



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 Tuesday, the 7th March, 1944.

PRESENT

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

## QUESTIONS AND ANSWERS

### STARRED QUESTIONS

(To which oral answers were given)

#### Scarcity of Fodder

Mr. BAIDYANATH MOOKERJEE asked :

\*14. Are Government aware that rapid increase of population including immigrants has led to the occupation of all grazing lands and pastures for the plough, making fodder scarce ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

14.—No.

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Minister please state what is the basis of this answer ?

†The Hon'ble Maulavi MUNAWWAR ALI: The information which Government have in their possession.

Srijut ROHINI KUMAR CHAUDHURI: Have not Government received several petitions complaining about the occupation of grazing lands ?

†The Hon'ble Maulavi MUNAWWAR ALI: One or two.

Srijut ROHINI KUMAR CHAUDHURI: From what District, Sir ?

†The Hon'ble Maulavi MUNAWWAR ALI: From the District of Lakhimpur.

Srijut ROHINI KUMAR CHAUDHURI: Will Government be pleased to lay on the table the report of the Special Officer who was engaged to enquire about the adequacy of grazing land in the reserves ?

†The Hon'ble Maulavi MUNAWWAR ALI: He was deputed not to enquire into the adequacy of grazing land but to report as to what land can be made available from the existing professional grazing reserves and not of grazing land. The report will be laid in the table in connection with another Question.

Srijut ROHINI KUMAR CHAUDHURI: As this includes the professional grazing reserves also, will the Hon'ble Minister be pleased to lay on the table a report of the Officer who was asked to enquire whether there was more land in the grazing reserves than would be necessary for the purpose ?

†The Hon'ble Maulavi MUNAWWAR ALI: As I have already said, Sir, that will be done. One copy of the report will be available in connection with another Question. If that Question does not come up, I will take steps that in spite of that Question not coming up, one copy of the report will be laid on the Library table.

Mr. BAIDYANATH MOOKERJEE: Have Government received any representation from the Nadua public regarding encroachment on the grazing reserves ?

†The Hon'ble Maulavi MUNAWWAR ALI: No representation, Sir, but some sporadic telegrams.

Srijut ROHINI KUMAR CHAUDHURI: Is it a fact that the Government have issued orders to the effect that any one who likes to settle in the grazing reserves, can do so ?



†The Hon'ble Maulavi MUNAWWAR ALI: No, Sir, that is not the order.

Srijut ROHINI KUMAR CHAUDHURI: Will Government be pleased to state what is the exact scope of the orders passed on the subject as regards occupation without permission in the grazing reserves?

†The Hon'ble Maulavi MUNAWWAR ALI: Pending the decision on the enquiry made by the Special Officer those people who had already been on the reserve might not be disturbed so that if after the enquiry it was found that there were sufficient lands then they will remain.

Srijut ROHINI KUMAR CHAUDHURI: What was the last date referred to in the orders? Occupation before a certain date was certainly mentioned therein.

†The Hon'ble Maulavi MUNAWWAR ALI: Till the duration of the enquiry and not later. If I remember aright, Sir, it was, in the case of tribal areas, the first of January, 1942 and in other cases, the first of January, 1943.

Srijut ROHINI KUMAR CHAUDHURI: Does the Hon'ble Minister remember that before the Line Enquiry Committee sat in 1937 it was decided only to consider occupation before the 1st January 1937 and not after that date? Occupation after the 1st January, 1937 in the reserves was strictly prohibited.

†The Hon'ble Maulavi MUNAWWAR ALI: This date is shifting from time to time and during the Congress-Coalition Ministry, if I remember aright, they fixed some later date.

Srijut ROHINI KUMAR CHAUDHURI: Sir, the Question is at what time after 1937 this unauthorised occupation of grazing reserves took place? Certain reserves in Barpeta were occupied before 1937 wrongly, but after 1937 was there any unauthorised occupation in the grazing reserves?

†The Hon'ble Maulavi MUNAWWAR ALI: There might be or might not be, Sir.

Srijut ROHINI KUMAR CHAUDHURI: What is the Government information, Sir? Was there any unauthorised occupation in the grazing reserves after 1937 up to 1942?

†The Hon'ble Maulavi MUNAWWAR ALI: There might be some.

Srijut ROHINI KUMAR CHAUDHURI: In that case, do not the Deputy Commissioners take steps to evict them?

†The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, eviction cases are in courts.

Srijut ROHINI KUMAR CHAUDHURI: I understand these eviction cases were stopped after these orders were passed by the Government in 1944 or at the end of 1943. Is that so?

The Hon'ble the SPEAKER: I now take up the next Question, *i.e.*, starred Question No.15.

#### Report of Enquiry regarding the Jorhat Jail incident

Mr. BAIDYANATH MOOKERJEE asked:

\*15. Will Government be pleased to lay on the table—

- (a) The report of the enquiry made by Government according to the assurance given during the Budget Session of the Assembly, 1943 regarding the Jorhat Jail incident?
- (b) The name or names of the persons who made the enquiry?
- (c) Whether the Superintendent of Police, Sibsagar was present at Jorhat on the night of the occurrence?
- (d) Whether he was informed by the Jail authorities or by any body else before the police force was requisitioned in the Jail compound?
- (e) The name of the Officer who sent for the police?
- (f) The name of the Police Officer who sent the police force?
- (g) The name of the Officer-in-charge of the police force who was sent to the Jail?
- (h) The number of Jail inhabitants who were injured?



†The Hon'ble Srijut RUPNATH BRAHMA replied : 15. (a) to (h)—The other day in connection with an Adjournment Motion it was stated by the Hon'ble Premier that action had been taken against certain officers and in view of the Departmental proceedings which are now being taken against certain officers, Government do not consider it desirable to lay down the papers on the table at this juncture.

