

Proceedings of the Fourteenth 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 Thursday, the 23rd March, 1944

PRESENT :

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Re Security prisoners Nibaran Dutta and Jiten Sarma

†Babu KARUNA SINDHU ROY asked :

*93. Will Government be pleased to state—

- (a) Whether Nibaran Dutta, a security prisoner, has been home interned again after the term of his parole expired ?
- (b) If so, why ?
- (c) Whether he did anything wrong which necessitated his internment ?
- (d) If not, whether they propose to release him ?

*94. Will Government be pleased to state—

- (a) Whether Jiten Sarma, a security prisoner, has been transferred from Sylhet Jail to Silchar Jail ?
- (b) If so, why ?
- (c) Whether they propose to release him ?
- (d) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

93. (a)—He applied for release after his parole was up and was released under restrictions.

(b)—Because Government considered a restrictive order would be sufficient to ensure against any prejudicial activity.

(c)—No such activity has been reported so far.

(d)—He is already at liberty subject to the terms of the restrictive order.

Mr. BAIDYANATH MOOKERJEE: Sir, may I know how long this restriction will remain on this person ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That will depend upon the activities of this restrictee. If we get continuous reports that he has not taken part in any subversive movement or is not exciting the public against the constitutional Government, then the restriction order may be withdrawn.

Mr. BAIDYANATH MOOKERJEE: May I know, Sir, at what interval the Government get the reports about the activities of these people ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I call for reports from the district authorities during the course of my reviewing the cases. Normally, such cases will be reviewed in about 6 weeks' time.

†Starred questions Nos.93-94 were put by Srijut Rohini Kumar Chaudhuri on authorisation.

Srijut ROHINI KUMAR CHAUDHURI: Sir, may I know whether the behaviour of a prisoner during the period of parole is taken into consideration at the time when the further restriction orders are passed. I mean to say whether the behaviour during the period of parole is not a consideration at the time when restriction orders are passed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, normally the period of parole does not exceed more than 10 days and that is too short a period to judge the conduct of anyone.

Srijut ROHINI KUMAR CHAUDHURI: I could not follow exactly, Sir. Whether these cases are reviewed at the end of each month or at any prescribed period?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Ordinarily I review these cases in about 6 weeks' time.

Babu KAMINI KUMAR SEN: Sir, do Government receive reports with regard to these internees every 6 weeks?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I call for these, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Sir, if the order of restriction is not passed and if the prisoner is required to go back to the prison again, whether his case is taken into consideration thereafter if he goes back to prison at the end of parole?

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

Mr. BAIDYANATH MOOKERJEE: Will Government issue standing order to the effect that in such cases the report should be submitted to them every 6 weeks without issuing fresh order every time?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, it is not necessary to issue any standing order because I generally review the cases in about 6 weeks' time. There is no need to issue a standing order because the Chief Secretary calls for reports from the Deputy Inspector General of Police and then these reports are placed before me.

Srijut ROHINI KUMAR CHAUDHURI: Has the Deputy Inspector General or Inspector General of Police any discretion to withhold these reports, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, he has no right to do so when I call for them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

94. (a) to (d)—He has been released and restricted to his home village.

Srijut ROHINI KUMAR CHAUDHURI: I wanted to know, Sir, why he was transferred from Sylhet to Silchar jail.

The Hon'ble the SPEAKER: Is there any answer?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, there is no answer to that. I thought as he has been released, there was no necessity to answer that.

Area under Cinchona cultivation

Mr. BAIDYANATH MOOKERJEE asked:

*95. Will Government be pleased to state—

(a) The total area under cinchona cultivation in the Province?

(b) The acreage added in 1943?

(c) The estimated area for extension in 1943?

(d) The highest age of the existing trees and the area covered by them?

(e) Minimum age of the plants when cinchona can be extracted?

The Hon'ble Maulavi MUNAWWAR ALI replied:

95. (a)—18 acres.

(b)—About 10 acres.

(c)—100 acres, if the hon. Member means 1944.

(d)—About 11 years, in one acre.

(e)—About 1 year, but the highest percentage of quinine cannot be obtained under 7 years.

Mr. F. W. BLENNERHASSETT: Will the Hon'ble Minister please confirm that the total acreage under cinchona cultivation in this Province is 18 acres?

The Hon'ble Maulavi MUNAWWAR ALI: 28 acres and 100 acres are being added since then.

Mr. F. W. BLENNERHASSETT: Is 28 acres all that we have?

The Hon'ble Maulavi MUNAWWAR ALI: We have started a bold scheme of planting 100 acres a year.

Mr. F. W. BLENNERHASSETT: Will the Hon'ble Minister take it from me that 100 acres a year is not a very bold scheme?

†Srijut ROHINI KUMAR CHAUDHURI: It has been said that the total area is 28 acres. How long it has taken Government to plant that area?

The Hon'ble Maulavi MUNAWWAR ALI: Cultivation was first started in 1867.

†Babu KAMINI KUMAR SEN: What is the annual average?

The Hon'ble Maulavi MUNAWWAR ALI: This is a matter of simple arithmetic.

†Srijut ROHINI KUMAR CHAUDHURI: Do I understand, Sir, that out of an extension of 100 acres only 10 acres were added in 1943?

The Hon'ble Maulavi MUNAWWAR ALI: 10 acres have been added and 100 more acres are being added.

†Srijut ROHINI KUMAR CHAUDHURI: The answer is that 10 acres were added in 1943, and 100 acres are in experiment. My question is whether out of these 100 acres estimated, only 10 acres have been planted in 1943?

The Hon'ble Maulavi MUNAWWAR ALI: That has been planted already but we have another 100 acres about which jungles have been cleared and seedlings grown, that is to say, in the course of 1944 another 100 acres will be planted.

†Srijut ROHINI KUMAR CHAUDHURI: Was not the original estimate made in 1943 for the plantation of 100 acres?

The Hon'ble Maulavi MUNAWWAR ALI: If the hon. Member would care to know about cinchona plantation and the character and habits of cinchona plants he would certainly allow at least 8 months' time before planting.

†Mr. BAIDYANATH MOOKERJEE: Is it not a fact that there were 12 months during 1943?

The Hon'ble Maulavi MUNAWWAR ALI: The whole year was not available and it is for that reason I am coming forward with a supplementary demand for a grant of about Rs.90,000 tomorrow.

†Mr. BAIDYANATH MOOKERJEE: Why the whole year was not available?

The Hon'ble Maulavi MUNAWWAR ALI: The bulk of the period was engaged in jungle clearing and tree-cutting and many other indispensable preliminaries including growing of seedlings.

†Mr. BAIDYANATH MOOKERJEE: At the time could not Assam Government visualise all these things?

The Hon'ble Maulavi MUNAWWAR ALI: It was not the last year but it was in the course of current year that we launched the bigger scheme.

†Mr. BAIDYANATH MOOKERJEE: My question was in regard to (c) namely the estimated area for extension in 1943. The reply is 100 acres.

The Hon'ble Maulavi MUNAWWAR ALI: 100 acres in 1944.

The Hon'ble the SPEAKER: When was the estimate made?

The Hon'ble Maulavi MUNAWWAR ALI: During the current Budget year. The whole year was not utilised.

Mr. F. W. BLENNERHASSETT: If the best Government can do since 1867 is to plant 28 acres of cinchona, will the Hon'ble Minister be pleased to seriously consider the desirability of handing this important subject over to a commercial undertaking?

The Hon'ble Maulavi MUNAWWAR ALI: As I have stated the other day on the floor of this House, we have decided upon a bold scheme for planting 100 acres annually and taking into account what the predecessor Governments did, it must be conceded that it is a bold scheme and that Government have a whole heart about it.

† Babu KAMINI KUMAR SEN: May we know when that bold decision was taken?

The Hon'ble Maulavi MUNAWWAR ALI: In course of the current year.

† Mr. BAIDYANATH MOOKERJEE: When?

The Hon'ble Maulavi MUNAWWAR ALI: The decision was finally accepted in the month of July last, speaking off hand.

† Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, if the cultivation was commenced in 1867, how the highest age of the existing tree is 11 years?

The Hon'ble Maulavi MUNAWWAR ALI: Because the successive Governments thought quite differently from the present Government and it was simply in an experimental stage and experiments were being made to see whether the climate and soil justified increasing of acreage to any large extent.

† Srijut ROHINI KUMAR CHAUDHURI: Do I understand that before the year 1933 there was not a single cinchona plant, although the cultivation commenced in 1867?

The Hon'ble Maulavi MUNAWWAR ALI: The whole history of cinchona plantation has been prepared under my orders. If the hon. Member will care to know it, I can help him with a copy. Different Governments took different views on the matter. Some Governments perhaps thought it fit to obtain their supplies from other countries, whereas the present Government decided to produce it here.

† Srijut ROHINI KUMAR CHAUDHURI: Was the cinchona cultivation abandoned by Government for any period?

The Hon'ble Maulavi MUNAWWAR ALI: This is what I should hardly tell off hand. However, I shall help him with a copy of the history, if he is anxious to know about it.

† Srijut ROHINI KUMAR CHAUDHURI: My question is whether at any time before 1943, this system of having cinchona cultivation in the Province was altogether discarded by Government?

The Hon'ble Maulavi MUNAWWAR ALI: Practically there was no necessity for a system. Only there were sporadic attempts made by the predecessor Governments as an experiment, as I have already told the hon. House.

† Srijut ROHINI KUMAR CHAUDHURI: May I know in what area this cultivation was started and is still existing?

The Hon'ble Maulavi MUNAWWAR ALI: The largest area is at Umsaw about 26 miles from Shillong and in another place 34 miles from Shillong near Nongpoh, and in the pockets of Garo Hills which last one appeared to be a failure; and in sporadic places in Mikir Hills.

† Sirijut ROHINI KUMAR CHAUDHURI: Then all this cultivation is on the Gauhati-Shillong Road?

The Hon'ble Maulavi MUNAWWAR ALI: Most of the cultivation is on the Gauhati-Shillong Road.

† Sirijut ROHINI KUMAR CHAUDHURI: Is there no cultivation in any other place in Assam?

The Hon'ble Maulavi MUNAWWAR ALI: There is the recommendation of the Wilson Committee that in an area about Nongpoh 2,500 acres of suitable land was available. The Wilson report visualises other areas with bright future.

† Speech not corrected.

† Srijut ROHINI KUMAR CHAUDHURI: Has any other area been found in Assam besides the Gauhati-Shillong road? Are there no other districts found suitable for the purpose?

The Hon'ble Maulavi MUNAWWAR ALI: Not yet

† Mr. BAIDYANATH MOOKERJEE: Is it not a fact that in the Garo Hills there are sufficient land suitable which was recommended by the Wilson Report?

The Hon'ble Maulavi MUNAWWAR ALI: I have already said about Garo Hills.

Mr. F.W. BLENNERHASSETT: Mr. Speaker, Sir, if bright futures for cinchona cultivation in other areas in Assam do exist according to the Wilson Report, as stated just now by the Hon'ble Minister, may I know whether any experiment has been made in those areas or not?

The Hon'ble Maulavi MUNAWWAR ALI: Not yet, Sir. Those areas have to be explored and their suitability examined. It was in the opinion of Mr. Wilson that there might be more areas suitable for cinchona cultivation and for the information of the hon. Members I can say that we have embarked on cinchona growing in Umsaw and near Nongpoh after satisfying ourselves that their sulphates and alkaloids compare very favourably with those of Mungpoh in Bengal.

† Srijut ROHINI KUMAR CHAUDHURI: May I know what is the total amount that has been spent by Government for cinchona cultivation from its very commencement?

The Hon'ble Maulavi MUNAWWAR ALI: I cannot say about the previous years but I can tell the hon. Members that I am coming forward with a supplementary demand for about Rs.90,000 tomorrow.

† Srijut ROHINI KUMAR CHAUDHURI: May I know whether any cinchona has been extracted, Sir?

The Hon'ble Maulavi MUNAWWAR ALI: I have already given that information to the hon. Member and stated that cinchona and other sulphates and alkaloids have been extracted, and that they compare very favourably with those of Bengal.

Government Agents for purchasing rice and paddy and the rates given by them

Mr. BAIDYANATH MOOKERJEE asked:

*96. Will Government be pleased to state separately—

- (a) The name or names of the Government Agent or Agents for purchasing rice and paddy in the Surma Valley and the Assam Valley?
- (b) Whether the Agency has been given to any Company?
- (c) If so, the names of the shareholders of the Company?

*97. Will Government be pleased to state separately Valley by Valley—

- (a) The quantity of rice and paddy that has been purchased by the Agents and the rates given by them during the month of January 1944?
- (b) The amount of money advanced to the Agents during the month of January 1944 (to be shown separately)?

*98. Will Government be pleased to state—

- (a) The total quantity of rice and paddy sold by Government and the price realised per maund (to be shown separately)?
- (b) The total amount of commission paid to the Agents (including outstanding bills, if any), for their purchases during the year 1943?

*99. Will Government be pleased to state the quantity of rice and paddy sold by the Government to stabilise the market rates, subdivision by subdivision, during the year 1943?

- *100. (a) Will Government be pleased to state whether they have fixed any rate for purchasing rice and paddy of the last Aman crop for their Agents ?
 (b) If so, what are the rates (to be shown subdivision by subdivision) ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

96. (a)—Messrs. Surma Valley Foodgrains Syndicate and Messrs. Eastern Bengal and Assam Commercial Syndicate in Surma Valley and Messrs. Steel Brothers and Company, Limited in Assam Valley.

(b)—Yes. Messrs. Steel Brothers and Company, while the other two Agencies are partnership businesses.

(c)—Messrs. Steel Brothers and Company, Limited are incorporated in England under the English Companies Act. Government do not know the names of shareholders while in case of Surma Valley Agencies it does not arise.

Mr. BAIDYANATH MOOKERJEE: Sir, is it not a fact that the Hon'ble Prime Minister gave us assurance on the floor of the House during the last November session in reply to a question of mine that he would write and find out the names of the shareholders of Messrs. Steel Brothers and Company. May I know if he has done anything in the matter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, I have asked the head office of Messrs. Steel Brothers & Company at Calcutta to supply me the informations but I have not yet received them.

Mr. BAIDYANATH MOOKERJEE: May I know the names of the partners of the other two companies, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know, Sir. The partnership deed is there in the office of the Registrar, Joint Stock Company. I have not got any copy of the partnership deed with me.

Mr. BAIDYANATH MOOKERJEE: Is not there any agreement signed and registered between the Government and those parties, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure of it, Sir.

Mr. BAIDYANATH MOOKERJEE: How can Government give such contracts without any agreement, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have a gentleman's agreement, Sir. To draw up a comprehensive agreement takes up long time because we have to refer it to the legal adviser of both sides.

Babu KAMINI KUMAR SEN: May I know, Sir, whether Government made any attempt to find out the names of the shareholders from the Joint Stock Company or not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. If the question was differently worded, I would have made an attempt.

Babu KAMINI KUMAR SEN: Is this partnership registered, Sir ?
 The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It must have been, otherwise, how could they carry on their business.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Prime Minister please state whether in future they will deal with such companies and syndicates after executing written agreements and not verbal agreements ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, I cannot agree to that, because it takes quite a long time to settle all terms of agreement. Lawyers of both the parties, Government as well as the agents, draw up their agreements and finally these agreements have got to be embodied into a document, which takes sometimes two or three months; last year it took more than that.

Mr. BAIDYANATH MOOKERJEE: May I know who will be responsible for the advances of money if there is any loss or embezzlement ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have Bank guarantee.

Mr. BAIDYANATH MOOKERJEE: May I know which Banks stood guarantee in these two cases?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In the case of Messrs. Eastern Bengal and Assam Commercial Syndicate in Surma Valley, I remember, the Pioneer Bank of Sylhet stood as guarantee. As regards the other I am not sure.

