKER:** Motion moved:

“That the Shillong (Execution of Decrees) Bill, 1943, be passed”

(After a pause)

The question is:

“That the Shillong (Execution of Decrees) Bill, 1943, be passed.”

The question was adopted.



**The Shillong Attachment of Salaries Bill, 1943**

**The Hon'ble the SPEAKER:** Now consideration of the Shillong (Attachment of Salaries) Bill, 1943, clause by clause, will take place.

There are some amendments. I would first take up clause 3. There is one amendment in the name of the Hon'ble Minister himself, and also one in the name of Maulavi Md. Maqbul Hussain Choudhury. I think these are identical amendments.

*Clause 3*

**The Hon'ble Srijut RUPNATH BRAHMA:** I beg, Sir, to move that at the end of clause 3 for the "inverted commas" and "full-stop" after the words "salaries or allowances" a "semi-colon" shall be substituted and the following proviso shall be added thereafter:—

"Provided that, where the whole or any part of the portion of such salary or allowances liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree".

Sir, at the time of applying the amended proviso to section 60(1) this proviso could not be included by a notification when this proviso was made applicable to Khasi States and Administered areas. At the time of framing the present Bill, to bring it into line with the amended Rules applicable to the Khasi States and Administered areas, we did not include this proviso. But now I take opportunity of adding this proviso also to the Rules, and I think there should be no objection to the addition of this proviso.

**Rev. J. J. M. NICHOLS-ROY:** May I ask the Hon'ble Minister why did not Government consider to add this proviso before? I could not understand his reason for not adding this proviso when the Bill was introduced.

**The Hon'ble Srijut RUPNATH BRAHMA:** As already pointed out, the Crown Representative did not take the opportunity of adding this proviso by notification in 1941.

**Rev. J. J. M. NICHOLS-ROY:** Now have they done that?

**The Hon'ble Srijut RUPNATH BRAHMA:** I believe, the Crown Representative will make necessary changes in the Rules which apply to Khasi State and Administered Areas.

**The Hon'ble the SPEAKER:** Amendment moved:

That at the end of clause 3 for the "inverted commas" and "full-stop" after the words "salaries or allowances" a "semi-colon" shall be substituted and the following proviso shall be added thereafter:—

"Provided that, where the whole or any part of the portion of such salary or allowances liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree."



**The Hon'ble the SPEAKER:** I find that no hon. Member is going to speak on this amendment.

The question is:

That at the end of clause 3 for the "inverted commas" and "full-stop" after the words "salaries or allowances" a "semi-colon" shall be substituted and the following proviso shall be added thereafter:—

"Provided that, where the whole or any part of the portion of such salary or allowances liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree".

The question was adopted.

**The Hon'ble the SPEAKER:** I do not understand the amendment No. 4 standing in the name of Maulavi Md. Maqbul Hussain Chaudhury. What is this amendment? It seems that he wants to add another clause to the Bill.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** While a clerk is on leave, he gets less salary; e.g., he may get half average pay. I want that that salary should not be attached.

**The Hon'ble the SPEAKER:** The Bill relates to allowance of a member who is on duty.

**The Hon'ble Srijut RUPNATH BRAHMA:** This introduces entirely a new matter.

**Rev. J. J. M. NICHOLS-ROY:** That relates to amendments of the Rules and not of the Bill itself.

**The Hon'ble the SPEAKER:** By this amendment the hon. Member wants to add another clause to the Bill under the Scheduled Districts Act.

Clause (h) in rule 34(1) of the Rules, for the Administration of Justice and Police in the Khasi and Jaintia Hills mentions about allowances less than the salary of a Public Officer or any servant of the Railway Company or Local Authority while absent from duty and clause (i) about the salary or allowances equal to salary of any such Public Officer or servants as is referred to in clause (h), while on duty. So far, the object of the whole Bill is to provide for amending the law relating to the attachment of salary or allowance of any Officer or Public Servant who is on duty and this amendment wants to amend the law relating to the attachment of allowance of a Public Servant or a Public Officer who is not on duty, i.e., who is absent. It seems that these are two different objects.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I do not want to move it, Sir.

**The Hon'ble the SPEAKER:** Yes, it is not within the scope of the Bill.

The question is:

"That clause 3 as amended do stand part of the Bill."

The question was adopted.

#### Clause 1

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I beg, Sir, to move that in clause 1(2), the words, "on such date ..... official Gazette" occurring therein shall be substituted by the words "at once".

**The Hon'ble the SPEAKER:** Amendment moved: That in clause 1(2), the words, "on such date ..... official Gazette" occurring therein shall be substituted by the words "at once".