Srijut ROHINI KUMAR CHAUDHURI : Whether the report of the enquiry was received by the Government ? I think that Question can be answered without touching the point of *sub-judice*. At least (a) and (b) can be answered, Sir. I want to know from the Hon'ble Minister whether any case arising out of this incident has actually gone to the court of justice.

†The Hon'ble Srijut RUPNATH BRAHMA : I think, the matter is still *sub-judice*. While the proceedings are going on it will not be advisable to lay the papers on the table.

Srijut ROHINI KUMAR CHAUDHURI : Do I understand that no prosecution has been ordered in the criminal Court ?

†The Hon'ble Srijut RUPNATH BRAHMA : I have already stated, Sir, that the proceedings are Departmental.

†Mr. BAIDYANATH MOOKERJEE : What is the harm in giving the names of the persons who are implicated in the matter ?

†The Hon'ble Srijut RUPNATH BRAHMA : If the hon. Member wants to know the information that may be done later on when the proceedings will be over.

Srijut ROHINI KUMAR CHAUDHURI : What is your ruling, Sir, about the point, I have raised that the Question Nos. (a) and (b) can be answered without prejudice to any enquiry either Departmentally or judicially ?

The Hon'ble the SPEAKER : The other day the Hon'ble Premier made a definite statement with regard to this matter. Is it not so ?

Srijut ROHINI KUMAR CHAUDHURI : Sir, I want to raise a discussion on this Question after the close of to-day's business.

The Hon'ble the SPEAKER : I will see to it later.

†Mr. A. WHITTAKER : As regards Question (b), I cannot quite see what objection can there be in replying the Question ?

†The Hon'ble Srijut RUPNATH BRAHMA : The Deputy Commissioner submitted a report and after that the Commissioner also was authorised to make an enquiry into the matter and to submit a report. And after enquiry he has submitted a report.

†Mr. BAIDYANATH MOOKERJEE : Do I understand that Government is taking action on that report, Sir ?

†The Hon'ble Srijut RUPNATH BRAHMA : Certainly.

Srijut ROHINI KUMAR CHAUDHURI : I understood that the enquiry was made under the Jail Manual. Where does the Commissioner come in under the Jail Manual, Sir ?

†The Hon'ble Srijut RUPNATH BRAHMA : I think Government thought it proper to make a further enquiry.

Srijut ROHINI KUMAR CHAUDHURI : May I know, Sir, under what rule, the Commissioner made the enquiry ?

†The Hon'ble Srijut RUPNATH BRAHMA : Government thought it proper and that was under the instructions of the Government.

Srijut ROHINI KUMAR CHAUDHURI : Have Government modified the rules of the Jail Manual, Sir ? May I know when was the report of the Commissioner submitted ?

†The Hon'ble Srijut RUPNATH BRAHMA : That is a different Question, Sir.

†Mr. BAIDYANATH MOOKERJEE : It is quite clear from the answer we have just now heard from the Hon'ble Minister that the Deputy Commissioner submitted a report and may I know when that report was submitted to the Government ? It is not a separate Question.

†Speeches not corrected by the Hon'ble Minister and the hon. Members concerned.



†The Hon'ble Srijut RUPNATH BRAHMA: I cannot say just now.

Srijut ROHINI KUMAR CHAUDHURI: When did the Commissioner hold the enquiry?

†The Hon'ble Srijut RUPNATH BRAHMA: That is also rather a new Question and I will require further notice of it.

Srijut ROHINI KUMAR CHAUDHURI: Did the Commissioner agree with the report of the Deputy Commissioner?

†The Hon'ble Srijut RUPNATH BRAHMA: That I cannot give out at this moment, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Sir, in that case I must insist on a debate on this matter.

The Hon'ble the SPEAKER: Yes, I allow a debate on this matter under Rule 40. After the close of the business of to-day the debate will be taken up.

#### Public Health Assistant Surgeons

Srijut SURENDRA NATH BURAGOHAİN asked:

\*16. Will Government be pleased to state—

(a) Whether they have received any representation from any of the Public Health Assistant Surgeons praying for the grant of enhanced initial salary, compensatory allowance and special pay?

(b) Whether they propose to consider the question of revising the rules to incorporate better prospects for these officers?

The Hon'ble Miss MAVIS DUNN replied:

16. (a)—No.

(b)—No.

#### Imported food-stuffs: Control of prices of food-stuffs

Babu LALIT MOHAN KAR asked:

\*17. Will Government be pleased to state—

(a) The names of different kinds of food-stuffs that are imported in the Province from outside?

(b) The quantity of each of the said commodities that is imported monthly on an average?

(c) The quantity of each of the said commodities, required monthly to meet the requirements of the people of the Province?

\*18. Will Government be pleased to state—

(a) The names of the commodities, the prices whereof have been controlled by Government up till now?

(b) Whether they propose to control the price of other commodities, e.g., mustard oil, spices, pulses like mug, chhola?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

17 (a).—Salt, Sugar, Atta and Flour, Dal and Gur.

(b)—Salt—75,000 maunds.

Sugar—40,000

Atta and Flour—30,000 maunds.

Dal—50,000 maunds.

Gur—7,000 tons for the year 1944.

(c)—The above quantities which are considered to be sufficient to cover the minimum requirements represent supplies allotted to this Province.

18 (a).—Salt, Sugar, Atta and Flour, Dal and Gur as also rice and paddy.

(b)—Price of Mug and Chhola has already been controlled. Government are contemplating to control the price of mustard oil, and they do not consider the control of the price of spices necessary for the present.