Mr. BAIDYANATH MOOKERJEE: Sir, the Hon'ble Prime Minister is not sure whether there is any guarantee and he does not remember the name of the Bank that might have stood as a guarantee. How is this?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, I am not sure about the name of the Bank that stood as a guarantee, but I am perfectly sure that Bank guarantee was taken.

Mr. BAIDYANATH MOOKERJEE: May I know, Sir, if the Hon'ble Prime Minister has seen the letter of guarantee so far as Messrs. Eastern Bengal and Assam Commercial Syndicate in Surma Valley are concerned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, I have seen it.

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, whether Messrs. Steel Brothers and Company were asked to offer share to local men of the Province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir.

Mr. A. WHITTAKER: Is the Hon'ble Prime Minister aware that Messrs. Steel Brothers and Company's shares can be bought in the London money market?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That may be, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Is it not the policy of the Government to insist on any foreign company starting business connected with Government to offer at least a certain percentage of their shares to the local people of the Province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In some cases we have insisted on this, Sir.

Srijut ROHINI KUMAR CHAUDHURI: But why not in this case, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I mentioned, Sir, last year, when we wrote to the head office of Messrs. Steel Brothers and Company to take up procurement and distribution of rice and paddy, our country was denuded of its normal channel of trade and that was not the time to go into all these details.

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, whether it is a private limited company or a public limited company?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think, Sir, it is a public limited company.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

97. (a)—*Assam Valley*—
Rice 2,22,801 maunds at Rs.16 to Rs.17. Paddy 1,29,527 maunds at Rs.8-12-0 to Rs.9-8-0.

Surma Valley—
Rice 88,271 maunds at Rs.18-63 per maund. Paddy 56,207 maunds at Rs.10-46 per maund.

(b)—To Steel Bros.—Rs.15,45,382.

To Eastern Bengal and Assam Commercial Syndicate—Rs.3,00,000.

To Surma Valley Foodgrains Syndicate—Rs.14,00,000.

98. (a)—Rice and paddy were sold at different rates at different times according to rates then paid for purchases made. The particular period for which the information is wanted not having been stated, the information cannot be supplied.

(b)—Rupees 3,92,177-13-0 (Steels). No commission bill has yet been submitted to by other purchasing Agents who have just started to function.

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, whether in addition to the purchasing price of the rice and paddy the cost of transshipment or anything else was charged by the Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, 6½ per cent. Cess and transportation charges are included in the ultimate prices billed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

99.—No figures of quantity issued for price stabilisation can be given. When Civil Supply became scarce in some areas due to price control Government released their stocks. But these are included in supplies to other civilian consumers, like contractors of labour, issue of rice at concession rates to Government servants, jails, etc.

Srijut ROHINI KUMAR CHAUDHURI: Is it a fact that the Government agents purchased all kinds of rice whether fine or coarse?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, we generally buy the ordinary Bardhan quality of rice.

Srijut ROHINI KUMAR CHAUDHURI: After purchase, do Government agents sort out the Lahi and the ordinary Bardhan rice?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, they don't sort out. They ordinarily sell both Lahi and Bardhan.

†Babu KAMINI KUMAR SEN: What procedure is followed in taking delivery of rice and paddy?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, whenever any officer is available he is sent down when it is a very big quantity but if the delivery is small we leave it to the discretion of the agents themselves.

†Babu KAMINI KUMAR SEN: Do we understand that the vast quantity of paddy has been accepted by the Government without any restriction?

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

†Babu KAMINI KUMAR SEN: May we know who will be responsible if rice and paddy is found to be unfit for human consumption—whether the agents or the Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If it is found to be unfit for human consumption at the time the agents take delivery, surely the agents will be responsible.

Srijut ROHINI KUMAR CHAUDHURI: What happened to that rice in Dibrugarh stock which was found unfit for human consumption?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That was destroyed, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Who bore the loss?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government bore this loss because this rice was originally handed over to the Civil Movement Department who stocked in their refugee camps during the rains. And after the rain was over it was handed over to Steel Brothers. As Government had already received its price from the Civil Movement Department Government did not charge anything to the agents and there was no negligence on the part of the agents there.

†Babu KAMINI KUMAR SEN: Do we understand that the responsibility of the agents with regard to rice and paddy continues till an inspection is made by the Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The responsibility of the agents continue till these are placed in a Government godown.

†Babu KAMINI KUMAR SEN: Even without inspection?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Even without inspection.

Srijut ROHINI KUMAR CHAUDHURI: May I know at what price this 80,000 maunds were purchased? What were the total cost?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is difficult to say that, but roughly the price was near about Rs.20 per maund.

Srijut ROHINI KUMAR CHAUDHURI: Is it a fact, Sir, that the Government agents do not deliver their rice to the wholesalers appointed by the Government by weighment ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not received any complaint to that effect, Sir. It is regulated by the practice of the trade.

† Mr. BAIDYANATH MOOKERJEE: In the absence of any agreement as the Hon'ble Premier has said, Sir, how the Government can enforce upon the agents that so long as the Government do not take delivery of the goods the agents will be responsible ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I never said that there was absence of any agreement before this operation started. I only said—in absence of any documentary agreement. There is a verbal or oral agreement.

† Mr. BAIDYANATH MOOKERJEE: Sir, may we know the terms of this agreement ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. Friend will put a substantive question—we are going beyond the scope of the original question—I will surely reply to my Friend.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

100. (a)—Yes.

(b)—The rates at which agents are to buy are communicated to them from time to time. These rates are well below controlled rates but cannot be published.

† Srijut ROHINI KUMAR CHAUDHURI: May I know whether the rice was purchased at controlled price or less than the controlled price ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It was purchased less than the controlled price.

† Srijut ROHINI KUMAR CHAUDHURI: May I know the margin roughly?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Roughly it is to be purchased below one rupee of the controlled price, and that one rupee is taken to cover the maximum incidental cost of bags, bagging, handling, storing, etc.

Formation of Post-War Reconstruction Committee

Mr. BAIDYANATH MOOKERJEE asked :

*101. (a) Will Government be pleased to state whether any Post-War Reconstruction Committee has been formed for the Province ?

(b) If so, who are the members of the said Committee ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

101. (a) & (b)—As the result of a conference held on 3rd December 1943 to which four hon. Members of this House were invited, the Working Committees named in the Statement laid on the table to start the planning process were decided upon.

List referred to in reply to starred question No.101(a) and (b) asked by Mr. Baidyanath Mookerjee at the Budget Session of the Assembly, 1944

WORKING COMMITTEE IN CONNECTION WITH THE POST-WAR RECONSTRUCTION

DEMOBILIZATION AND EMPLOYMENT COMMITTEE

1. Mr. K. Cantlie, Chairman.
2. The Raja of Sidli.
3. Khan Bahadur Maulavi Ataue Kahman.

COMMUNICATIONS COMMITTEE

1. Hon'ble Minister, Public Works Department.
2. Secretary, Public Works Department.
3. Chief Engineer, Northern Assam Area.
4. Mr. Baidyanath Mookerjee, M.L.A.
5. Mr. A. Whittaker, M.L.A.
6. Maulavi Amjad Ali, M.L.A.
7. Mr. W. R. Faull representing the Indian Road Transport Development Association.

AGRICULTURE AND FORESTRY COMMITTEE

1. Director of Agriculture, Assam.
2. Senior Conservator of Forests.
3. Junior Conservator of Forests.
4. Rai Bahadur J. N. Chakravarty.
5. Khan Bahadur Mufizur Rahman, M.L.A.

HYGIENE AND SOCIAL SERVICE COMMITTEE

1. Inspector General of Civil Hospitals.
2. Director of Public Health.
3. Director of Public Instruction.
4. Director of Pasteur Institute and Medical Research Institute, Shillong.
5. Mrs. A. Rahman, M.L.C.

COMMITTEE FOR INDUSTRIALIZATION

RESOURCES COMMITTEE

} Under consideration.

Mr. BAIDYANATH MOOKEJREE: Is there any Central Committee?

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

Mr. BAIDYANATH MOOKERJEE: Sir, my question was "Will Government be pleased to state whether any Post-War Reconstruction Committee has been formed for the Province and if so who are the members of the said Committee?" Here in the reply it has been said that four hon. Members of this House were invited to sit in the conference. I shall be obliged if the Hon'ble Premier will please let us know the names of the members of the Provincial Post-War Committee.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No formal Committee has yet been constituted. We first started an *ad hoc* Committee and four hon. Members were invited to that *ad hoc* Committee.

† Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, if there is a contemplation to form a Central Committee?

† Speech not corrected.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: A Central Committee shall have to be formed after we have received the report of the Sub-committee.

† Srijut ROHINI KUMAR CHAUDHURI: May I know on what principle the four Members were invited or selected from this House ?

† The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Those we invited were the representatives of different groups of this House.

Imported foodstuffs in the Province

Mr. BAIDYANATH MOOKERJEE asked :

*102. Will Government be pleased to state separately the total quantity of the following foodstuffs that were imported in the Province during the year 1943 and in January 1944 and their stock in hand on the 16th February 1944 :—

(i) Wheat (ii) Atta (iii) Flour (iv) Sugar (v) Salt (vi) Dal (vii) Gur and (viii) Gram ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

102.—Two Statements are laid on the table.

Statements referred to in reply to starred question No.102 asked by Mr. Baidyanath Mookerjee at the Budget Session of the Assembly, 1944

STATEMENT OF WHEAT, ATTA, FLOUR, SUGAR, SALT, DAL, GUR AND GRAM RECEIVED IN THE PROVINCE DURING 1943 AND IN JANUARY 1944

Name of commodity	January to December 1943			January 1944			Total		
	Mds.	Srs.	Ch.	Mds.	Srs.	Ch.	Mds.	Srs.	Ch.
Wheat	50,499	16	10	.....			50,499	16	10
Atta	89,255	1	0	12,410	0	0	1,01,665	1	0
Flour	66,908	33	0	8,409	38	0	75,318	31	0
Sugar	3,58,243	14	4	20,490	10	0	3,78,733	24	4
Salt	4,92,183	15	0	11,751	21	0	5,03,934	36	0
Dal	2,43,259	34	11	6,792	5	0	2,50,051	39	11
Gur	24,337	20	4	.....			24,337	20	4
Gram	.....			.....			.....

2. QUANTITY OF FOODSTUFFS IN HAND ON THE 1ST FEBRUARY 1944

Commodity	Quantity		
	Mds.	srs.	chts.
Salt	2,84,115	0	0
Sugar	64,112	0	0
Masur	34,079	0	0
Arahar	66,804	0	0
Khesari	1,237	0	0
Motor	2,862	0	0
Flour	16,607	0	0
Atta	23,261	0	0
Wheat	56,000	0	0
Gur	1,973	0	0
	603	0	0
Mustard oil	275	0	0
Soojee	814	0	0
Total	5,52,139	0	0
	603	0	0

} and
Chakis.

} and
Chakis.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, will Government be pleased to explain away the apparent discrepancy in the wheat figures? Apparently the amount of wheat imported in 1943 was 50,499 mds., but the figure in hand is shown as 56,000 mds.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In the top the quantity is shown for 'January to December 1943' and the quantity of foodstuffs in hand on the 1st February 1944, *i. e.*, after December 1943 we received a further consignment.

Mr. F. W. BLENNERHASSETT: There was no further consignment in January.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If there is any discrepancy I will look into it, Sir. But for the period January to December 1943, the quantity of wheat imported into the Province was 50,499 maunds and the quantity of foodstuffs in hand on the 1st February 1944 is 56,000 maunds.

Mr. F. W. BLENNERHASSETT: Thank you, Sir, we are entitled to expect to get accurate figures. Will Government be pleased to explain what steps are being taken to preserve this very perishable commodity?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Under orders of Government of India we had to stock last year 3,000 tons of wheat which they gave us in one consignment and they wanted that this Province should keep that whole wheat as reserve and should not mill it. We kept it in different stations, notably Sylhet and Gauhati. After about a month it was found that it was getting spoiled by weevils. We referred the fact to the Government of India. But even then they protested and ordered that this should be kept on in our stock, sometimes turning it out in the sun. Then we enquired of some people who knew about the method of storage of this wheat. They said that the proper procedure was to put in neem leaves in between each layer of bags. We tried to get sufficient neem leaves but we could not get. So it remained like this till a portion of the consignment, about 1,000 maunds, was sent to Shillong for storage. In Shillong a bag was produced before me in the Secretariat for my inspection and I then ordered on my personal responsibility that the rotten portion should be removed immediately and allowed the local miller to mill the stuff. That is why this remained unutilised for a long time. The quantity is about 50,000 maunds.

Mr. BAIDYANATH MOOKERJEE: May I know why no Gur was imported in January 1944?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We ordered for Gur, but it was not procurable from the United Provinces our agents could not get it.

Mr. BAIDYANATH MOOKERJEE: Did Government try to approach Central Government to find Gur from some other provinces for this Province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Our agents used to get it from the United Provinces and Bihar where Gur is sufficient. But in spite of their best efforts they could not get it. We did not go to Central Government for supply of this stuff.

Mr. BAIDYANATH MOOKERJEE: Will Government try to approach the Central Government for the supply of Gur in future?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I had to send our Supply Secretary to Patna to discuss with Bihar Government about allowing our agents to import Dal and Gur. If we do not see any result, we will place the matter before the Central Government.

†Srijut ROHINI KUMAR CHAUDHURI: Sir, is it not a fact that a large quantity of Gur was stocked in the district of Goalpara?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not heard about it, Sir.

†Khan Sahib Maulavi MUHAMMAD AMIRUDDIN: Has it come to the notice of Government that a large quantity of sugar—about 572 maunds—has been already damaged and the damage has been reported to Government by the Nowgong Government agents?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There may have been some damage, but I have not seen the report referred to by my Friend, as yet.

Khan Sahib Maulavi MUHAMMAD AMIRUDDIN: Is it known to the Government that for the last four months there has been no salt available in the district of Nowgong?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure about it that there was no salt at Nowgong for the last four months. But the stock position of salt at Nowgong became very short and so we allowed them to import 10,000 maunds from Tezpur.

Khan Sahib Maulavi MUHAMMAD AMIRUDDIN: Will Government take it from me that only 1,000 maunds of salt have been made available to Nowgong from Tezpur?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. The balance 9,000 maunds is on its way to Nowgong. We have impressed upon different district authorities to expedite the despatch of salt to other districts where there is shortage of salt.

†Srijut ROHINI KUMAR CHAUDHURI: Are Government aware that a large number of applications have been filed before the Deputy Commissioner of Kamrup, from different villages complaining about the dearth of salt and asking for distribution of some salt, but no action has been taken for a long time?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not so, Sir. The Deputy Commissioner as well as the Government agents—my Friend the questioner is one of that agency—have been trying their level best to secure railway wagons to despatch salt to Nalbari and other interior places. But Railway could not place any wagons and so ultimately the Government agents failed to send. I met a managing partner of that agency, Dr. Jatis Das of Gauhati, yesterday who informed me that they had hired vehicles of the Assam Transport and sent some bags. But unfortunately in some part of the road there are bamboo bridges and one bamboo bridge has already collapsed on account of the heavy load of those lorries.

Shortage of Salt at Nalbari and Barpeta

Mr. BAIDYANATH MOOKERJEE asked:

- *103. (a) Is it a fact that there was an acute shortage of salt at Nalbari and Barpeta during the months of December 1943 and January 1944?
 (b) If so, what are the reasons thereof?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

103. (a)—Yes.
 (b)—Due to transport difficulties and the increased demand from Bhutias coming down.

Re Security Prisoner Achintya Bhattacharya

†Babu KARUNA SINDHU ROY asked:

- *104. Will Government be pleased to state—
 (a) Whether Achintya Bhattacharya has been still suffering from serious illness in Sylhet Jail?
 (b) Whether he was released on parole for a very short period of time only?
 (c) If so, why?
 (d) Whether they propose to release Achintya Bhattacharya for treatment outside?