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AND FINANCE ACCOUNTS

**The Hon'ble Srijut RUPNATH BRAHMA:** Mr. Speaker, Sir, as regards this amendment also, I do not see that there is any necessity of having this. Government will not certainly make any unnecessary delay in bringing this into force.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Question also arises about the interpretation of the words "at once" whether it should be "to-day or when the Bill is passed". Then Governor's assent has to be taken which will also take time.

**The Hon'ble the SPEAKER:** Does the hon. Member press his amendment ?

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** No, Sir.

**The Hon'ble the SPEAKER:** I hope the hon. Member has got the leave of the House to withdraw the amendment.

The amendment was, by leave of the House, withdrawn.

**The Hon'ble the SPEAKER:** The question is :

"That clause 1 stands part of the Bill."

The question was adopted.

**The Hon'ble the SPEAKER:** The question is :

"That clause 2 stands part of the Bill".

The question was adopted.

**The Hon'ble the SPEAKER:** The question is :

"That the Title and Preamble of the Bill stand part of the Bill."

The question was adopted.

**The Hon'ble Srijut RUPNATH BRAHMA:** I beg, Sir, to move that the Shillong (Attachment of Salaries) Bill, 1943, as amended, be passed.

**The Hon'ble the SPEAKER:** The question is :

"That the Shillong (Attachment of Salaries) Bill, 1943, as amended, be passed."

The question was adopted.

**Re: Amendments to the Assam Debt Conciliation (Amendment) Bill, 1942 and the Assam Court of Wards (Delegation of Powers) Bill, 1943**

**The Hon'ble the SPEAKER:** Now we have finished to-day's business. I must draw the attention of the hon. Members to the fact that amendments to the Assam Debt Conciliation (Amendment) Bill, 1942 and to the Assam Court of Wards (Delegation of Powers) Bill, 1943, will have to be tabled before 3 p.m., on the 23rd instant.

**Statement about the Appropriation Accounts and Finance Accounts**

**\*The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Mr. Speaker, Sir, I would like to make a statement with regard to the Appropriation Report which, under your direction, I promised to make in this House.

The Appropriation Accounts are usually received by the Government in December, January or February each year and are presented to the Legislature in March, *i.e.*, Budget Session. No discussion takes place then. In July or August, the accounts are examined by the Public Accounts Committee and the Report is presented to the Legislature at the Session which follows that meeting. The Report and accounts can then be discussed by the House which has also to vote the excess grant under voted head if the Committee so recommends.



The Appropriation Accounts for the year 1939-40 were received by the Government in December 1940 and presented to the Assembly on the 4th March 1941 ; but no discussion took place. The Public Accounts Committee examined the accounts in August, 1941 and their Report was presented to the Assembly on the 8th December, 1941 when the excess over the grant was voted.

The Appropriation Accounts for the year 1940-41 were received in February 1942, *i.e.*, after the suspension of the Constitution. His Excellency however appointed a special Public Accounts Committee to examine the accounts which sat in July 1942 and their Report was presented to His Excellency the Governor who accepted it and sanctioned the excesses and ordered the publication of the Report which was out in the *Assam Gazette* on 26th August 1942.

The Appropriation Accounts for 1941-42 were received by Government on 20th February, 1943 and presented to the Legislature on 12th March 1943. These accounts will be considered later in the year by the Public Accounts Committee which will be constituted during this Session. It may however be noted from paragraphs 7 and 8 of the Report that the excess over the grants by appropriation has already been sanctioned on 24th August last after the final accounts of the year had been compiled by the Comptroller. The Public Accounts Committee will therefore only have to examine the accuracy of budgeting, the control of expenditure, financial irregularities, etc. and they will however be able to inquire why excesses were not foreseen.

### Adjournment

The Assembly was then adjourned till 1 A.M., on Tuesday, the 23rd March, 1943.

SHILLONG :	}	A. K. BARUA,
<i>The 1st May, 1943.</i>	-}	<i>Secretary, Legislative Assembly, Assam.</i>

A. G. P. (L.A.) No 222—112+2—6-5-1943.

**Mr. BAIDYANATH MOOKERJEE** asked :

\*69. Will Government be pleased to state what action they have taken on the following Resolution passed in the tenth session of the Assam Educational Conference held at Shillong in May 1940 ?

“In view of the fact that the present system of promotion of Sub-Inspectors of Schools to Deputy Inspectorship involves supersession of officers senior to them not only in the same class III of the Service, but also those of class II, a distinctly senior class of the Service, it is resolved—

(a) that a free exchange of appointments between teachers and inspecting officers be made as is being done in the Punjab ;

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† The question was put by Mr. Baidyanath Mookerjee, on authorisation in the absence of the hon. Member concerned.