Maulavi ABDUR RAHMAN: Is it a fact, Sir, that people are suffering a great deal for want of sufficient supply of mustard oil?

†Speeches not corrected by the Hon'ble Minister concerned.



The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Does this Question arise, Sir? I was asked to give the quantity of food-stuff and the control price.

The Hon'ble the SPEAKER: Does not arise.

Maulavi ABDUR RAHMAN: Are Government aware that the price of mustard oil varies by at least 8 annas per seer from the Bengal markets?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware what is the Bengal price but the price in our markets has gone up to Rs. 2 per seer.

Maulavi ABDUR RAHMAN: Will the Hon'ble Prime Minister take it from me that in Bengal markets it sells at Rs. 1-6-0 per seer, whereas it sells here at Rs. 2 or more?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already answered that, Sir. I am not aware of the price prevalent in Bengal.

Maulavi ABDUR RAHMAN: Is the Hon'ble Premier ready to accept the statement which we make from our personal knowledge?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If the hon. Member can state from his personal knowledge, I shall have to accept it.

Maulavi ABDUR RAHMAN: Is it not a fact that the prices of this commodity vary in our parts?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is perfectly correct. I must cite an instance for the information of the hon. Members to come to their own conclusions. Seeing the shortage of mustard oil in the Province, I ordered for an indent of 10,000 tins of mustard oil from outside the Province. On arrival half of all the tins were found empty and a great deal of oil was lost. This may be either due to pilferage or leakage in the tins which were all very old as new tins are not available in the market.

#### Supply of commodities at controlled rate

Babu LALIT MOHAN KAR asked:

\*19. Will Government be pleased to state—

- (a) Whether they are aware that several commodities, e.g., khesari, motor, arahar and Gur, the prices whereof have been controlled by Government, are not available at that rate?
- (b) What arrangement has been made by Government for the supply of these commodities at the controlled rate?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

10. (a) & (b)—Government have fixed prices of all these commodities under the Assam Controlled Commodities Distribution Order, 1943 and have no information that they are not available at controlled rates. There is a sufficient stock of Arahari for sale to public, while sufficient quantities of other commodities the present stocks of which are depleted have been indented for and it is hoped that they will be available at the price fixed as soon as the supply is received.

Srijut ROHINI KUMAR CHAUDHURI: Are Government aware that Gur was absolutely unavailable for some months in our District? The Deputy Commissioner said that there was none in his stock for distribution and there was none also in the market.

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: About Gur, Sir, our stock position by the 1st of February was in the neighbourhood of 2,400 Maunds for the whole Province. This is very little compared to our needs, and we placed an order with the United Provinces and Bihar Governments to supply this article to an extent of 1,30,000 maunds. But up till now not a maund has been received by us. I sent the Secretary of the Supply Department to discuss the question of transport of our commodities from Bengal. He returned only day before yesterday

†Speech not corrected by the Hon'ble Minister.



and I have got his report this morning. He has been able to convince the Regional Priority Committee to allot some wagons and steamers for carrying of Gur from the United Provinces and Bihar. We expect now that 900 tons of Gur will start coming from the month of April next.

†Babu KARUNA SINDHU ROY: Are Government aware that there is a ban on export of goods from Bihar?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is no ban on export from Bihar, but they do not sell this article to private traders unless it is on Government account.

†Babu KAMINI KUMAR SEN: Would Government be pleased to make an enquiry whether all the controlled articles are available in Shillong?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In Shillong we have the rationing scheme and the quantity that are required under the scheme are available in the controlled shops at the controlled price.

†Mr. BAIDYANATH MOOKERJEE: Sir, the Question is whether all the controlled articles are available in the Shillong market at controlled price?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Excepting Gur, all the articles are available in the market. There is a dearth of Gur only.

(Starred Question No. 20 was not put and answered as the Questioner Maulavi Mabarak Ali was absent.)

#### Supply of paddy straw to the Military

Mr. BAIDYANATH MOOKERJEE asked:

\*21. Are Government aware that paddy straw is being taken away for supply to the Military?

The Hon'ble Mr. NABA KUMAR DUTTA replied:

21.—Yes.

†Mr. BAIDYANATH MOOKERJEE: Are Government aware that due to Military demand the cattle fodder is becoming scarce in the Province?

†The Hon'ble Mr. NABA KUMAR DUTTA: According to our information there is no shortage of fodder in our Province.

†Babu KARUNA SINDHU ROY: Are Government aware that there is a shortage of fodder in the Sunamganj Subdivision?

†The Hon'ble Mr. NABA KUMAR DUTTA: It may be so during the rainy season.

†Mr. BAIDYANATH MOOKERJEE: May I have an idea how much quantity of paddy straw has been supplied to the Military during the year 1943?

†The Hon'ble Mr. NABA KUMAR DUTTA: Government have no information.

†Mr. BAIDYANATH MOOKERJEE: What is the basis to know that there is no shortage of fodder?

†The Hon'ble Mr. NABA KUMAR DUTTA: There is no report that there is a shortage of fodder.

Srijut ROHINI KUMAR CHAUDHURI: Is the Hon'ble Minister-in-charge in a position to say whether there was, before the war, adequate quantity of paddy straw for fodder purpose?

†The Hon'ble Mr. NABA KUMAR DUTTA: There was no scarcity of fodder before the war to use paddy straw as fodder.

Srijut ROHINI KUMAR CHAUDHURI: Was there a surplus?

†The Hon'ble Mr. NABA KUMAR DUTTA: But there was no scarcity of fodder.