†Speech not corrected.

†Starred question No.104 was put by Srijut Rohini Kumar Chaudhuri on authorisation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

104. (a)—The Jail Superintendent reported, he was suffering from Dyspepsia for two years before detention.

(b)—Yes.

(c)—On account of his aunt's illness as she was reported to be on her death bed.

(d)—Orders have since issued for his release under restrictions.

Mr. BAIDYANATH MOOKERJEE : So far as (d) is concerned the reply is not clear. The question is—whether they propose to release Achintya Bhattacharya for treatment outside. The reply is—Orders have since issued for his release under restrictions. May I ask whether there is any restriction that he shall have to take permission of Government if he wants to go outside some particular area for his treatment ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : At present the orders are that this particular political prisoner is to be released and he should stay within the Municipality of Silchar. He has not applied up till now for going to Calcutta for treatment. If we get any application, I shall see that he gets the permission.

Srijut ROHINI KUMAR CHAUDHURI : May I know what was his illness inside the jail ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Dyspepsia, as I have said.

Construction of Bunds in Sunamganj and Abua Bund Project

†Babu KARUNA SINDHU ROY asked :

*105. Will Government be pleased to state—

(a) Whether attempts have been made to construct Bunds to dredge river beds or excavate canals in Sunamganj Subdivision ?

(b) If so, the names of the places where such attempts have been made ?

(c) If not, why not ?

*106. Will Government be pleased to state—

(a) Whether Abua Bund Project is an old one contemplated by Government in 1929-30 ?

(b) Whether they propose to take immediate steps to construct the aforesaid Bund ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

105. (a) & (b)—The following schemes have been taken in hand :—

(i)—Re-excavation of Piyan river near Kalakta, Sunamganj (Boro Growing Area). Approximate estimated cost—Rs.35,000.

(ii)—Sluice gates across Krishna Khal for Boro cultivation in Halir Haor. Approximate estimated cost—Rs.22,000.

(c)—Does not arise.

Srijut ROHINI KUMAR CHAUDHURI : I understand from the Hon'ble Minister's reply that all the canals have not been dealt with. May I know why the rest have not been touched ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Which canals ?

Srijut ROHINI KUMAR CHAUDHURI : Are we to understand that all these canals have been taken up by the Government in Sunamganj ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Some have been taken up.

†Starred questions Nos. 105-106 were put by Srijut Rohini Kumar Chaudhuri on authorisation.

Srijut ROHINI KUMAR CHAUDHURI: May I know why the rest have not been taken up ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: As I said the other day in course of discussion of a Cut Motion on Embankment and Drainage that 15 schemes have been taken up this year, 24 will be taken up next year and 250 are on the waiting list.

Srijut ROHINI KUMAR CHAUDHURI: My question is—whether for want of funds the other canals have not been touched or whether on account of natural difficulties or for some other reasons they have been left untouched ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: How do these questions arise, Sir ? The original question itself is—whether attempts have been made to construct bunds to dredge river beds or excavate canals in Sunamganj Sub-division ? Government says 'yes'. The Questioner himself did not mean that all the canals should be taken up.

Srijut ROHINI KUMAR CHAUDHURI: Sir, I may be permitted to explain ? My question was whether the rest of the canals have not been touched on account of want of resources or on account of some other reasons ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The reasons why we have not been able to take up more schemes were fully explained the other day in course of discussion of a Cut Motion.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied.

106. (a)—Yes.

(b)—The project is placed on the waiting list and will be investigated by the Embankment and Drainage Division in due course.

Mr. BAIDYANATH MOOKERJEE: It was contemplated in 1929-30 and still it is in the waiting list of Government. May I know what is the difficulty ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: This scheme was taken up as far back as 1930, but for some reason or other it was shelved and we have taken up this scheme again along with the opening of the new Division.

Srijut ROHINI KUMAR CHAUDHURI: Is the project a feasible one ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That I cannot say now ?

Srijut ROHINI KUMAR CHAUDHURI: What are the financial implications of this project ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I require notice of that question, Sir.

(Starred Questions Nos.107-109 standing in the name of Maulavi Mabarak Ali were not put and answered as the Questioner was absent.)

UNSTARRED QUESTIONS

[To which answers were laid on the table]

Settlement of road-side lands and brick fields in the South Sylhet Sub-division

Maulavi ABDUL AZIZ asked:

79. Will Government be pleased to state—

(a) Whether it is a fact that many portions of the road-side lands and brick fields in the South Sylhet Subdivision were not given last year to original owners for cultivation under the "Grow More Food" campaign ?

(b) Whether it is a fact that these road-side lands and brick fields were given to others in spite of protests by the original owners and their willingness to pay two maunds of paddy per *Kedar* as was fixed by the local authorities ?

(c) If so, why ?

(d) Whether they propose to direct the local authorities to give preference to the original owners this year in giving temporary settlement of these lands ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

79. (a) to (d)—No information is available as to the particular areas which were settled on *Chuktibhagi* terms. Nor is any information available as to the person with whom they were settled and Government do not propose to collect the information which would involve a good deal of labour incommensurate with the result. Settlement on *Chuktibhagi* basis does not confer any right. It is an annual settlement on special terms to meet a special contingency. There is no reason to give preference in settling road-side lands on these temporary special terms to the original owners.

Maulavi ABDUL AZIZ : May I know whether Government keep records of settlement holders of road-side lands ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes, Sir, records are kept.

Maulavi ABDUL AZIZ : May I know what is the difficulty of collecting the names of the settlement-holders ?

The Hon'ble Maulavi MUNAWWAR ALI : Because Government think, that will not serve any useful purpose.

Number of Tea Garden population

Mr. BINODE KUMAR J. SARWAN asked :

80. Will Government be pleased to state—

(a) The number of tea garden labour population in both the Valleys, separately ?

(b) The number of *ex-tea* garden labour population in both the Valleys separately ?

(c) Is the Minister-in-charge of Labour aware that the *ex-tea* garden labourers have formed their Association in order to place their grievances before Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

80. (a)—The hon. Member is referred to the reply given to his Question No.41 at the last Budget Session.

(b)—The estimated number censused off the gardens in 1941 is—

Assam Valley	...	...	...	254,624
Surma Valley	...	...	...	14,316

Total 268,940

(c)—Government are aware that there is an Association known as the Assam Tea Labourers' Association *cum* Assam Chota Nagpuri Association.

Mr. BINODE KUMAR J. SARWAN : From the Census Report of 1931 by Mr. Mullan, I.C.S., we came to understand that there were more than one and half million tea garden population inside and outside the gardens. But I do not know whether there has been any increase in the Census of 1941. Will the Hon'ble Premier enlighten me on that point ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My hon. Friend put two Questions. (i) He wanted the total number of tea garden labour population? About that, as I said, I have already replied in the last Budget Session. Speaking offhand, I can give him the figure. According to the 1941 Census in the Assam Valley it is over 7 lacs and in the Surma Valley it is over 3 lacs. (ii) He wanted the total number of *ex-tea* garden labour population, and I have given the number of 2,54,000 and odd in the Assam Valley and 14,000 and odd in the Surma Valley.

Statutory age-limit prescribed for candidates seeking Government employments

Maulavi BADARUDDIN AHMED asked :

81.(a) Will Government be pleased to state whether it is a fact that the Government of India have very recently by a Circular letter recommended extension of statutory age-limit prescribed for candidates seeking Government employments exclusively for the benefit of the Scheduled Caste candidates ?

(b) If the answer to (a) above is in affirmative, will Government be pleased to lay on the table the Circular letter of the Government of India ?

(c) Whether the Provincial Government propose to implement the Circular in Assam *in toto* ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

81.(a)&(b)—A copy is placed on the Library Table.

(c)—Government have carefully considered the matter and reached the conclusion that the reservation made for candidates of the Scheduled Castes in the system in force in this Province is satisfactory as it is. The rules which are in process of detailed preparation provide for allotting, on the basis of the 1941 census, a proportion of 4.42% of posts in all services to such candidates from the Surma Valley and a proportion of 2.65% from the Assam Valley. Where the recruitment is on a divisional or district basis these proportions will vary with the proportions in the population of the division or district and figures are being worked out accordingly. When there are no qualified candidates from one Valley in this community, the next preference goes to those of the other Valley in the same community.

Srijut ROHINI KUMAR CHAUDHURI : With regard to (c) is it not a fact that there is more serious unemployment amongst the people not belonging to the Scheduled Castes ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : This Question does not arise, Sir. The original Question was whether a particular Circular issued by the Government of India had been received by us. So, whether there is more unemployment amongst people other than the Scheduled Castes is not relevant to the Question at all.

Srijut ROHINI KUMAR CHAUDHURI : Did not the Government consider the Government of India's Circular with reference to the question of unemployment ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It was not a question of unemployment, but of giving proportionate share to the Scheduled Castes in Government services.

Increase in the pay of Primary School Teachers

Babu KARUNA SINDHU ROY asked :

82. Will Government be pleased to state—

(a) Whether about 60 Primary School teacher of Sunamganj Subdivision resigned their services owing to their small income ?

(b) Whether the increment of their pay is rupees three only ?

(c) Whether any Primary School teacher has recently committed suicide by hanging in Jagannathpur thana area in Sunamganj Subdivision ?

(d) Whether they propose either to increase their pay or to supply them with essential food-stuffs, cloth, kerosene, etc., at reduced rate ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

82. (a)—Government have no information.

(b)—Yes, if by increment of pay is meant dearness allowance.

(c)—Government have no information.

(d)—Government have already helped the Local Bodies by agreeing to bear 60 per cent. of the cost of dearness allowance granted to Lower Primary School teachers. They regret they are unable to grant any further concessions.

Babu KAMINI KUMAR SEN : With regard to (d), may we know how many Local Boards have taken advantage of this offer by the Government ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I cannot give the exact number, but I can assure the House that many Local Boards have already taken advantage of this concession.

Babu KAMINI KUMAR SEN : May we know what is the amount that has been allotted for this purpose ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No particular amount has been set apart for this purpose, but we provide money as demands come from the Local Boards.

Srijut ROHINI KUMAR CHAUDHURI: Are Government aware of the possible total commitment on account of the grant of dearness allowance?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

Official Evacuation Officers

Maulavi ABDUL BARI CHAUDHURY asked:

83. Will Government be pleased to state—

- (a) Whether any of the Official Evacuation Officers who returned with their discharge certificates after abolition of their respective camps, has been provided with any better job?
- (b) Whether the Official Evacuation Officers applied for better jobs in any other Department under Government?
- (c) If so, whether they were favoured with the same?
- (d) If not, why not?
- (e) Whether Government propose to consider their cases and provide them with better jobs in any Department under Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

83. (a)—Of the officers of this Government who were deputed as Evacuation Officers and who returned with proper authority, two have been appointed to temporary better-paid posts under this Government, two to posts under the Central Government and one has been promoted in his own Department, but Government are not aware whether discharge certificates were produced in each case.

(b)—Yes, in some cases.

(c)—Yes, in some cases, *vide* reply to (a).

(d)—Two officers of the Jail Department applied, but could not be spared.

(e)—Government will consider each case on its merits when an application for appointment to any other post is made.

Evacuation Camp Officers

Maulavi ABDUS SALAM asked:

84. Will Government be pleased to state—

- (a) How many candidates both officials and non-officials from the North Sylhet Subdivision of the Sylhet District ever volunteered their services for the posts of Evacuation Camp Officers?
- (b) How many of them were appointed and posted as such in the Indo-Burma Road?
- (c) The names and addresses of such volunteers?
- (d) Whether Government have made any provision for the said non-official Evacuation Officers on their return from Camp duty?
- (e) Whether Government have provided with any better job any of the official Evacuation Officers who returned with their discharge certificates after abolition of their respective camps?
- (f) Whether the Official Evacuation Officers ever applied for better jobs in any other Departments under Government?
- (g) If so, whether they were favoured with the same?
- (h) If not, why not?
- (i) Whether they propose to consider their cases and provide them with better jobs in any Department under Government?

85. Will Government be pleased to state:—

- (a) Whether applications were received by the Deputy Commissioner, Sylhet, recently from ex-Evacuation Officers for appointment in the Supply Department?
- (b) If so, whether the Deputy Commissioner, Sylhet, has appointed any of them?
- (c) If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

84. (a) —Eighteen.

(b)—Eight.

(c)—A list is given below —

1. Babu Nagendra Kumar Das, Kalighat Road, Sylhet.
2. Babu Dwijendra Lal Choudhury, Topekhana.
3. Babu Maniklal Choudhury, Naiorpool, Sylhet.
4. Babu Nirod Mohan Datta, Suphanighat.
5. Babu Devendra Nath Bhattacharjee, Jallarpar.
6. Hamendra Kumar Nag, Jatarpur.
7. Babu Devaprosad Sen, Puranlane.
8. Babu Torit Bhusan Choudhury, Sylhet.
9. Babu Satya Bhusan Choudhury, Sylhet.
10. Maulavi Sajjadur Rahman Choudhury, Sylhet.
11. Babu Ketaki Ranjan Deb, Sylhet.
12. Maulavi Irshad Ali, Excise Inspector, Sylhet.
13. Maulavi Ayub Ali Choudhury, Sylhet.
14. Babu Rana Das, Sylhet.
15. Babu J. Dutta, Kalighat, Sylhet.
16. Maulavi A. Wahad, C/o Headmaster Government High English School, Sylhet.
17. Maulavi Mahmaddul Haque Choudhury, Sylhet.
18. Babu Pramatha Nath Bhattacharjya, Sylhet.

(d)—No.

(e) to (i).—The attention of the hon. Member is drawn to the replies given to Unstarred Question No.83 (a) to (e) asked by Maulavi Abdul Bari Chaudhury at the present Session of the Assembly.

85. (a)—Only one applied.

(b)—No.

(c)—The clerk could not be spared.

Industrial loan issued by Government

Maulavi BADARUDDIN AHMED asked :

86. Will Government be pleased to state—

(a) Whether any Industrial loan has been issued during the years 1942-43 and 1943-44 ?

(b) If so, the names of persons to whom such loans were issued ?

The Hon'ble Dr. MAHENDRA NATH SAUKIA replied :

86. (a)—Yes, to the extent of Rs.6,075 in 1942-43 and Rs.1,200 in 1943-44.

(b)—A list is placed below—

List of borrowers of Industrial loans

1942-43

Serial No.	Names of borrowers	Amount	Purpose	Remarks
		Rs.		
1	Maulavi A. H. Md. Asad Ghazi ..	300	Fish culture.	
2	Maulavi Faizuddin Ahmed ..	300	Soap manufacture.	
3	Srijut Dinanath Kakati	300	Handloom Weaving.	
4	Maulavi Rahim Ullah	300	Ditto.	
5	Maulavi Abdul Muktedir Chaudhury	250	Manufacture of Sewing thread machine.	
6	Maulavi Md. Baker Ali	400	Fish culture.	
7	Maulavi Nowman Uddin Chaudhury	300	Goat and Sheep rearing.	
8	Srijut Harikanta Sarman	300	Dyeing and Painting.	
9	Srijut Abhoya Charan Das	100	Handloom Weaving.	
10	Babu Profutla Kumar Nath	300	Ditto.	
11	Srijut Nabin Chandra Medhi	675	Fish culture.	
12	Babu Jogesh Chandra Nath	500	Handloom Weaving.	
13	Babu Biraja Prasad Chakravarty ..	300	Ditto.	
14	Maulavi Abdul Ahad Chaudhury ..	300	Fish culture.	

*List of borrowers of Industrial loans
1942-43*

Serial No.	Names of borrowers	Amount	Purpose	Remarks
		Rs.		
15	Maulavi Md. Abdul Latif ..	300	Lacquer Ware industry.	
16	Babu Suresh Chandra Nath ..	150	Handloom Weaving	
17	The Pioneer Knitting Mills, Limited	1,000	Improvement of the existing factory.	
Total during the year 1942-43..		6,075		
		1943-44		
1	Maulavi Md. Golamkibria Choudhury.	300	Fish culture.	
2	Srijut Uttom Chandra Medhi ..	600	Silk Weaving.	
3	Babu Nihar Ranjan Paul Gupta ..	300	Manufacture of sugar of milk.	
Total up-to-date ..		1,200		

Adjournment Motion re forcible extortion of rations at certain places and molestation of Nepali women by a Contractor with 40 workmen and eight military personnel.

The Hon'ble the SPEAKER : I have got notices of two Adjournment Motions from Mr. Baidyanath Mookerjee.

Mr. BAIDYANATH MOOKERJEE : Mr. Speaker, Sir, I beg leave of the House to move that this House do now adjourn to discuss a definite matter of urgent public importance of recent occurrence, namely, forcible extortion of rations from Kantioja Gorukhuti and from Nepali Khutials of Dimakhoa Shipajhar Mauza of Mangaldai and from Rowmari Panbari Mauza of Kamrup at day time and molestation of Nepali women by trespassing houses at night on Saturday last by one contractor with 40 workmen of Brahmaputra bamboo flotilla including eight military personnel.

Sir, this morning at about half past nine I received a telegram to this effect from Gauhati from one Srijut Narahari Sarma.....

The Hon'ble the SPEAKER : Is this gentleman known to the hon. Member ?

Mr. BAIDYANATH MOOKERJEE : No Sir, Mr. Rohini Chaudhuri knows about it. The telegram runs thus : "One contractor coming down streams Brahmaputra Bamboo floilla forty workmen eight military extorted rations from Kantioja Gorukhuti and Nepali Khutials Dimakhoa Shipajhar Mauza Mangaldai impressed them compulsory service without payment. At Rowmari Panbari Mauza Kamrup they forcibly extorted rations day time Saturday at night surrounded trespassed houses molested Napalee woman. Khutials feeling panic pray render immediate redress".

The Hon'ble the SPEAKER : Do I understand that beyond what is stated in the telegram, the hon. Member is not in a position to say anything more ?

Mr. BAIDYANATH MOOKERJEE : No, Sir, I do not know anything further.

The Hon'ble the SPEAKER : This will do for the present, let me hear what the Hon'ble Premier has got to say.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, as soon as I got notice of this Adjournment Motion, I enquired from the Chief Secretary whether we had any report of this alleged occurrence. But I learnt that up till now we have heard nothing about this.

Probably there is something wrong in the Motion itself. May I know whether one occurrence took place or two incidents at two different places were committed by the same party ?

Srijut ROHINI KUMAR CHAUDHURI : My information is that he contractors were entrusted with some work ; they did not get sufficient number of labourers ; they also did not get enough food for their consumption. Now, what they do is this : as they come down the stream with bamboo flotillas, they stop at different places, enter into villages and compel the villagers to give them rations. In one instance there has been an outrage on Nepali women.

The Hon'ble the SPEAKER : Will the hon. Member please tell me whether Kantioja Gorukhuti is the name of one village or two villages ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Kantioja is the name of a man, Sir, and Gorukhuti is a village.

Srijut ROHINI KUMAR CHAUDHURI : It may be Kantioja Gurkhali, not Gorukhuti.

Mr. BAIDYANATH MOOKERJEE : May be that the name of the man is Kantioja Gurkhali.

Maulavi BADARUDDIN AHMED : Sir, I come from Shipajhar Mauza, and I know that Gorukhuti is the name of a village.

Mr. A. WHITTAKER : Mr. Speaker, Sir, may I raise a point of importance ? I think considerable sections in this Assembly consider that the right of bringing in Adjournment Motions is in serious danger of being abused. Speaking for those of us who want to get on with the public business, may we ask for a very exacting test in deciding what constitutes a Motion for adjournment ? We have the impression that for the whole of this Session there has been a good deal of playing about with subjects which offer no real basis for an Adjournment Motion.

The Hon'ble the SPEAKER : My difficulty is that when notice of an Adjournment Motion is given I cannot forthwith reject it. I must first ascertain the facts, and then decide whether a particular Motion is in order or not. I quite appreciate the point the hon. Member has raised. I was thinking whether Adjournment Motions of this nature, based on mere telegrams, should be allowed to be brought before the House or not. I was therefore trying to elicit facts in order to show the undesirability of having such Adjournment Motions brought before the House.

Srijut ROHINI KUMAR CHAUDHURI : Sir, I have not received any telegram on this point but I was at Gauhati yesterday and I have heard of the incident from persons who have made complaint about this matter. It is natural for my Friend Mr. Whittaker to take such matters so lightly. But we cannot do so, when allegations are made that with the aid of some military, a contractor who wants to make supply to the military has stopped going down the stream and committed such things. People have become panicky and some Gurkhas have actually come to Gauhati in this connection.....

The Hon'ble the SPEAKER : Order, order, I quite see what the hon. Member is going to say. But for an Adjournment Motion the fact must be very definitely stated. The facts as stated are not definite enough for the House to take them into consideration. Now from the wordings "Kantioja Gorukhuti and from Nepali Khutials of Dimakhoa Shipajhar Mauza of Mangaldai subdivision", it appears that the villages Gorukhuti and Dimakhoa are in Shipajhar Mauza. Are they contiguous ?

Srijut ROHINI KUMAR CHAUDHURI : Yes, Sir.

The Hon'ble the SPEAKER : Then Rowmari ?

Srijut ROHINI KUMAR CHAUDHURI : In Kamrup.

The Hon'ble the SPEAKER : In which Subdivision ?

Srijut ROHINI KUMAR CHAUDHURI : In Gauhati Subdivision.

The Hon'ble the SPEAKER : Whether all these arose in one single incident or in two incidents ?

Srijut ROHINI KUMAR CHAUDHURI : Some of these took place at day time and some at night. If I read the telegram, this matter will be cleared, Sir.

"One contractor coming downstreams Brahmaputra bamboo flotilla forty workmen eight military extorted rations from Kantiya Gorukhuti and Nepali Khutials Dimakhoa Shipajhar Mauza Mangaldai impressed them compulsory service without payment stop". That is in Mangaldai. "At Rowmari Panbari Mauza Kamrup they forcibly extorted rations day time Saturday at night surrounded trespassed houses and molested Nepalee women."

During day time they forcibly extorted ration and at night they surrounded, trespassed houses and molested Nepalee women.

"Khutials feeling panic pray render immediate redress."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, my difficulty is just like yours but I have got this advantage that I have got better knowledge of the places and their location. My personal knowledge has been fortified by what I have just now heard from my Friend Maulavi Badaruddin Ahmed. Shipajhar Mauza is not a riverain Mauza but it is an inland Mauza. Shipajhar itself is probably some 12 miles inside from the banks of the Brahmaputra and I cannot conceive, Sir, that a party could go to Shipajhar Mauza, extort ration from a particular man Kantiya, and at the same time this party can make up these 12 miles, cross the Brahmaputra and come to the Gauhati Subdivision and commit the other depredation in Panbari Mauza. Probably there may have been two different incidents which have been confused in the telegram. Up till now, Sir, we have had absolutely no official intimation about it.

Moreover, the general question which you yourself have raised is that it will be very dangerous to attempt at stopping the normal proceedings of the House by such kind of Adjournment Motions when nobody can be made responsible for the contents of such a telegram. Even in law Courts there is no evidentiary value of a telegram which does not contain the signature of anyone and when anyone is at liberty to send a telegram as he likes. Therefore, in the ordinary course, a telegram is always confirmed by means of a postal letter where we get a signature. Here my Friend Mr. Mookerjee has received a telegram and it is his best intention to bring this to the notice of Government to redress grievances but he has relied upon a telegram without further details and he himself is in difficulty as to the wording of the telegram, *i. e.*, whether it is "Gorukuti" or "Gurkhali". In the Motion, it is 'Gorukhuti' but in the course of cross-examination by you he says 'Gurkhali.' So, I would request you, Sir, to keep this pending till the 25th so that the telegram might be confirmed by a more legible letter from the sender and if my Friend gets more materials and more details, he may be permitted to bring it up on the last day. In the meantime, I am taking action and asking for details. I have already asked the Chief Secretary to get the details of any such occurrence.

The Hon'ble the SPEAKER : I perfectly agree with the Hon'ble Prime Minister. This matter will stand over for the 25th.

Adjournment Motion *re* forcible trespass into the house of Srijut Jogendranath Kataki of Gauhati by Labourers of the Telegraph Department with Military personnel.

The Hon'ble the SPEAKER : Is the second Adjournment Motion on the basis of a telegram also ?

Mr. BAIDYANATH MOOKERJEE : No, Sir, on the basis of a letter.

Mr. Speaker, Sir, I beg leave of the House to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence namely forcible trespassing the compound of Srijut Jogendranath Kataki of Bhoralumukh, Gauhati on the 21st March 1944 by some labourers of the Telegraph Department along with some military persons and causing great damage to his property consisting of both houses and trees and also depriving the inmates of the house from taking their midday meal.

The Hon'ble the SPEAKER : It appears that this is also a matter which requires an enquiry. This will also stand over for 25th.

Adjournment Motion *re* : undue pressure put on traders in Kamrup district by Government for purchase of National Savings Certificates.

Srijut ROHINI KUMAR CHAUDHURI : Mr. Speaker, Sir, I beg leave of the

House to move that this Assembly do now adjourn to consider a matter of urgent public importance of recent occurrence, *viz.*, continued undue pressure put on traders in Kamrup by Government for purchase of National Savings Certificates.

The Hon'ble the SPEAKER : Did not this matter come up once before ?

Srijut ROHINI KUMAR CHAUDHURI : Yes, Sir, it did. But it came up in connection with an order which was issued by the Inspector of Textile, Gauhati but the matter which comes up now and which is the subject-matter of this Adjournment Motion is not the pressure put on the textile dealers but on the traders by the Food Supply Department. I will read one telegram and a letter and I shall be personally responsible for the accuracy of this telegram.....

The Hon'ble the SPEAKER : The Hon'ble Premier gave a general assurance that he would issue instructions to all Government officers not to have recourse to any compulsion for effecting the purchase of National Savings Certificates.

Srijut R OHINI KUMAR CHAUDHURI : That has not yet been acted upon.

Khan Bahadur Maulavi KERAMAT ALI : This matter was raised in Cut Motions of Maulavi Abdur Rahman and Maulavi Abdul Bari Chaudhury.

The Hon'ble the SPEAKER : Was this matter included in the Motions discussed ? Mr. Deputy Speaker was in the Chair, I think, then.

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

Srijut ROHINI KUMAR CHAUDHURI : The telegram I received runs thus—“Nalbari Traders' Association expresses keenest feeling and greatest surprise. Deepest sorrow for recent Government orders putting compulsion upon traders to buy National Savings Certificates at the cost of huge lot of making capital and urge Government to withdraw the stringency of the measure so that the present hard pressed trade might not be ruined.”

Sir, I have already told you the other day of the order issued by the Textile Officer placing only Rs.200 to wholesale dealers. Now, this is about the Supply Department. These villagers have been asked for purchasing National Savings Certificates of Rs.3,000. In the town of Gauhati it is Rs.5,000 to the wholesalers ; in the villages Rs.3,000 has been fixed. I will not deliver this notice on this occasion to the Hon'ble Prime Minister because on the last occasion I handed over a letter to him and the local officials have been now persecuting the textile dealers, particularly, the one whose letter I handed over to the Hon'ble Prime Minister. But this notice is a Government letter sent by the Sub-Deputy Collector. I will read the notice issued : “I am directed by the Price Control Officer, Gauhati, to request you to deposit Rs.3,000 only for National Savings Certificates within a week and take immediate steps for delivery of the commodities.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : What is the date ?

Srijut ROHINI KUMAR CHAUDHURI : 14th March. Rs.3,000 for supply of food stuffs.....

The Hon'ble the SPEAKER : This will do.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : After we had discussed this question the other day at an Adjournment Motion, I immediately took steps to issue a circular letter to all Deputy Commissioners to avoid any such indirect method of compulsion to realise subscription to the National Savings Scheme and that, if I remember aright, was issued on Monday last. We discussed this question on Friday and I mentioned, Sir, that we would take immediate steps to withdraw the notice, the subject-matter of the Motion. Then a general circular has been issued on Monday last and this particular notice now complained of is of a prior date to that. On the receipt of this circular letter, I am sure, the Price Control Officer would surely withdraw any notice that has been issued before. I am surprised to hear from my Friend that the man who was given the notice—which was shown to me, is being persecuted by the officials concerned, but I never used the name in any official papers and nobody except myself knows to whom the notice was issued and I repudiate that I have used that to the detriment of the man who gave the notice to my Friend.

Srijut ROHINI KUMAR CHAUDHURI: It is well known that the person who received that notice is somewhat connected with me and all the local officers can have a guess. In this case the wholesalers have not been able to take out foodstuffs because they have not bought National Savings Certificates.

The Hon'ble the SPEAKER: The Hon'ble Premier gave an assurance the other day that he would issue instructions to officers not to serve any notice upon people compelling them to purchase National Savings Certificates and he has also said today that he really issued particular orders some days ago. Orders certainly would take some time to be effective. I do not think therefore that the grievance which the hon. Member wants to ventilate calls for an Adjournment Motion to be discussed. So I hold that it is not in order.

Now, next two Motions. These are also worded very vaguely.

Srijut ROHINI KUMAR CHAUDHURI: Sir, as regards the first Motion, may I request the Hon'ble Prime Minister to send a telegram.....

The Hon'ble the SPEAKER: The hon. Member tabling the Adjournment Motions could have drawn the attention of the Hon'ble Prime Minister to the subject-matter of these Motions in other ways. So far as the complaint made by Mr. Whittaker is concerned, he is justified in saying that the right of tabling Adjournment Motions is being abused from day to day. I have seen that in some of the other Provincial Assemblies a different procedure is followed in disposing of notices of Adjournment Motions. It is only in cases of doubt as to whether an Adjournment Motion is in order or not that the notice for moving it is allowed to be discussed in connection with the Motion for leave in order to clear up facts. Motions which are palpably out of order are not given consent to by the Speaker without any discussion. Here in this Assembly I have been following the procedure that is in vogue in the Central Assembly, allowing every notice of an Adjournment Motion to be discussed on the floor of the House, but, now, I find that procedure is being taken advantage of in such a way which gives good reasons for complaint that the right of tabling an Adjournment Motion is abused.

Srijut ROHINI KUMAR CHAUDHURI: What should we do then when things like this are happening? In spite of Government orders local officers persist in doing such things.

The Hon'ble the SPEAKER: The hon. Member is a veteran Member of this House. He should know how to proceed in such matters.

Srijut ROHINI KUMAR CHAUDHURI: In the humble opinion of this veteran this is the only procedure how this is to be brought to the notice of the Government.

Adjournment Motion re unavailability of bare clothing in the markets of Shillong and Gauhati.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I beg to move that this Assembly do now adjourn to consider a question of urgent public importance of recent occurrence namely unavailability of bare clothing in the markets of Shillong and Gauhati owing to Government action.

Mr. A. WHITTAKER: What is the meaning of bare clothing?