Srijut ROHINI KUMAR CHAUDHURI: Are Government now in a position to say whether the quantity taken for the Military purpose has at all affected our people?

†The Hon'ble Mr. NABA KUMAR DUTTA: It has not affected the people, otherwise we would have received complaints from the raiyots.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand that as there is no complaint on this subject, Government assume that there is no scarcity of fodder?

†Speech not corrected by the Hon'ble Minister and the hon. Member concerned.



†The Hon'ble Mr. NABA KUMAR DUTTA: Yes, Sir. But we are exhorting the people not to sell paddy straw to the Military.

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

#### Abolition of the Shaistaganj-Habiganj Branch Railway line

Maulavi ABDUR RAHMAN asked :

6. Will Government be pleased to state whether it is a fact that since the abolition of the Shaistaganj-Habiganj Branch Railway line the said town has also been cut off from road communication ?

7. Will Government be pleased to enquire and state why the Shaistaganj-Habiganj Branch Railway line was abolished ?

8. Will Government be pleased to enquire and state the names of Railway lines in the Province that have since been abolished ?

9. Do Government propose to move the proper authority to restore the Shaistaganj-Habiganj line as early as possible ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

6.—No. The town of Habiganj is connected with the Road System of the district by the Habiganj-Shaistaganj Road, which carries motor traffic.

7.—The materials available by dismantling the line were required by the Railway Board for urgent work elsewhere.

8.—(i) The Khowang Branch between Moranhat and Khowang.

(ii) The Cinnamara-Titabar Section of the Jorhat Railway.

(iii) The Shaistaganj-Habiganj Branch.

9.—The Government of Assam lodged a strong protest before the line was abolished but the Railway Board considered it urgent and imperative that the Shaistaganj-Habiganj line be dismantled.

#### Government contribution to the Calcutta High Court

Maulavi BADARUDDIN AHMED asked :

10. Will Government be pleased to state the amount of contribution made by them to the Calcutta High Court in the years 1942-43 and 1943-44 ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

10.—A sum of Rs.1,30,000 has been paid on estimate on account of the share cost of the High Court for 1942-43. No final debit has yet been raised by Bengal for this year. The figure of the estimate is corrected in due course with reference to actuals. The contribution payable for 1943-44 is estimated by Bengal to be Rs.1,06,000. No payment has yet been made.

#### Recruitment to Bengal Judicial Service

Maulavi BADARUDDIN AHMED asked :

11. Is it a fact that Munsifs from Bengal Judicial Service serve in Assam specially in the district of Sylhet and they also earn proportionate pension from Assam ?

12. Will Government be pleased to state—

(a) Whether any Assamese are serving in the Bengal Judicial Service ?

(b) If so, what is their number ?

13. Are Government aware that in the issue of the *Assam Gazette* of the 10th November 1943, the Bengal Public Service Commission invited applications from Muslim and Scheduled Caste candidates for 3 posts of Judges of Small Causes Court, Calcutta, and that the natives of Assam were eligible for the posts according to the said Notification ?



14. If the answer to Question 13 above be in the affirmative, will Government be pleased to enquire and state how many *bonafide* Assamese candidates applied for the posts and how many were called for interview by the Bengal Public Service Commission ?

15. (a) Will Government be pleased to enquire and state whether any of the candidates from Assam were recommended for the said posts ?

(b) If not, why not ?

16. Do Government propose to move the Government of Bengal to reserve some of its future Judicial appointments for *bonafide* qualified candidates from Assam ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

11.—Ten Munsifs in Sylhet belong to the Bengal Judicial Service and earn proportionate pension from Assam.

12. (a) & (b)—There are twelve members of the Bengal Judicial Service who are natives of Assam. If by "Assamese" the hon. Member means "natives of the Assam Valley", the Question does not admit of a ready answer, as Government have no information at hand of the actual place of origin in Assam of these twelve officers.

13.—Yes.

14.—Government have no information, and although they are prepared to enquire from the Bengal Public Service Commission the number of *bonafide* Assamese applicants, they do not consider themselves entitled to ask the Commission what steps the Commission took on such applications.

15. (a) & (b)—Government are prepared to enquire whether any candidate from Assam were actually appointed, but are not prepared, or entitled, to ask what recommendations the Bengal Public Service Commission made.

16.—A quota of four per cent. of the total recruitment has been earmarked for candidates from Assam. After a considerable amount of correspondence with the Government of Bengal, this Government with some reluctance accepted this decision, although they would have referred selection on the basis of merit.

#### Grant-in-aid to Chapar and Bahalpur High English Schools

Srijut JOGENDRA NARAYAN MANDAL asked :

17. Will Government be pleased to state—

(i) The names of Government Aided High English Schools in the district of Goalpara ?

(ii) Whether they propose to increase the grants-in-aid to Chapar and Bahalpur High English Schools up to Rs.100 each per month ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

17. (i)—(1) Birijhora High School, (2) Rajjhora High School at Bahalpur, (3) Krishnai High School, (4) Central Girls' High School at Goalpara, (5) J. N. Memorial Girls' High School at Abhayapuri, (6) Kokrajhar High School, (7) Rokakhata High School, (8) Sisupathsala High School at Dhubri, (9) Mankachar High School, (10) Sapatgram Public Academy, (11) Golakganj Venture High School, (12) Hamidabad High School, (13) Rani Bhabanipriya High School at South Salmora, (14) Lady Kerr Girls' High School at Dhubri.

(ii)—They will receive consideration along with others during the next financial year, if funds permit.

#### Employees of Local Bodies

Maulavi ABDUR RAHMAN asked :

18. Will Government be pleased to state—

(a) Whether services of the employees of Local Bodies have been declared as essential services ?