Srijut ROHINI KUMAR CHAUDHURI: I mean *dhuti*. In our part you can do without a shirt and other things but you cannot do without a *dhuti*. Sir, only the other day, the Hon'ble the Prime Minister told us that orders had been issued to release bales of cloth which were sealed up. Only two or three days ago I went to the market of Shillong to purchase a pair of cloth and everywhere I was informed that *dhuties* were not available, these were sealed and could not be sold. I personally informed the Hon'ble Minister-in-charge of Industries Department that I could not get a pair of *dhuties* in the Shillong market day before yesterday. Yesterday I went to Gauhati and there also I searched in vain for a pair of *dhuties*. I do not know if *dhuti* is available in Shillong to-day, but day before yesterday, it was not available. I have shown the Hon'ble Minister of Industries that my cloths are in tatters and sewed up and though I searched for a pair of *dhuties* in the markets of Shillong and Gauhati I was not able to procure it.

The Hon'ble the SPEAKER : I have heard the hon. Member who has given notice of this Adjournment Motion and I do not think this Motion is in order and is called for.

Adjournment Motion re vindictiveness of Government in withdrawing water supply from Ward No.VII of Gauhati Municipality

Srijut ROHINI KUMAR CHAUDHURI: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to consider a question of urgent public importance of recent occurrence, viz., vindictiveness of Government in withdrawing water supply from Ward No.VII of Gauhati Municipality.

Sir, the other day, I brought a Motion for the adjournment of the House in course of which I said that whenever no water could be got from the water taps, the Municipality used their water van to supply some water in that locality. But soon after this Motion for adjournment was brought before the House, a report was called for by the Hon'ble Minister of Local Self-Government about which he mentioned in this House, day before yesterday, that whenever water taps fail to function in any locality water van will be used as an alternative to supply water in that particular locality.

Sir, my friend Mr. Mookerjee also went with me to Gauhati and he himself witnessed the situation in Ward No.VII. But the supply by water van has been since stopped.

The Hon'ble the SPEAKER : The hon. Member has used a word in the Adjournment Motion which insinuates something.

Srijut ROHINI KUMAR CHAUDHURI: Yes, Sir, I use that purposely. This vindictive action has been taken by the local authorities to punish the local public for the action I have taken in this House.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker Sir, I object to this Motion because this matter was discussed on the floor of the House more than once and not only myself but also the Hon'ble Prime Minister replied to the hon. Mover of this Adjournment Motion. I think, Sir, that this Motion is also very very vague. The hon. Mover has no stated since when pipe water stopped altogether in that Ward No.VII. There may not be sufficient water supply but there is nothing to show that there is not a drop of water coming out of the existing pipe connection. Moreover, I do not think that the authorities there can be so much vindictive to penalise all by stopping supply of water. Now, Sir, I find that this Motion itself is very vague and in view of the fact that Government is taking all possible steps to improve water supply, I consider this Motion is out of order.

The Hon'ble the SPEAKER : I have heard the hon. Member who has given notice of this Motion and also the Hon'ble Minister in charge and I consider that this Motion is not in order.

The Assam Primary Education (Amendment) Bill, 1942

The Hon'ble the SPEAKER : Now, the item is the consideration of the Assam Primary Education (Amendment) Bill, 1942, clause by clause. There are no Amendments, so Maulavi Abdul Bari Chaudhury should move it.

Maulavi ABDUL BARI CHAUDHURY : Mr. Speaker, Sir, I beg to move that the Assam Primary Education (Amendment) Bill, 1942, be passed.

Sir, it appears that the hon. Members have not thought fit to table any Amendment to the provisions of this Bill. This shows that they have tacitly accorded their consent to the passing of this Bill as it has emerged from the Select Committee.

The Primary Education Act of 1926 could not operate owing to the neglect of the Government as well as of the Local Boards. But the fault, perhaps, lies more with the Government than with the Local Boards. Of course, the Local Boards could force the hands of Government if they intended to do so, but the Local Boards did not adopt this course. In this respect, Sir, the present Bill is a distinct improvement on the parent Act. because it provides that the Bill, if passed, will come into force at once. But we feel that the initiative still lies with the Government for the proper operation of the Act. They may frustrate the intention of the Bill if they choose to do so. In this connection, I will refer to the formation of the Central Primary Board of Education. No provision has been prescribed in the body of the Bill regarding qualification of the

Members. I did not like to fetter the hands of Government in this respect, but I am sure, persons who have insight into the intricacies of the primary education and who are genuinely enthusiastic over the matter, will find place in the Primary Education Board. Then, again, a good deal will depend on the revision of the rules ; which is a thing that lies entirely in the discretion of the Hon'ble Minister in charge of Education and his Department. Sir, during the different stages of the Bill the Hon'ble Minister did not oppose the provisions of the Bill, at the same time he did not show any marked enthusiasm in favour of the Bill, but still I have no misgiving that if the Bill is passed and it comes into law the Hon'ble Minister will not hesitate to take immediate and effective measures to translate it into action.

Sir, the other day I was pained to hear what the Hon'ble Minister in charge said about the introduction of an all comprehensive Government Bill for the spread of free compulsory Primary Education in the Province. He made it perfectly clear that he would not bring such a measure if the present Bill was pushed on. It sounded as if it was an act of vengeance, but he offered his own explanations. He wanted to see how the present Bill worked. I do not know whether it was an after-thought. But still I will submit that the position taken by the Hon'ble Minister of Education is hardly sound. I have already admitted that the present Bill is a piecemeal one and it will work within its limited sphere and as such it cannot be any bar to the introduction of a comprehensive Government measure. I crave for more generosity and I appeal to the Hon'ble Minister of Education not to take into consideration the person who introduced the present Bill but the sacred cause of Primary Education of which he is the custodian.

With these words, Sir, I commend my Motion.

The Hon'ble the SPEAKER: The Motion moved :

"That the Assam Primary Education (Amendment) Bill, 1942 be passed."

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I find generally that when the name of a Member is suggested for a Select Committee it is only on rare occasions that we see a Member rises up and says that we need not put any question. But at the same time I think it is a convention or it is implied that a Member who wants to sit in the committee or when a Motion for reference to the Select Committee is accepted then the principles of the Bill are also accepted. That is I think, Sir, the general convention with regard to a Bill which has emerged out of the Select Committee. I was a Member of this Select Committee. I had expressed no unwillingness to sit on this Committee because I thought it was a laudable Bill and one should give his best service. I have also sat in the Select Committee. The points I raised and those which arose out of the provisions of this Bill, I humbly placed them before the Committee and they were practically in all cases accepted. I made no note of dissent. In these circumstances it is rather a delicate matter to rise to oppose this Motion.

The other day in course of the discussion of this Bill I pointed out to this hon. House the salient defects in the provisions of this Bill and I had offered my humble request to the hon. Mover of this Bill not to proceed with this Bill but to agree and accept the suggestions which were put forward by the Hon'ble Minister of Education to the effect that if this Bill is withdrawn he will come forward with a comprehensive Bill which will deal with all the points raised in the debate. My hon. Friend the Mover of the Bill did not agree to that suggestion put forward by the Hon'ble Minister. Now, Sir, after giving my most careful consideration to the state of things which will directly result in the operation of this Bill I come to this conclusion that, Sir, it is better not to proceed further with this Bill.

One of the aims of this Bill is that Primary Education should be compulsory. So we must take effective steps to have it spread out in places particularly where there are greater percentage of illiteracy. It is no use trying to feed a well fed man but it is better to feed a hungry one. But we must introduce measures in places which are suffering for want of literacy, e.g., in gardens and hill areas which are outside the scope of the Primary Education Act of 1926. If this Bill is passed into an Act the first step towards reformation would be to introduce measures for compulsory education in those

areas. So my Friend Mr. Marak stood up then and there and said that his people were not eager for compulsory Primary Education. Sir, if that is the position which can be taken up by a respectable Member of this House then the whole idea of compulsory Primary Education has to be thoroughly revised.

*Mr. JOBANG D. MARAK : Is the hon. Member aware that this compulsory Primary Education is not from the Government side but from the people's side and according to the demands of the localities it will be applicable and on that ground I said compulsion may not be used immediately ?

Srijut ROHINI KUMAR CHAUDHURI : I see, Sir, my Friend still maintains that compulsory Primary Education should not be introduced in the Garo Hills. (Mr. Marak—Not immediately). So it is like a bitter pill. A patient may not always like to take a bitter pill but still that bitter medicine must be administered in the interest of the patient himself. So the greater the darkness of illiteracy in a particular locality the greater the unwillingness of the people of that locality to take to compulsory Primary Education but that tendency has to be checked. Also the representatives of the people have to take all the more effective steps to introduce compulsory Primary Education there. That is one aspect of the matter and my point is that we should pay greater attention to these localities which lag behind in the matter of Primary Education. So far as the areas outside the Garo Hills are concerned we rather urge upon the Government to take up more venture schools. Government has not so far been able to take up in these days those institutions which have been already started by public efforts. If that is the position to-day that the Government are not willing to take up the venture primary schools, how can we believe for a moment that they will be able to introduce compulsory Primary Education in those areas ? Sir, in course of the Budget speech or in reply to various Demands for Cut Motions on education the Hon'ble Minister gave us an idea of the number of venture schools which are still not being taken up by the Government. Sir, there was a move in certain Local Boards to reduce the pay of the primary school teachers so that more primary schools could be taken up. At least I know it in the district of Kamrup. They wanted to reduce the salary of teachers from Rs.12 to Rs.6 per month so that with the saving more schools could be taken in. With great difficulty those schools were started and the villagers were feeding the school teachers in the shape of supplying rice and other eatables, as they could not give the teachers any salary. But the teachers got tired of their position and they wanted some sort of recognition from the Local Board. There was an important section in the Local Board itself who wanted to reduce the scale of salary of the Primary School teachers to enable them to take up as many schools as possible.

Then, Sir, if we do not agree to the imposition of some cess for the spread of Primary Education then the position becomes altogether different. This Amending Act does not improve our position at all. It only modifies the provision of law which requires the Local Board to introduce compulsory Primary Education. So, Sir, any scheme for the purpose of spreading compulsory Primary Education must be with a desire on the part of the Government to finance such a scheme and it must be also with a desire to make the people agree to pay cess. Now, is the hon. Mover of this Bill in a position to say that our people are well off to submit themselves to educational cess ? After the compulsory Primary Education is introduced the benefit will go to those schools only which are under Government management or control and not to those which will have to be dependent entirely on cess, as Government has not taken over some schools which were started by the villagers by erecting houses at their own expense and are managed by them for very many years. These villagers whose schools have not yet been taken up by Government shall have to agree to pay the cess. It will be admitted by the Hon'ble Minister in charge of Education as well as the hon. Mover of this Motion who is a Chairman of a Local Board, that in some villages the Government do not pay anything for the school houses that were built by the villagers themselves—I can say majority of the schools were built by the villagers—and they made their own arrangements to appoint teachers. But once any school

* Speech not corrected.

is taken over by a Local Board and when the school house is in dilapidated condition after use for some years, the villagers do not feel inclined to repair it themselves even though the Local Board concerned wants to help them by preparing estimates for the repair and so on. For these reasons I suggest to the hon. Mover of this Bill to accept what has been stated by the Hon'ble Minister-in-charge of Education and to take him at his word and to give him sufficient time within which he will bring a new Bill. Because once the Government commits itself to bring an amending Bill in order to solve the burning problem of the Province it means that it commits itself to the necessary expenditure, if not the whole, at least to a great extent. So, when he will introduce a Bill, if given an opportunity, he will commit himself to the finances for making the Bill operative.

With these words I request the hon. Mover not to proceed with the present amending Bill.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, though I do not object much to the provision of this amending Bill, I also feel it my duty to join my Friend Mr. Chaudhuri in his appeal to ask the hon. Mover not to press the Bill in view of the assurance that has been given by the Hon'ble Minister-in-charge of Education. Sir, in spite of the laudable object of the hon. Mover I do not think the amending Bill is a real remedy to the situation. The Assam Primary Education Act was passed as far back as in 1926. Even in the course of this period of about 20 years—compulsory Primary Education has not been introduced in any place within the Province. I do not think even a trial has ever been made even in the towns, not to speak of the urban areas. What is the reason, Sir, for which this Act has remained a dead letter so long? To me it seems that financial difficulty is the main cause for which it has not been possible to enforce the Act anywhere. From my own experience, I can tell the House that there has been in the past some attempt from some locality to introduce compulsory Primary Education. But, Sir, the respective Local Boards whom they approached refused to take up the proposal mainly because of the financial consideration. The provision of the Assam Primary Education Act enjoins that whenever compulsory Primary Education is to be introduced in a particular locality one-third of the cost involved has to be met by the Local Board and the balance two-thirds by the Government, and for that one-third of the cost the local authority will have to impose an education cess from the rate-payers or the villagers. But the Local Boards are generally very reluctant to impose any tax for the purpose, because, Sir, in most cases the villagers are not in a position to pay any education cess. For that reason, Sir, and I think that is the main reason, even though in some cases the scheme for the introduction of compulsory Primary Education in a particular locality was accepted in a Board's meeting, ultimately the proposal fell through mainly for the reluctance of the Local Board to take recourse to taxation.

Adjournment

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

After lunch.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, before we adjourned for lunch, I was telling the House that the prime difficulty that has been responsible for non-introduction of compulsory Primary Education during the course of this long twenty years is the financial difficulty. The Local Bodies are in most cases reluctant to impose any educational cess, as has been provided in the original Act, because the villagers or the rate-payers who are affected by a particular proposal are in most cases unwilling or unable to pay any cess. It is, I think, well-known to the hon. Members of this House that in villages Primary Education is at present free, and so whenever a proposal for compulsory Primary Education comes, the villagers generally resent imposition of any tax which such proposal entails. They demand that Primary Education must be free, and for that purpose no cess in fairness should be imposed on them. That is the position taken up in most cases. In other cases, Sir, the villagers are unable to pay, and for the sake of majority who are unable to pay, the

minority in spite of their ability to pay, hardly welcome such a proposal. So, Sir, even the Local Boards which had made serious attempts to introduce Compulsory Primary Education had to drop the proposal due to this financial question.

Now, Sir, for this the blame lies not only on the Local Boards, but also to some extent on the Government themselves. If I remember aright, there was once a provision of a sum of Rs.50,000 a few years ago in the Budget of this Government for spread of Compulsory Primary Education, but although some proposals came up from some of the Local Boards, Government did not either accept those proposals or made undue delay to consider them, so that the Local Boards had ultimately to drop their proposals. I understand, Sir, from a friend of mine that a proposal from Nowgong Local Board came to Government for introduction of Compulsory Primary Education in a particular locality some years ago when the sum about which I have just referred to was allotted in the Budget. But the Local Board got no response from the Government. So, Sir, it is evident that neither the Local Bodies nor the Government have been willing to bear the financial responsibility assigned to them. But unless this financial difficulty is solved I think, Sir, that in spite of the very laudable intention of my hon. Friend Maulavi Abdul Bari Chaudhury, the Mover of this Amendment Bill, the Primary Education Act of 1926 will still remain a dead letter, as it has remained for long twenty years.

The second difficulty which is also partly responsible, is the difficulty about procedure. The procedure for introduction of Compulsory Primary Education is somewhat cumbrous. If I remember aright, Sir, the Act provides that whenever an application is received by any Local Board it has to make a provisional decision after considering it in a meeting of the Board. Now, it is known to the hon. Members that meetings of the Local Boards are generally held once in two months; and that the agenda at Local Board meetings is generally so heavy that two or three sittings are necessary to finish the business of a particular meeting and as such it generally takes some months even to take a provisional decision. Then, Sir, after that decision is made by the Local Board, objections are called for and three months' time is given to the people affected thereby to file their objections. There is also some procedure prescribed for the publication of the Resolution of the Local Board; that procedure is also cumbrous. After such publication whenever there is any objection, that objection has to be considered in a Board's meeting after lapse of three months before making the final decision. But even when there is no objection from villagers, objection is generally made in the Board's meeting that the publication has not been properly done, and in that case fresh publication is ordered for. Then, Sir, after the Board finally decides, after considering all these objections, that Compulsory Primary Education would be introduced in a particular locality, the proposal goes up to Government. And as I have already said, Sir, Government generally take unusually long time to consider the proposal and the matter ends there. For all these reasons, Sir, the Act which was enacted about 20 years ago has remained a dead letter.