(b) If so, whether Government have taken any action to give any special facilities to those employees ?



19. (a) Will Government be pleased to state whether the employees of Local Bodies are entitled to free ration like the Government servants ?  
 (b) Are Government aware that there is an agitation among the said employees and that they are undergoing hardship due to financial stringency ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

18. (a)—Yes.  
 (b)—Municipal sweepers are allowed rice at concession rates. Menials attached to Local Bodies' Hospitals will also get the same concession. Lower Primary School teachers of Local Bodies are granted dearness allowance at the rate of Rs.3 per mensem and Government are bearing 60 per cent. of the total cost involved.
19. (a)—It is a matter for the Local Bodies to decide.  
 (b)—Government are prepared to accept hon. Member's statement.

Maulavi ABDUR RAHMAN: As regards Question No. 18(a) & (b), Sir, the Question was "Whether services of the employees of Local Bodies have been declared as essential services, and if so, whether Government have taken any action to give any special facilities to those employees?" The reply is given only with regard to sweepers. But I want to know whether Government contemplate to give any facilities to the ministerial staff of the Local Bodies and to doctors as well ?

†The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This is a matter for the Local Board, Sir.

Maulavi ABDUR RAHMAN: Are Government aware that the financial position of the Local Bodies is bad ?

†The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I accept the statement of the hon. Member.

Maulavi ABDUR RAHMAN: Are Government aware that unless Government give loans to the Local Bodies it is not possible for these Bodies to take any steps in this regard ?

†The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: We always consider the loan applications of the Local Bodies very carefully.

Maulavi ABDUR RAHMAN: Is it not proper on the part of Government also to issue directions to the Local Bodies that they may give adequate facilities to their employees during these hard days ?

†The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I am sure they are all very competent people and no directions from Government are considered necessary.

Babu KAMINI KUMAR SEN: May I know how many Local Boards in the Province have given dearness allowance to their School teachers for which Government are bearing 60 per cent. of the total cost involved ?

†The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: To give the exact figure, I want notice.

#### The Assam Finance Bill, 1944.

The Hon'ble the SPEAKER: Now we are to take up consideration of the Assam Finance Bill, 1944, clause by clause.

There is only one amendment that stands in the name of Mr. Baidyanath Mookerjee under clause 2.

#### Clause 2

Mr. BAIDYANATH MOOKERJEE: I beg, Sir, to move that in line 1 in proviso (ii) of sub-clause C, for the word "half," the words "one fourth" shall be substituted.

Sir, by this amendment I am not asking the Hon'ble Finance Minister to give much. If this amendment is accepted, then the tea estates with a taxable income of below Rs. 8,000 will be benefited. It will be found in the Bill itself that in the case of individual, firm and other association of persons, that is to

† Speech not corrected by the Hon'ble Minister concerned.



say in all cases other than Companies, on the first Rs. 1,500 nothing will be charged, and I am sure that this proviso is meant for giving some relief to the small tea concerns. Now, in that case the Hon'ble Finance Minister cannot and should not have any difficulty to accept my amendment. The tax is payable in case the net income exceeds Rs. 3,000 and by this proviso a little relief is given to those who pay tax on the amount of Rs. 4,300. Those who pay tax on Rs. 4,400 will derive no benefit out of this. So, Sir, practically nobody will derive any benefit. Now, if my amendment is accepted then the gardens with a taxable income below Rs. 8,000 will be benefited to a certain extent.

According to the original proviso, for an income of Rs. 4,000 the tax will be Rs. 625 and if my amendment is accepted the tax will be Rs. 250. If the taxable income is Rs. 5,000 the tax according to the Bill will be Rs. 781 and if my amendment is accepted, it will be Rs. 500. For Rs. 6,000 the tax will be Rs. 937.8 and according to my amendment it will be Rs. 750. For Rs. 7,000 the tax will be Rs. 1,093.12 and according to my amendment it will be Rs. 1,000. Finally in the case of Rs. 8,000 the tax will be Rs. 1,250 according to both means of calculation and so there will be no difference at Rs. 8,000. Sir, those tea concerns which will pay tax on an income below Rs. 8,000 will derive some benefit. It should also be noticed that those who will be at the bottom will get greater benefit than those who will be at the top, that is, nearer to Rs. 8,000. The more the income the less the relief.

I hope, I have made myself quite clear to the Hon'ble Finance Minister. In this connection, I think it will not be out of place to mention what the Hon'ble Premier, the then Finance Minister, as well, said in 1940. "We want to gather knowledge by experience, and until we find what amount can be collected and how far the imposition of the tax hits our poor tea planters or other assesses under the Agricultural Income-tax Act, Government have no intention to change or decrease by 50 per cent. the income that is proposed to be recovered from this source. We do not know what will be the income from this source; we have not seen any report from our Assistant Commissioner of Income-tax as to how this tax is operating upon either the poor or big capital tea industries of the Province. Under these circumstances, Sir, we think, that this motion is premature." Now, after a period of 4 years we can very reasonably expect that Government are in a position to know the real state of affairs and have satisfied themselves that the paltry sum involved in this amendment may very easily be spared. Government will lose only an insignificant sum by accepting my amendment. But though this amount will be very insignificant to the Government, I can assure the House that it will be of very great help to the small tea concerns who are struggling all along for their very existence. With these words, Sir, I beg to resume my seat and I hope that my amendment will be accepted by this House.

The Hon'ble the SPEAKER: The amendment moved:

"That in line I in proviso (ii) of sub-clause C, for the word 'half,' the words 'one fourth' shall be substituted."

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I am afraid, I cannot accept this amendment. A few days ago when the Bill was introduced and when Mr. Mookerjee brought before the House the grievances of the small tea concerns, I gave the assurance that we shall look into them. Our budgetary position, Sir, does not allow us to make any reduction in our income which we can legitimately claim. As I said during the last few years the tea gardens have made profit and even if we accept the proposition that the small tea concerns are struggling for their existence, we shall require more data to go into the matter before we can commit ourselves to any reduction of the rates. Under these circumstances, I am sorry, I cannot accept the amendment.

The Hon'ble the SPEAKER: The question is:

"That in line I in proviso (ii) of sub-clause C, for the word 'half,' the words 'one fourth' shall be substituted."

The question was negatived.

The Hon'ble the SPEAKER: The question is that clause 2 stands part of the Bill.

The question was adopted.



The Hon'ble the SPEAKER: The question is that clause 1 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is that the title and preamble of the Bill stand part of the Bill.

The question was adopted.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to move that the Assam Finance Bill, 1944, be passed.

The Hon'ble the SPEAKER: The Motion moved:

"That the Assam Finance Bill, 1944, be passed."

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, as a representative of the Indian tea planters in this House, I think, it is my duty to oppose the passing of this Bill. Sir, I do not know whether the Hon'ble Finance Minister thought, after hearing my speech two minutes ago while moving my amendment, that I would be benefited if my amendment was accepted. But I can tell him that it was not the case. Sir, I wanted some relief for the small tea concerns which are struggling for their very existence from the very beginning. Before the Tea Control Act came into force these small tea gardens were about to be closed. They raised a loan at a very high rate of interest, and some of them had to sell their property even; but after the Act came into force and after export quota licenses were issued these small concerns, by selling their export quota rights, used to get something and with the profits they made they had to pay back their debts. And before they could fully recover, the prices of export quota rights had fallen; rather, there is no market for the export quota rights. It may very well be said that these gardens may enter into contracts with Government, but as I said the other day, Sir, these small concerns for whom I am speaking, many of them have not got factories, and those who have got factories they are not well-equipped and the teas produced in these gardens are much below the standard and are not accepted by the Government. Sir, when this is the state of things, I think, it is the duty of the Government to look to the interest of these small concerns. Sir, if Government think that they are only a machinery for collection of rents and taxes and not for looking to the interest of those who are paying taxes and revenues to the Government, in that case, I have nothing to say. If they admit this, it is well and good; if they do not admit this then they should do something for one and all—small and big, European and Indian.

Sir, in this House we have heard many absurd things. As for example, when the University Bill was before this House, I said that because there was no location in the Bill for the University, it was a University, which, in a Sylhetee word, might be called *baital*. Objection was then raised and you, Sir, explained that *baital* meant *bigatasthal*.

The Hon'ble the SPEAKER: I do not understand how this is relevant here.

Mr. BAIDYANATH MOOKERJEE: I will show the relevancy, Sir, if you allow me a little time.

Sir, the Hon'ble Prime Minister while replying said that as I came from Bengal to Sylhet I was a *bigatasthal* and therefore I called the University a *bigatasthal*. Sir, can anybody even imagine that Sir Muhammad who is a Saiyid, is an original inhabitant of Assam; certainly his forefathers came from outside Assam? If for coming from Bengal to Sylhet which was once a part of Bengal I am characterised as a *bigatasthal*, then Sir Muhammad whose predecessors came from a far distant country, should be called a *mahabigatasthal*. Sir, even yesterday the Hon'ble Prime Minister said that the zemindars were blood-suckers. Sir, it reminds me of a story. A certain complainant appeared before a Munsif and wanted to place his case direct to the Munsif. The Munsif asked the man to engage a pleader. The man replied that he was a poor man, and could not afford to pay the pleader. The Munsif then said "you can nowadays get a pleader for only four annas". The man said "I can of course spare four annas, but I don't think I can get any pleader for four annas". The Munsif then told him to go under the banyan tree standing nearby, where he would get a pleader for four annas. Accordingly, the man went under the banyan tree and asked a pleader to conduct his case. The pleader demanded a fee of Rs.2. The man then told the pleader that the Munsif babu told him that nowadays pleaders were available



at four annas. Then the pleader remarked that those pleaders who used to conduct cases for four annas had all become Munsifs. The man then went back to the Munsif and told him that the pleader had said that all those pleaders who used to conduct cases for four annas had all become Munsifs, and that nobody was willing to come with a fee of 4 annas.

Sir, the Hon'ble Prime Minister, who, being the first Citizen of the Province, is representing the whole Province, forgot this fact yesterday when he said that the zemindars were blood-suckers. Here I like to say, Sir, that the present zemindars are not blood-suckers, but the Ministers have all become blood-suckers nowadays. The present Ministers have taken the place of former Zemindars who might have been blood-suckers.

The Hon'ble the SPEAKER: I do not yet see how this is relevant.

Mr. BAIDYANATH MOOKERJEE: Sir, my point is this. If the Ministers forget that they represent one and all in the Province it becomes an untenable position for the people of this Province. Why every one should be cursed for the fault of one man? I may be at fault according to the Hon'ble Prime Minister which I am sure I am not but that is no reason why the entire class should be cursed and termed as blood-suckers. The sieves are trying here in this House to point out and to blame needles for their holes. If zemindars are blood-suckers the Ministers are greater blood-suckers, this Bill.....

The Hon'ble the SPEAKER: Does the hon. Member mean to say that this is a blood-sucking legislation? (*Laughte.*)

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, quite so, you have put it very rightly and have minimised my labour.