Even in Bengal, Sir, this education cess, I understand, has been a stumbling block. In spite of vigorous attempts from different quarters, I understand Compulsory Primary Education has not been introduced in any part of Bengal. So, Sir, unless the financial difficulty is solved, unless Government take the sole responsibility of meeting the expenses, unless Government are prepared to make Primary Education free, and unless the procedure prescribed is simplified, I think, Sir, no useful purpose will be served by passing this Amendment Bill. This Amendment Bill only provides the formation of a Central Primary Education Board. The duty of the Primary Education Board is not specified here; I think, it will be specified by rules. But they will be an advisory body. If the Government or the local authorities do not accept their advice I do not know what would be the position, who will be the final authority and who will decide the issue?

Then, Sir, I am not very much in favour of present constitution of the Board itself, rather I prefer the constitution suggested in the draft Bill. As amended by the Select Committee majority of the members will be elected by both the Houses of the Legislature. To me, it seems, Sir, the majority should have been the members

of the local authorities who are expected to know the conditions and circumstances prevailing in the different localities much better. Any way, Sir, the formation of a Board even with a majority of the Members of the Legislature will not help matters. The real difficulties still remain unsolved. For these reasons, Sir, I think, the hon. Mover of the Amendment Bill should not press it. If he presses it and if he is able to pass this Bill, the only effect will be to give a scope to Government to wait for some time more. I think, the Hon'ble Minister has already said that if the Bill is passed, they will watch for sometime the working of the Act. That will mean giving them further scope for delay.

Sir, so long, for every beneficial measure financial stringency has been pleaded. Now, Sir, within the course of last 4 or 5 years we have been able to pass 6 or 7 taxation Bills which are bringing an annual income of about 40 lacs to Government. Besides, Sir, by the withdrawal of the remission of land revenue another 40 lacs are coming to the coffers of the Assam Government and if even at this time the Government does not make serious attempts to introduce Compulsory Primary Education in the Province, I do not think Compulsory Primary Education will ever be introduced in Assam. The Act has remained a dead letter and it will remain so in spite of this Amending Act. So, Sir, I appeal to the hon. Member not to press this Bill rather to press on the Hon'ble Education Minister to bring forward an Amending Bill to solve all these difficulties without any further delay.

Srijut BELIRAM DAS: Mr. Speaker, Sir, I rise to oppose the Bill because the intention of the Mover may be good but it is impracticable. As far as I know in our locality people are not prepared to pay tax for education. If Primary Education is to be made compulsory, it should be free and not to make people pay tax or cess. I know in the Kamrup district especially in the Gauhati subdivision there are as many as 300 venture schools. Some of them are as old as 15 years. The Local Board has not yet been able to take them up. So instead of introducing such measure Government should contribute to the Local Boards sufficient funds to enable them to take up these venture schools. The venture schools and Local Board school buildings are in tottering condition. Some of the school buildings have been transformed into cowsheds. Before doing justice to all these it will be folly on our part to pass such a Bill. A few years back Government asked the Palashbari Town Committee to introduce Compulsory Primary Education. After one or two years Government discontinued the grant and the school buildings are lying there. I belong to Ward No. 1 and our children are now to go to Ward No. 2 or 3. If Government want to make experiment of Compulsory Primary Education let them have experiment in towns and town committees first instead of making it compulsory throughout Assam. Besides this Compulsory Primary Education is essential for the backward areas and backward communities and I understand the backward tracts are not within the scope of this Bill. So I would request the hon. Mover to withdraw this Bill.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I am sorry to note that hon. Mr. Chaudhuri although he is an *ex*-Minister still he is totally ignorant of the scheme or policy and also condition of the education in the Garo Hills. Particularly he was charging me that I being the representative of the district was opposing this Bill. Sir, in fact, to be brief, I am responsible for the educational expansion of my district. I was a Deputy Inspector of Schools, Garo Hills for many years and at my efforts the scale of Primary School teachers has been raised from Rs.5 to Rs.15 and then to selection grade upto Rs.30.....

Babu KAMINI KUMAR SEN: Selection grade ?
 Mr. JOBANG D. MARAK: Yes, selection grade. The hon. Member ought to know this; there are selection grades from Rs.15 to Rs.20 then Rs.20 to Rs.25 and Rs.25 to Rs.30 per mensem, etc. for their pay in the Garo Hills.

Now, Sir, regarding the policy of education in the Garo Hills, we had several conferences with Sir Bamfield Fuller, the Chief Commissioner of Assam and Sir Archdal

Earle to decide what sort of educational policy should be there in the Garo Hills. Sir, I was strongly opposing the policy of education of that time. The educational institutions in the Garo Hills at that time were in the hands of the American Baptist Mission and I was strongly against that policy and I explained why I was against that. The Chief Commissioner, Sir Bamfield Fuller after hearing my points and of the then Deputy Inspector of Schools remarked like this in conclusion of the conference that it was unsafe to leave the education entirely in the hands of the foreigners. Then my another point was to have a High School in the Garo Hills and to that point also the Chief Commissioner said in conclusion of the conference that the first High School in the Garo Hills, if there be a High School at all, must be a Government one. Sir, now there is a good number of Government Primary Schools in the Garo Hills due to ; my attempt they are purely Government schools and the number is not less than 300.

Mr. BAIDYANATH MOOKERJEE: All due to you ?

Mr. JOBANG D. MARAK: Yes, surely, Sir. The Hon'ble Sir Saadulla, the Prime Minister knows very well ; Hon'ble the Education Minister knows very well. If you refer the matter to the ex-Directors of Public Instruction, Mr. Small and Mr. Cunningham, they will tell you that they know this very well. Mr. Chaudhuri does not know because while he was Education Minister he did not visit the Garo Hills. Lastly, regarding the policy of education in Garo Hills.

The Hon'ble the SPEAKER: How are all these relevant ?

Mr. JOBANG D. MARAK: I am against this Compulsory Primary Education for the time being, only for this reason that all over the world in the civilised countries Primary Education is free. No compulsion is there. The hon. Babu Kamini Kumar Sen said rightly that the Local Boards and also the villagers even amongst enlightened people in the plains districts resent very much an assessment for Primary Education. I think, he is right on that point and for this very reason, amongst the Garos there is a great resentment against Primary Education. I think, they will not be ready for this assessment. Sir, when I was a Deputy Inspector of Schools, in our villages there was resentment shown by the people even for the establishment of Primary Schools in their villages. They said that if a Primary School was established there would be all sorts of troubles. They said that it would interfere with their daily labour. So they were objecting very strongly. I tried to persuade them. I had to explain to them the benefit of education and they were gradually willing to accept more Primary Education in vilages. I was doing that and I was trying to influence those people. They were at first so much upset that they would not carry the luggages of inspecting staff. They did not like to discuss educational matters in their particular localities. Sir, these simple matters were resented to. So I do not think my people in the villages will be prepared to bear this cess on Primary Education.

So, Sir, the Hon'ble Minister of Education promised very kindly that he was prepared to bring a complete Bill during the next Session for this Province ; therefore, Sir, I oppose the Motion of the hon. Mover and would request him to withdraw his Bill.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I will not emulate the example of those hon. Members of the Opposition Benches, who have taken a considerable time of the House by inflicting lengthy speeches. I shall be very brief. My hon. Friend, Mr. Abdul Bari Chaudhury was very uncharitable when he accused the Government of neglect in the past in the matter of administration of the Act of 1926. He is a Chairman of a certain Local Board and as such it was natural on his part to shove the responsibility of failure on the shoulders of the Government. As has been rightly pointed out by my hon. Friend, Mr. Kamini Kumar Sen, the failure of this Act is due to what he calls nervousness on the part of the Local Bodies to impose educational cess. He has also assigned another very good reason, namely, the cumbrousness of the procedure laid down in the Act

about the introduction of compulsion. Now, this Government to my knowledge, has never been asked in the past to provide any money for introducing Compulsory Primary Education in any area. My Friend, Mr. Sen referred to a provision of Rs. 50,000 in the Budget in the past for spread of Compulsory Primary Education. I do not remember, if any such provision was made, but I remember this much that during the time of my hon. Friend, my *ex*-Colleague, Mr. Rohini Kumar Chaudhuri, a sum was provided in the Budget for introducing compulsion in the urban areas but that amount, I think, lapsed during the 93 Administration. (*Hear, hear.*) Since then there has been no attempt on the part of the Government for provision of any amount for the purpose of Compulsory Primary Education as no schemes had been forthcoming.

As I have said in the past, it is my firm conviction that the passing of this Bill will not carry us any further in introducing Compulsory Primary Education. But as I have said, the formation of a Central Board might improve matters in certain directions. For this purpose, we have, in pursuance of a recommendation of the Primary Education Committee, which met in July last, already ordered a survey of the Primary Schools in the Province to detect ill-distribution over certain areas, and I can assure the hon. Mover of this Motion that if he presses and the Bill is passed, I shall not be lacking in enthusiasm to give effect to the provisions of this Bill as speedily as possible, but I would also request him to see his way to withdraw the Bill because my offer which I made last time is still open for him.

In conclusion, I must say that if the Bill is pressed to a division, Government will remain neutral as I said before.

*Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, I have nothing but admiration for the sponsor of this Bill for his laudable object and motive, but I hope my hon. Friend will excuse me if I cannot see eye to eye with him in regard to this Bill. After all it must be admitted that the Bill is a half measure—a patched up work. As soon as we come to the history of the failure of Compulsory Primary Education Act of 1926, we can realise two aspects because of which it had become a failure.

I regret very much that during the last two or three Sessions certain Bills, in spite of my desire not to say so,—some ill-drafted and ill-conceived Bills—came up before the House and referred to Select Committees—I mean a travelling Select Committee, which is a new invention in this House.

*Mr. BAIDYANATH MOOKERJEE: What is the travelling Select Committee?

*Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Only recently we had a spectacle of a travelling Select Committee. Now coming direct to this Bill I must say that the whole question of Compulsory Primary Education hinges on the question of finance. The people of the Province have been taxed from head to foot and it is because of the fear of educational cess that Primary Education could not be made compulsory in this Province. While explaining the objects and reasons of the Bill my hon. Friend the Mover has said that Compulsory Primary Education was introduced in certain parts of Bengal. I hope my hon. Friend will remember what storm was raised in the district of Mymensingh when Compulsory Primary Education was going to be introduced. I am at one with him about the necessity of introducing Compulsory Primary Education but the main question is the question of finance. In every other civilised country, in Soviet Russia by their five-years plan, they made it compulsory but there was no question of educational cess so far as the people are concerned; it is up to the Government to find out money to introduce Compulsory Primary Education on a free basis; that is the only criterion by which we ought to judge it.

We have heard today that the Hon'ble Minister of Education was trying to

*Speech not corrected.

shave the responsibility on the shoulders of the Local Board Chairmen; I think he himself realises that with the meagre finances the Local Boards cannot possibly bring about Compulsory Primary Education. Moreover, Sir, I think in this House all the parties are not properly represented and unless all the parties are properly represented in the House, such an important measure should not be passed into an Act because on the basis of Primary Education the whole structure, the whole architecture of a nation's future progress is built. There is a great divergence of opinion as regards the curriculum of Primary Schools. Today we see a sad spectacle of Primary School teachers. The Primary School teachers today are being provided with a salary of only Rs.12 and if Local Boards give 40 per cent. Government would contribute 60 per cent. and they get only rupees 3 or rupees 4 as allowance. I should ask the hon. Members to consider the lot of these poor Primary School teachers. Today even an office chaprasi earns more than what a Primary School teacher can earn. Before we have been able to do something for the betterment of the lot of the poor Primary School teachers, we should not embark on an ambitious scheme of Compulsory Primary Education.

So far as the constitution of the committee which, my hon. Friend has suggested I think the Members of the Legislature should not make monopoly of becoming Members of every committee and becoming expert of everything just as we have I. C. S. people expert in fisheries and co-operative movement and things like that. Now-a-days we find that it has become a fashion with the Members of the Legislature to become expert in all and every matters, but I think, so far as the constitution of this committee is concerned, there ought to be representation of some educational experts who ought to have some say in the matter of framing the educational policy of our future generation. In this view of the matter, Sir, I think the Bill, as it has been placed before the House, is an ill-conceived one and I would request the hon. Mover not to play in the hands of Government. They have said that if the Bill is passed into an Act they will wait and see how it will work. But I know from my own experience and many other Local Board Chairmen and *ex-Chairmen* also will say that the 1926 Act has become a dead letter and Government has postponed bringing in a comprehensive Bill to introduce Compulsory Primary Education on a free basis. I would, therefore, request my hon. Friend not to press this Bill before the House but rather to press the Government to bring in a comprehensive Bill for introducing Compulsory Primary Education on a free basis in the next Session of the Assembly. I would also ask him to extract a promise from the Hon'ble Minister of Education to that effect and I would request my hon. Friend to withdraw this Bill.

With these words, Sir, I resume my seat.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise to support this Motion. Sir, it is really a pity that, after a full discussion in this House about the merits and demerits of this Bill and after it was decided by this House without any division that the Bill should be sent to a Select Committee and after the unanimous finding of the Select Committee has been placed before the House, even some of the signatories of the Report of the Select Committee are opposing the Bill at this last stage. I think, it is not the defect in the Bill so much as it is in the mentality of two of my hon. Friends—who are *ex-Ministers*—the Ministers' mentality is troubling them. I do not find any other reason for opposing this Bill at the last stage by those two hon. Friends of mine except the reason that this Bill has come from a private Member. May I enquire of my hon. Friends why they are not sticking to the stand that they took from the very beginning? Were they not a party on various occasions to support this kind of Bills?

Srijut ROHINI KUMAR CHAUDHURI: Yes.

Mr. BAIDYANATH MOOKERJEE: At that time they supported them because they were for the benefit of the people. Now do they not think that there is the necessity of such an Act?

As I have already mentioned, Sir, that Mr. Chaudhuri was a Member of the Select Committee, he took full part in the debate and after that signed the Report

of the Select Committee; now he has taken recourse to oppose the Bill when it has come to the passing stage.

*Srijut ROHINI KUMAR CHAUDHURI: Sir, one counsel is always greater than consistency and as regards the position which I held as a Minister the coffers of the Government were not as good at that time as they are now for distribution for other areas and as a humble measure we introduced some sort of compulsion in the other areas.

Mr. BAIDYANATH MOOKERJEE: Sir, I have heard the explanation of my hon. Friend. I thought that atleast for the last several months—why months—it is more than two years, my Friend's opinion is consistent which it was not before when I charged him on various occasions on this ground. But I am sorry that the defect is still in him. I shall appeal to him with all sincerity that in future he will try to be consistent in every matter, as he is no more a Minister.

As regards other hon. Members who have opposed the Bill, they have raised various points. Sir, at the very beginning Government also objected to this Bill being circulated and then this Bill being sent to the Select Committee. But afterwards the Government agreed to the principle of this Bill and as there was no division all the hon. Members present on that day also accepted the principle of this Bill. Sir, even to-day at an early stage I heard my hon. Friend Mr. Whittaker, the Leader of the European Group, remarking that some Members have adopted the policy of killing the time of this House for practically no useful purpose. I shall eagerly watch his action in this matter. Sir, it is our misfortune that we are delivering our speeches on the floor of this House in a foreign language. Sir, it is also our special misfortune that we are wearing foreign cloth and dress. Sir, I do not hesitate to admit my fault. I have never done it. I challenge it on the floor of this House if any hon. Member can find out a solitary instance that Mookerjee is inconsistent. Sir, I may be obstinate but the policy that my hon. Friend Mr. Chaudhuri wanted to follow only a few months before regarding this Bill and that according to his conscience, I am following that policy of consistency since a very long time. I do not remember the exact date but I can say that since I had some knowledge of this world I am following this policy which my hon. Friend adopted at the last stage of his life. Now let me see how my hon. Friend Mr. Whittaker utilises his time and saves the waste of time of this House being consistent with his remark mentioned above.