I think now it is quite clear to the whole House. I again appeal to the hon. Members of this House that they should oppose this Bill and am assuring them that by opposing this Motion there is nothing by which I will be benefited. I am speaking on behalf of some poor tea concerns and these concerns belong to the poor Indians. If they have got any sympathy for their own countrymen, I think, the hon. Members also should support my Motion. With these words, Sir, I oppose the Motion for passing the Bill.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, although I have not been given even a four anna bit as lawyer's fee, I think, I can put the case of my Friend on the right, much better than he has done. (*Laughter.*)

Sir, I am neither a tea planter—I do not own a single share in any tea concern—nor am I a socialist or a comrade like my Friend Babu Karuna Sindhu Roy. All the same, Sir, I think that the conditions of the small tea concerns should have received sympathetic consideration from the Government. Sir, the words 'poor tea concerns' seem rather contradictory in meaning. It is just like golden earthen vessels "সোনার বাটি কলস". In our part of the country there is an adage which goes on to say "If you dig for earth-worm, a snake might come out of it". It is my Friend Mr. Mookerjee who encouraged the passing of the Agricultural Income-tax Bill and so he dug the earth and the outcoming of the Bill attacks the very existence of the small tea concerns and so he has got the snake. But I think, my Friend, the present Finance Minister who opposed tooth and nail the Agricultural Income-tax Bill should now have at least some sympathy for the poor tea concerns about whom the Opposition spoke so much. I, therefore, request, Sir, that at some future time the Hon'ble Finance Minister may take the case of these poor tea concerns into sympathetic consideration.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I have already given the assurance that the cases of the small tea concerns—I do not think they are poor—will be looked into and we will see if they need any relief. Beyond this I am not in a position to say anything.

Babu RABINDRA NATH ADITYA: Is it that their cases will be considered after the Bill is passed?



The Hon'ble the SPEAKER: The question is: "That the Assam Finance Bill, 1944, be passed."

The Assembly divided.

Ayes—40

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|---|---|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.          | 19. Maulavi Syed Abdur Rouf.                            |
| 2. The Hon'ble Mr. Naba Kumar Dutta.                          | 20. Khan Sahib Maulavi Dewan Muhammad Ahabab Chaudhuri. |
| 3. The Hon'ble Maulavi Munawwar Ali.                          | 21. Maulavi Badaruddin Ahmed.                           |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty.           | 22. Maulavi Ghyasuddin Ahmed.                           |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 23. Khan Bahadur Maulavi Keramat Ali.                   |
| 6. The Hon'ble Dr. Mahendra Nath Saikia.                      | 24. Maulavi Muhammad Maqbul Hussain Chaudhuri.          |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri.                 | 25. Khan Bahadur Maulavi Mufizur Rahman.                |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.           | 26. Maulavi Sheikh Osman Ali Sadagar.                   |
| 9. The Hon'ble Miss Mavis Dunn.                               | 27. Mr. F. W. Blennerhassett.                           |
| 10. The Hon'ble Srijut Rupnath Brahma.                        | 28. Mr. N. Dawson.                                      |
| 11. Srijut Joges Chandra Gohain.                              | 29. Mr. E. H. S. Lewis.                                 |
| 12. Babu Kalachand Roy.                                       | 30. Mr. D. B. H. Moore.                                 |
| 13. Rai Sahib Doulat Chandra Gohain                           | 31. Mr. C. W. Morley.                                   |
| 14. Srijut Surendranath Buragohain.                           | 32. Mr. R. A. Palmer.                                   |
| 15. Maulavi Abdul Aziz.                                       | 33. Mr. P. Trinkle.                                     |
| 16. Maulavi Abdul Bari Chaudhuri.                             | 34. Mr. A. Whittaker.                                   |
| 17. Maulana Abdul Hamid Khan.                                 | 35. Mr. Benjamin Ch. Momin.                             |
| 18. Maulavi Abdur Rahman.                                     | 36. Srijut Bhairab Chandra Das.                         |
|   | 37. Srijut Bideshi Pan Tanti.                           |
|   | 38. Rev. L. Gatphoh.                                    |
|   | 39. Mr. C. Goldsmith.                                   |
|   | 40. Mr. Jobang D. Marak.                                |

Noes—13

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|-----------------------------------|--------------------------------------|
| 1. Mr. Baidyanath Mookerjee.      | 8. Babu Nirendra Nath Deb.           |
| 2. Babu Bipin Behari Das.         | 9. Srijut Purandar Sarma.            |
| 3. Srijut Ghanashyam Das.         | 10. Babu Rabindra Nath Aditya.       |
| 4. Babu Kamini Kumar Sen.         | 11. Babu Shibendra Chandra Biswas.   |
| 5. Babu Karuna Sindhu Roy.        | 12. Khan Bahadur Maulavi Mahmud Ali. |
| 6. Babu Lalit Mohon Kar.          | 13. Babu Sanat Kumar Ahir.           |
| 7. Srijut Rohini Kumar Chaudhuri. |                                      |

The question was adopted.

**The Assam Local Board Elections (Emergency Provisions) Bill, 1944**

The Hon'ble the SPEAKER: There are two amendments. The first one is in the name of Babu Karuna Sindhu Roy—

Clause 2

\*Babu KARUNA SINDHU ROY: I beg, Sir, to move that in the proviso, for the words "31st March 1945", the words "31st October 1944" shall be substituted. Sir, it has been the persistent demand in constituencies, specially in rural areas, that there should be 'election' again. Government cannot defer election on the plea of no knowledge of public demand. Regarding the redistribution of constituencies and increase in the number of constituencies, if figures are available, it is a question of 15 days for a capable officer. Now if the polling centres are increased, election may be held at any time of the year. People do not grudge to stop a day's work for casting their votes. During the last Assembly election 65 per cent. of the boro cultivators



voted at the time when boro sowing was in full swing. Expenses can be minimised if non-official polling officers are appointed. Before election, the Electoral Roll must be revised ; every qualified voter should be entitled to vote.