Sir, the other day the Hon'ble Premier remarked by criticising me that I was not willing to accept something because I was not getting the full. He said that (according to his words) a poor man as he was he would be pleased to have half a loaf because he thought half a loaf was better than no loaf. I think in this case he will advise the Education Minister to accept this Bill which may be half a measure and better than none at all. Sir, let it be 1/8th of a loaf. What is the harm in accepting that 1/8th even. Sir, even to-day when the Hon'ble Minister expressed his opinion about this Bill he clearly stated that if this Bill is passed he would try his best to see that the provisions of this Bill are given effect to, and he will not delay to come with his Bill. After that I do not find any reason that there should be any opposition from any quarter on the ground that Government will wait and watch the result of this Bill and thereby they will adopt the delaying tactics. I have got no doubt about this remark, Sir, because it came from an hon. Friend of mine who was once in that *gadi*. Sir, he has admitted that it is the policy of the Government to take recourse to delaying tactics when some beneficial measure is before the House.

Srijut ROHINI KUMAR CHAUDHURI: Are you against the delaying tactics? Mr. BAIDYANATH MOOKERJEE: Certainly I am against it. Sir, if I remember aright the Hon'ble Education Minister remarked also that this Bill, if passed into an Act will remain as a dead letter because of some defects in it. Sir, he also was a Member of the Select Committee and he occupied the place of the

*Speech-not corrected.

Chairman of that committee. I think while he was sitting there with us he gave his full co-operation to make all possible necessary improvements in the Bill. I have got no doubt that he did his best. Now, Sir, if this Bill is rejected or the Government take the attitude of neutrality I shall charge atleast the Hon'ble Minister-in-charge of Education that here is a matter where he is failing in his duty and I hope that he will not, at least for consistency, be a party to such a tactic. Sir, the Government is emboldened to take such inconsistent steps because of our own faults and defects. I shall explain how Mr. Marak is against this Bill being passed. He was also a Member of the Select Committee. He does not want that Compulsory Primary Education should be introduced in the Garo Hills now. He has already stated before the hon. Members of this House what he has done in the Garo Hills.

But, Sir, is this the reason that because it is not Mr. Marak but some other persons, will be doing some benefit to the people of the Garo Hills, he cannot tolerate the idea that here too he will not be the only man to give this fruit to his own men ; and so it should not be done (Mr. Jobang D. Marak said "Yes".) He says "yes" and this is the reason that sometimes Government, on the support of this kind of Members, fail to do their duty. I shall remind the hon. Members as well as the Hon'ble Ministers that those who criticise the Government and show their defects are their real friends and not those who sit behind the Government Benches and always ditto them. Sir, I think this position is quite clear to at least some of the Hon'ble Ministers. Some hon. Members have raised a point of financial difficulty. My hon. Friend Mr. Sen has mentioned about the agricultural income-tax and non-continuance of remission of land revenue. Sir, I like to mention in this connection about the revenue received from excise. Here is a case where this tainted revenue can be utilised for a good purpose. My hon. Friend Mr. Chaudhuri who advocated the cause of Mass Literacy Campaign has stood on the way of Compulsory Primary Education. Sir, this policy I cannot really understand. His policy is just like the same as "গাছের গোড়া কেটে মাথায় জল ঢালা" which is a foolish policy. He does not want that the children of the soil should be educated from their infancy: let them grow, become older, illiterate, uneducated and then when they become old give them some education. Is that his policy? If not then I charge him for not taking up Compulsory Primary Education first and then coming up before the House for Mass Literacy Campaign. I find so far everybody has spoken against this Bill and I am the solitary instance who is supporting it. So, I think, there would be some satisfaction in the mind of the hon. Mover of the Bill that in this House at least there is one Member who has sincere feeling for the masses. I do not know when it goes for voting whether I will be the only person to be in favour of this Bill. Sir, I admit that the whole Act needs overhauling. But we get the assurance from Government that, according to the resolution passed in some meeting under the presidency of the Hon'ble Minister in charge of Education, he would take sincere steps and soon. The resolution is now under consideration of Government. They are engaged in considering whether they should not appoint a Special Officer to go into the matter, because many preliminaries will have to be gone through, before any Bill is drafted to carry out the intention of the Committee. Sir, we do not know anything about the movement of the Government in these directions. But still I venture to say, as usual, nothing has been done in this respect. Some of the hon. Members who do not know fully well about the activities of the Government are trying to leave everything in the hands of the Government and requesting the hon. Member who has brought forward this Bill, for giving some benefit to the children of the soil and to withdraw his Bill. Sir, I thought that when you gave the Hon'ble Education Minister a chance to say something about that Bill, he would speak about the headway he had made in this direction. But, as I did not hear anything on this matter, I think it is for all of us now to decide whether we should depend entirely on such a Government or we should take up some measure in our own hands and come before the House so that we may get some relief. It was said by the Hon'ble Education Minister during the last November Session that the Government was very anxious to see that Compulsory Primary Education that the Govern-

in the Province. If they were really serious, in that case, Sir, we would have heard something about it. For several years it seemed to us that this matter—the education of the children of the soil—was practically, so to say, no body's business. I must in conclusion thank my hon. Friend Mr. Abdul Bari Chaudhury for coming before this House with this Bill. He has heard a good deal of criticism both from the Government side and from the hon. Members of this side and ultimately I hope that all the hon. Members will lend their support so that the Bill may passed into an Act and there may be a nucleus of the Compulsory Primary Education introduced in the Province with a hope that there will be free Compulsory Primary Education throughout the whole Province in the near future. With these words, Sir, I support the Motion.

*Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, I appreciate the laudable object and I support the Motion to introduce this Amending Bill. As I was telling, Sir, we yield to none in order to remove illiteracy from this Province. But I would request the hon. Mover of the Motion to adopt such measures by which we shall be able to reach the laudable object. Supposing the hon. Mover succeeds in getting this Bill passed then what will happen? The Bill will be sent to the Upper House. The hon. Members of the Upper House, all of whom are gifted with intelligence, will put Amendments to the Bill. As soon as an Amendment is made, hon. Members know, the Bill will be referred back to this House again for re-consideration. Therefore I should say, as the matter is now moving in this Assembly, it will require at least 2 years and after that there might be a Joint Session again and there will be further discussion. So this will take us at least 3 years, I should say. Supposing we succeed in the Joint Session in carrying out the Bill, what will be the fate of the Bill? When Government opposes certain measure it will oppose it for all the time to come. This has been our experience in the past. We have seen the fate of our private Members' Bills both in the Central Legislature as well as in the Provincial Legislature. We know of the Haribilas Sarada Bill which was passed into an Act. We know what has been the fate of this Act. It is a dead letter now. Government has absolutely taken no interest whatsoever to carry out the laudable object of this Bill. The benefits that were conferred upon the society by this Bill outweighed the disadvantages put forward by the orthodox section of the Hindu Society. Here also in this Legislature my hon. Friend Rev. Nichols-Roy, being inspired with the laudable object of seeing a scholastic atmosphere, moved in the year 1923 or 1924, the Juvenile Smoking Bill which was passed into an Act.

*Mr. BAIDYANATH MOOKERJEE: On a point of information. What is the harm if amongst so many dead letters another dead letter is added?

*Srijut LAKSHESVAR BOROOAH: That is simply useless. As I said it is not an evidence of prudence. This Juvenile Smoking Act was passed as early as in 1923, yet the Police officers have been taking no action whatsoever against the offenders, thereby smoking amongst the juveniles is going on as merrily as it did in 1923 or 1924. Sir, this has been the fate of the legislation passed by private Members in the Central Legislature as well as in the Provincial Legislature. Therefore, we should profit by the fate of these private Members' Bills and accept the promise offered to us by the Hon'ble Education Minister. We hope that when so much has been said about removal of illiteracy from the people, Government will rise to the height of the occasion and will bring a Bill and the Bill being a Government Bill will, I hope, work satisfactorily and in that Bill the object of the hon. Mover will be served.

With these words, I again request the hon. Mover to withdraw his Bill. If he chooses not to withdraw the Bill, it should be my painful duty to cast my vote against it.

Srijut SURENDRANATH BURAGOHAİN: Mr. Speaker, Sir, I rise to support the Motion before the House.

In spite of the speeches which have been delivered from different parts of the House opposing the Motion, I fail to appreciate all that has been said. Sir, in this land of ours illiteracy has been the order of the day; 90 per cent. of our people are still illiterate. This colossal illiteracy has got to be liquidated and we cannot waste any more time over this problem that faces us. Even if the present measure before the House is definitely a half measure still I would welcome it, because this would be a recognition of the problem and appreciation of it in its true perspective. It would not do if we merely educate the adults, if we spend money and energy in making the adults literate, for which the very hon. Members who are now opposing this Bill are very enthusiastic. The problem has to be attacked on both ends. We must educate our children and we must educate our adults. It is in that view, though this Bill is a half measure, I would extend my support to it and I would urge upon the House to accept it.

Sir, if this Bill is passed, there is an assurance of the Hon'ble Minister-in-charge that he will not put it to the cold storage. He has assured the House that he would lose no time in giving effect to this Bill as soon as it is put into the Statute Book. With this assurance before the House, I think, we should not hesitate to accord our support to it.

Again the Hon'ble Minister of Education was pleased to assure that he was very anxious to come forward before the House with a more comprehensive measure. I cannot understand, if this Bill is passed, why should Government wait for this Act to be tried in action before they come forward with a comprehensive Bill. While this Act is in operation the Government can still come forward with a comprehensive Bill to replace it and, I think, the hon. Mover will join with me in requesting the Government, after this Bill is passed, to come forward with a comprehensive Bill which the Hon'ble Minister proposes to do.

*Mr JOBANG D. MARAK: On a point of information. Did not the Hon'ble Minister express his disinclination to come forward with a comprehensive Bill if this Bill is passed now?

Srijut SURENDRANATH BURAGOHAİN: I cannot understand why should Government wait to bring a comprehensive Bill after this Bill is passed.

*Srijut ROHINI KUMAR CHAUDHURI: Government have said that they are to watch the working of the Bill.

Srijut SURENDRANATH BURAGOHAİN: So, Sir, in this view of the matter, without taking much more time of the House, I would accord my support to the Motion before the House.

Mr. C. GOLDSMITH: Mr. Speaker, Sir, from the speeches we have heard from the different sections of the House, I think it is time now for the hon. Mover to withdraw his Bill in anticipation of the more comprehensive Bill Government are going to bring. I think we should not be satisfied with a half measure but press for a more complete one. But I would like to be enlightened by the Hon'ble Minister of Education when he proposes to bring in the comprehensive Bill, whether he has taken into account the fact that a comprehensive Bill will entail a great expenditure of money. The hon. Members of this House are thinking that perhaps the Bill will be introduced during the next Session. I want to know whether Government can promise that they will be able to bring in such a Bill during the next Session—a Bill which requires much constructive thinking, which will involve the whole Province and which will entail a large expenditure of money. If they promise such a thing now, and fail to bring in such a Bill during the next Session, it will be a difficult position for the supporters of Government at that time.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I rise to support the Motion. I am simply surprised to find educationists like Mr. Goldsmith and *ex-Lieutenant* Marak opposing this Bill. It has been admitted by all hon. Members who opposed this Bill that the provisions made in this Bill are an improvement on the conditions laid down by the Primary Education Act of 1926. If it is admitted that the provisions of the Bill under discussion are an improvement then I do not understand why they are opposing the Bill, instead of lending their hearty support to it. I find that the Hon'ble Education Minister has taken up a peculiar stand which, I am sorry, I cannot appreciate. He says that if the Bill is passed, he will not come forward with a more comprehensive Bill; at the same time he informs the House that Government will remain neutral if the Bill is pressed to a division. If it is admitted that this Bill is an improvement on the parent Act and if the Hon'ble Minister-in-charge of Education is earnest about introduction of Compulsory Primary Education, I cannot understand why Government would remain neutral. They should support the Bill, and at the same time assure the House that they will soon come forward with a more comprehensive Bill as promised by the Hon'ble Minister, Education. I appeal to the Hon'ble Minister-in-charge of Education, on behalf of the dumb millions, to withdraw his opposition to the Bill (The Hon'ble Khan Bahadur Maulavi Sayidur Rahman: I am not opposing the Bill.) He should allow this Bill to be passed and come forward with a more comprehensive Bill, removing all the defects in the provisions of the Primary Education Act of 1926, as soon as possible.

With these few words, I whole-heartedly support the Bill, and I hope the Hon'ble Minister will revise his opinion, and he will congratulate Mr. Abdul Bari Chaudhury for minimising his labour.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I am thankful to the hon. Members who were kind enough to take part in the debate on this Bill. Many of my hon. Friends have uttered a pessimistic note. I must admit, Sir, that I do not share their pessimism. Many of them did not confine their remarks to the merits and demerits of the Bill, but they travelled a very wide range and brought in all sorts of problems relating to Primary Education. I am sincerely thankful to Mr. Mookerjee, Mr. Buragohain and Maulavi Maqbul Hussain Chaudhury for the general support they have extended to the Bill. As regards the lengthy speech that was delivered by my hon. Friend Mr. Rohini Kumar Chaudhuri, I submit, Sir, that he has not put forward any new arguments; his arguments were only a repetition of what he said on the last occasion. Contrary to his usual practice, he also chose not to confine himself to the Bill.....

Srijut ROHINI KUMAR CHAUDHURI: Repetition is not the fault of the speaker; repetition is due to the inattention of the hearer. When the hearer does not listen to the speaker, he has to repeat.

Maulavi ABDUL BARI CHAUDHURY: I was surprised to hear him say that because many of his suggestions were not accepted by the Select Committee, he was objecting to the Bill at this stage. For the information of the House, I may say that the changes that were made in the Select Committee were mainly due to him, and as far as I remember and the Members of the Select Committee who are present today will bear me out when I say that most of his Amendments were accepted. Another thing that strikes me is this: during the deliberations of the Select Committee Mr. Chaudhuri did not for a single moment urge us to withdraw the Bill, rather I found him very enthusiastic. As regards defects in the Bill, the biggest obstacle that he has discovered is that there has not been made any provisions for inclusion of the Garo Hills. On another occasion I submitted that the Assam Primary Education Act of 1926 only provides for Compulsory Primary Education in the districts where Local Boards function. As there is no Local Body in the Garo Hills, it was left outside the purview of the Bill. So, as a matter of course we had no other alternative....

(Mr. Jobang D. Marak rose on a point of information, but he was not given way by Maulavi Abdul Bari Chaudhury. Mr. Marak still did not sit down.)

The Hon'ble the SPEAKER: Order, order, the hon. Member is not giving way. Mr. BAIDYANATH MOOKERJEE: (Finding Mr. Marak still standing): Sit down.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. What about the Mikir Hills? There is a representative of the Mikir Hills in the Golaghat Local Board.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: On a point of order, Sir. Has a hon. Member the right to say to another hon. Member "Sit down"?

The Hon'ble the SPEAKER: Yes. It would, however, have been better if the word "Please" was also used.

Maulavi ABDUL BARI CHAUDHURY: As a matter of fact we had no other alternative but to leave out the question of the Garo Hills.

As regards the speech delivered by Mr. Sen, his objection mainly relates to finance. He said that the Local Boards as well as our people were very much unwilling to bear the burden of additional taxation. To some extent he is correct, but in this respect also I submitted the other day that if we wanted Compulsory Primary Education there ought to be some sort of taxation. He also said that even if we pass the present Bill, the cumbersome procedure laid down in the Parent Act would not be removed. I would like to inform him, Sir, that the procedure which has been described by him as cumbersome is more apparent than real. I am at one with him regarding the formation of the Central Primary Education Board. I also feel that better representation should have been allowed to the Local Boards. But here again, he could table some Amendments, but he did not like to do so. The Hon'ble Minister-in-charge has accused me that I was uncharitable in as much as I said that the fault mainly lay with Government for the failure of this Act of 1926. I would like to submit, Sir, that he also has not been very charitable towards me when he says that as the Chairman of a Local Board I tried to shift the guilt at the door of the Government. The Boards never felt nervous over introduction of Compulsory Primary Education rather no proper facilities were afforded to them. I am really grateful to him for the assurance he has given that if this Bill is passed, he will try his level best to give effect to the provisions of the Bill so that some real good might be done.

Maulavi Maqbul Hussain Chaudhury has referred to the attitude of the Government as regards voting. He said that he could not understand why Government should remain neutral, if at all this Motion is pressed to a division. I share the same opinion with him and say that perhaps the Hon'ble Education Minister is suffering from some kind of nervousness.

Sir, I cannot but take very strong exception to the remarks made by Mr. Dakshina Ranjan Gupta Chaudhuri. He said that some ill-drafted Bills were brought before the House with some ulterior motive and he thought fit to make an insinuation that some Members were after becoming Members of Select Committees and if possible of travelling Committees. I submit, Sir, that the Members are actuated by the highest motive when they try to introduce some Bills for public benefit.

In conclusion, Sir, if the Hon'ble Members are really impressed that the present Bill is some improvement upon the Parent Act, I hope that all of them would be pleased enough to support the Bill. With these words, Sir, I commend my Motion.

The Hon'ble the SPEAKER: Will the Hon'ble Minister exercise the right of his last reply?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I have very little to add to what I have already stated. The hon. Mover has just charged me with "nervousness". I may tell the House in clear terms that I have been taking a consistent attitude towards this Bill throughout.

My Friend Mr. Mookerjee referred to the speech of mine in the last November Session when I said that we were going to appoint a Special Officer to go into this matter; but I said at the same time that if the Bill is not pressed, we will do this but the move which the House took in this matter by referring this Bill to a Select Committee stayed the hands of the Government and so we could not proceed in the matter. My hon. Friend Mr. Baidyanath Mookerjee has again said that I presided over the Select Committee and having taken part in the deliberations of

that Committee, I should not oppose the Bill now. But my point of view was this, Sir, that the Bill was defective as I already pointed out. I tried to make some improvement of the Bill. But that is no reason why I should lend my support to the Bill.

As regards improvement to be effected in the Committee, I may tell him that it was not possible for us to extend the scope of the Bill. There were many omissions which could not be filled up in a Select Committee. So, that is the reason why we are taking up this attitude now.

The Hon'ble the SPEAKER: The question is:

"That the Assam Primary Education Amendment Bill, 1942 be passed."

The Assembly divided.

Ayes—12.

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| 1. Mr. Baidyanath Mookerjee. | 8. Khan Sahib Maulavi Muhammad Amiruddin. |
| 2. Babu Balaram Sircar. | 9. Maulavi Muhammad Amjad Ali. |
| 3. Srijut Joges Chandra Gohain. | 10. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 4. Rai Sahib Doulat Chandra Gohain. | 11. Khan Bahadur Maulavi Mufizur Rahman. |
| 5. Srijut Surendranath Buragohain. | |
| 6. Maulavi Abdul Bari Chaudhury. | |
| 7. Khan Sahib Maulavi Dewan Muhammad Ahbab Chaudhury. | 12. Maulavi Sheikh Osman Ali Sadagar. |

Noes—14.

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| 1. Srijut Beliram Das. | 8. Srijut Bhairab Chandra Das. |
| 2. Srijut Bepin Chandra Medhi. | 9. Srijut Bideshi Pan Tanti. |
| 3. Babu Kamini Kumar Sen. | 10. Srijut Dhirsingh Deuri. |
| 4. Srijut Lakshesvar Borooah. | 11. Rev. L. Gatphoh. |
| 5. Babu Lalit Mohan Kar. | 22. Mr. C. Goldsmith. |
| 6. Srijut Rohini Kumar Chaudhuri. | 13. Mr. Jobang D. Marak. |
| 7. Mr. Benjamin Ch. Momin. | 14. Srijut Rabi Chandra Kachari. |

The question was negatived.

The Assam Land and Revenue (Amendment) Bill, 1944

The Hon'ble the SPEAKER: Further discussion of Srijut Rohini Kumar Chaudhuri's Motion that the Assam Land and Revenue (Amendment) Bill, 1944 be taken into consideration.

Srijut ROHINI KUMAR CHAUDHURI: It is said, Sir, that imitation is the best form of flattery. In placing this Bill before the House which is only a replica of the Bill which was moved by my hon. Friend, Mr. Buragohain, it will be said that I have been imitating him and as he is an independent Member I, as the Leader of the Opposition am trying to win him over by this piece of Legislation and make him join the Opposition. It is not my intention. *(Laughter)*. My intention in this Bill is to implement what he wanted to do and why for an unreasonable opposition from the Hon'ble Minister of Revenue he could not achieve his object. This is a measure which would affect the entire people of the Province and is intended not to safeguard the interests of any particular community but really to preserve the interests of the Province as a whole.

Sir, it will be remembered that the present Act—the Assam Land and Revenue Amendment Act, the provisions of which have been incorporated under section 78(A) of the Assam Land and Revenue Regulation, was passed in the year 1933 and for a temporary period of 3 years only. This Act was put on a permanent basis by the Amending Act of 1936. I will first of all deal with the Clause of the Bill which was not in the former Bill of Mr. Buragohain, *i.e.*, with regard to the deletion of this

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one sentence or rather few words under Section 78A of the Land and Revenue Regulation. I will not read the Section because it will take time of the House. Section 78A authorises any person holding an interest therein by virtue of a title acquired before such sale, etc. This portion has been omitted in my Bill. This provision was not in the Bill of Mr. Buragohain. These words have given rise to various conflicting rules by the Revenue Courts. Such conflicts exist in the interpretation of the provision of Rule 89 of Order 29 of the Civil Procedure Code.

The Hon'ble the SPEAKER: I think, the hon. Member already spoke on this.

Srijut ROHINI KUMAR CHAUDHURI: I could not get hold of that book the other day. Now, Sir, after a good deal of search in the Library I have got the Civil Procedure Code.

The most important point about which there is a conflict in rulings even in the Civil Procedure Code, is that supposing a person, an owner or proprietor of an estate before his estate is sold by a revenue sale transfers his property to somebody else. Supposing 'A' the proprietor of the land after the sale has been advertised sells his land to 'B', what will happen then? If the sale takes place before the auction sale, what will happen? And what will happen if after the auction sale the sale takes place? Now, if the sale takes place before the auction sale, it has been held in various rulings that the person after he has transferred his property to somebody else cannot come and apply for the sale to be set aside under rule 89. The provision is identical to section 78A; in other cases it has been held that if a man, before his sale has been confirmed, applies to set aside the sale, then his application will be allowed on the ground that the sale has not yet been confirmed. In Madras, however, it has been held that the sale cannot be set aside on the application of the owner but the sale can be set aside only on the application of the property purchaser. Now this conflicting ruling has given rise to different decisions; as the House knows, the procedure laid down for the revenue cases is the procedure laid down in the Civil Procedure Code. So these rulings are sometimes cited also before Revenue Courts.

Now, Sir, I am reading out from the Civil Procedure Code a portion as regards transfer before Court-sale. It reads as follows:—

"Under the old section there was a conflict of decisions whether, if the judgment-debtor had transferred his interest in the property before the Court-sale, the transferee could apply under that section to have the same set aside. In *Srinivasa V. Ayyathorai*, for instance, it was held that the transferee could apply, while the contrary was held in *Ramchandra V. Rakhmabai*. Under the present rule it is clear that a transferee acquiring title before the Court-sale is competent to apply to have the sale set aside. Further, it was held under the old section that a judgment-debtor who had effected a private sale of his property subsequently to the attachment and prior to the Court-sale was entitled to apply under that section to set aside the sale. This ruling is still good law."

Now, even in cases which are decided by High Courts there have been conflicting decisions; what is the position in Revenue Courts? We have not got any report of the decisions of Revenue Courts in this Province. As a matter of fact, we have suggested several times that there should be a report of the leading revenue cases and so far I think such a report has not been published. But I understand that the present Member of the Revenue Tribunal is compiling some cases of revenue matters. When he will finish his works I do not know.

Now, Sir, if any party wants to cite any ruling he is quite unable to do so unless he applies for a certified copy of the orders and produces it before the Court.

Sir, the next point is as regards transfer after Court-sale. Supposing a sale has already taken place and in the meantime the owner of the property sells his property to somebody else then what will be the position? Here I am reading out another portion from the same book dealing with this point:—

"A obtains a decree against J. In execution of the decree certain immovable property belonging to J is sold to C for Rs.166. After the sale to C but before its confirmation under rule 92, J sells the property to P for Rs 500. It is clear that if J

could apply under this rule to have the sale set aside on payment of the amount mentioned in the rule, the pecuniary benefit to him would be great, for while the property was sold at the Court-sale for Rs.166, it fetched Rs.500 at the private sale. Is J, the judgment-debtor entitled to apply under this rule to have the sale set aside? Is P the purchaser at the private sale, entitled to apply under this rule? It was at one time held by the Allahabad High Court, that neither the judgment-debtor nor the subsequent purchaser was entitled to apply under this rule, the reason for the decision being that the present rule gives the judgment-debtor a last chance of saving the property *for himself* and that it was no part of the intention of the Legislature that the property should be saved for persons to whom it might be privately sold after the Court-sale had taken place. The Madras High Court held in its earlier decisions that the judgment-debtor is not entitled to apply, but that the subsequent purchaser entitled to apply."

So this point really crops up in deciding cases under section 78A. For instance, a person's land is sold for arrears of revenue. He does not know anything about the sale; he has not got notice of it. In the meantime, he sells his property to another person, say for Rs.100 but it has been sold in the revenue sale for Rs.20 because revenue sales sometimes do not go beyond arrears of land revenue. Now, who is to go to apply to set aside the sale? Whether the man who sold the property should apply, but he has no interest in the land because he has got more money by this private sale than he would get from the refund of revenue sale. Now, if the private party goes to apply for setting aside the sale he may be told he has no *locus standi*. Now after the sale has taken place and he has been put out of the Court, what will happen? It will be a loss to him. There are conflicting rulings even in High Court decisions. There are numerous rulings in Revenue Courts also. So in order to facilitate payment of deposit, I want that the sentence which I read out should be altogether dropped out and if it is dropped out all the conflicting decisions would disappear also. After all, the object of this piece of legislation the beginning of which was started in 1933 was to give relief to persons who are in need of it by allowing them an opportunity within a certain time to have the sale set aside. Now that opportunity cannot be availed of owing to the conflicting decisions, not to speak of the Revenue Courts but even of the Civil Courts. I have already told the House that this particular provision has been taken bodily from Order 21, Rule 89.

Babu KAMINI KUMAR SEN: What is the position of attaching creditor?

Srijut ROHINI KUMAR CHAUDHURI: I am coming to that.

I have dealt just now with a case of a person who sold his property after the property has been put up for sale. Now what happens? Supposing a piece of land which has been attached in execution of a Civil Court decree is put up for sale on account of arrears of land revenue. Application for setting aside the sale will be entertained. The owner of the piece of land wants to have all his encumbrances cleared up but he does not want to pay to the attaching creditor. So he does not apply to set the sale aside. He is no longer interested in the land. Now it is contended that the attaching creditor has no *locus standi* to go and apply for setting the sale aside and the decree holder suffers losses. But in Civil Court decrees it will be different; the attaching creditor is given the power to apply for rateable distribution. Interest is not affected by the sale because the Court will make the payment out of the sale money according to the extent of the decretal amount. But here what has happened? It is all the more serious, Sir, that on a revenue sale a property is taken free from all encumbrances. Supposing, Sir, 'A' purchases a property belonging to 'B' which is mortgaged to 'C'. Then in a Civil Court sale the mortgage and the encumbrances are not affected but in a revenue case sale the entire mortgage and the encumbrances are washed off after the sale. I think it is well known to the Hon'ble Minister in charge of Revenue that a property sold under revenue sale is taken free of all encumbrances. Even the mortgage or all sorts of encumbrances are washed off in a revenue sale.

Next, is the question of unregistered pattadar. As is well known a property belonging to a joint family may stand in the name of one person. Supposing for

any reason that person in whose name the patta stands does not take any step, he does not pay land revenue and he suppresses all the notices and the property is sold. He has got the notice of the sale. There is no material irregularity in publishing the sale. The sale is properly conducted and the only remedy is to have the sale set aside. But now the man in whose name the patta stands does not come to pay the arrear revenue. What will be the position of other co-sharers? Will they be entitled to pay the revenue and have the sale set aside? There has been conflict of decision on this point. But it was held by Sir Walter Scott, who was a Member of the Revenue Tribunal in a case which came up before him in 1938, that an unregistered pattadar is not competent to make a deposit under section 78A and to have the sale set aside.

In another subsequent case later on it was decided that the co-sharer who has undoubtedly an interest in the property will be allowed to make a deposit and pay the revenue and have the sale set aside. So there has been conflicting decision on this point and lot of expenditure involved in filing an appeal will be avoided if my Amendment is accepted.

Now, again, Sir, in deciding cases under appeals which have been filed to set aside sale under section 79 of the Land Revenue Manual as also in deciding cases of setting aside sale under section 81 of the Land Revenue Manual, it has been held by Revenue Courts that the application filed by an unregistered pattadar for setting aside the sale cannot be granted. So on the analogy of petitions filed under sections 79 and 81 an application filed by an unregistered pattadar for setting aside sale is not entitled to set aside the sale.

Then the most important point is the question of reversion and whether a reversioner is entitled to have the sale set aside. Here I am speaking of a Hindu widow. She has absolutely no right to sell her property to anybody except in cases of legal necessity. She cannot make a gift of her property to anybody or anybody of her kith and kin. She does not pay land revenue. Now, will the reversioner be entitled to have the sale set aside by making an application? It has been the case, I just mentioned, which was decided by Sir Walter Scott. That was the case of a childless widow. She defaulted in payment of her revenue and her husband's nephew wanted to set aside the sale. It was on payment of the deposit, Sir it was held that the reversioner has no right as the reversioner could not take an abiding interest in the property and so the reversioner was not entitled to make an application for setting aside the sale. On that ground I may also in this connection point out that according to section 54 of the Bengal Revenue Sale Law the reversioner cannot apply for having set aside the sale. So taking the analogy of cases decided under sections 79 and 81 of the Land Revenue Manual and also the Bengal Revenue Sale Law, it is the general tendency on the part of the Revenue Courts not to set aside sales on application of a reversioner, but, Sir, material hardship is caused by not allowing this application.

Now, Sir, as regards the question whether a person apart from the point of view of law has in fact any interest in the property or not has to be decided by the Court which holds the sale. In Civil Courts, Sir, the Court which holds the sale on an application holds a regular investigation in order to find out whether the man has got any interest or not, whether, for instance, the sale deed which he produces is genuine or not, whether his sale deed is registered or not. But no such procedure is strictly laid down in the Revenue Courts and as a matter of fact, no enquiry is held and the person filing an application for setting aside the sale is not given an opportunity to substantiate his claim.

Adjournment

The Assembly was then adjourned till 2 P.M. of the clock on Friday, the 24th March, 1944.

SHILLONG,
The 12th May 1944.

A. K. BARUA,
Secretary, Legislative Assembly, Assam.