With these few words, I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: The amendment moved:

"That in the proviso, for the words '31st March, 1945', the words, '31st October, 1944' shall be substituted."

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, as I said the other day the purpose of this extension is only to adjust census figures for the purpose of redistributing the constituencies. Now, what the Ministry proposes to do is to increase the number of members in the Local Boards. They have already taken about 3 years' time and I do not think they should take more than what has been proposed by my Friend Babu Karuna Sindhu Roy, that is extension up to 31st of October. I think, within this space of time there will not be any difficulty to finish consultation with the District officers or with the different Local Board authorities. The census figures were in their hands about 3 years ago and there is no justification for further time. In case Government gives us an assurance that they will also take up other necessary amendments to the existing Local Self-Government Act, I think, we may be agreeable to postpone election till the 31st March, 1945. Sir, the present Local Self-Government Act is almost obsolete. It was passed about 3 decades ago and it is quite in the fitness of things that the Ministry should take up the consideration of all necessary amendments to the existing Act. They should not be satisfied only with increasing the number of members of the Local Boards. So before we decide our course of action, I want to know from the Hon'ble Minister in-charge whether he still sticks to his original proposition, that is, whether he proposes to bring amendments of the rules for the purpose of increasing the number of members or whether the Government are agreeable to take up other necessary amendments of the existing Assam Local Self-Government Act. Unless they do it, I do not see any reason why this House should grant them a further extension for one year.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: There are two amendments.

The Hon'ble the SPEAKER: I have seen it, but I did not see the hon. Member concerned in his seat.

Srijut ROHINI KUMAR CHAUDHURI: My hon. Friend Mr. Mookerjee has just received a news from his home that his mother-in-law is reported to be very ill.

The Hon'ble the SPEAKER: The next \*amendment in that case is not going to be moved.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I find from the amendment tabled by the hon. Member that he is very eager to see that Local Board elections are held very early. I can say, Sir, that Government is not less anxious to see that the Local Board elections can be held as early as possible than the hon. Members desire. Sir, I tried to explain the difficulties of Government while the Bill came up for consideration in this House the other day. Had there not been demand from the public as well as from many of the Members that the Local Board constituencies should be revised and more seats should be allotted to different constituencies on the basis of increased population as has been ascertained in the recent census of 1941 and had there not been demand from the minority communities, such as Scheduled caste people, the Ahoms and the Tribal people, it would have been easier for us to call for the general election under the existing rules.

† Babu KAMINI KUMAR SEN: On a point of information, Sir. Is it not a fact that Government have already decided to keep the three existing constituencies? There are only three constituencies—the Planting Constituency, the Muhammadan Constituency and the Non-Muhammadan Constituency. Is it not a fact that Government have

\*Mr. Baidyanath Mookerjee to move:— . Clause 2

That in proviso to clause 2, for the words "31st March 1945" occurring in the first and the last lines, the words "31st December 1944" shall be substituted.

† Speech not corrected by the hon. Member.



already asked the Commissioner as well as the Local Board authorities for their opinion in the matter on the basis that there will be only three constituencies and not more than three constituencies, and that there will be no separate constituency for the Scheduled caste or the Ahom Community ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Government have not finally decided how many constituencies there will be. They have simply asked for certain figures and certain District Officers might have been asked for giving figures about certain communities, but it is also true, Sir, that I have asked for figures of the Scheduled caste, Tribal and also Ahom Community. So, Sir, I think, the contention of the hon. Mover of this amendment that it is a very easy thing to get these figures is not correct. To get all these figures it would certainly take a considerable time for, the District Officers are to collect these figures and supply to the Government. Besides that, Sir, we want to know from which area of the Subdivision, from which locality of the Subdivision there is a considerable increase so that we may definitely know how many increased seats we will have to give to those localities.

Now, Sir, about the suitability of time, of course, Mr. Mookerjee is not here, but the time suggested by Mr. Roy will be too inadequate for our District Officers to gather the figures. Besides that, Sir, even if the figures do come by September, Government will have to ask the District Officers for the preparation of the preliminary electoral roll and its printing and publication and then the publication of the final electoral roll which will take a considerable time. So, unless two or three months' time is given it will be absolutely impossible to achieve the purpose. Besides that, Sir, in October we may have an Assembly Session, of course it rests with His Excellency when he will call the Session, but it is very likely as the Puja Holidays will be over by September this year, His Excellency may like to call the Session in October. If that be so, it will be very difficult for our hon. Members who are wanting to contest in the election to remain present in their own constituencies at that time. Besides this, cultivation time will be hardly over and there might be plenty of rains even at that time and it may not be a very convenient time for holding a general election like this. On these grounds, Sir, I think, we cannot accept the proposal of the hon. Mover of this amendment.

The Hon'ble the SPEAKER: The question is:

"That in the proviso to clause 2, for the words '31st March 1945' the words '31st October 1944' shall be substituted."

The question was negatived.

The Hon'ble the SPEAKER: The question is:

"That clause 2 stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 1 stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

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

The question was adopted.

The Hon'ble Sirjut HIRENDRA CHANDRA CHAKRAVARTY: Sir, I beg to move that the Assam Local Board Elections (Emergency Provisions) Bill, 1944, be passed.

The Hon'ble the SPEAKER: The Motion moved:

"That the Assam Local Board Elections (Emergency Provisions) Bill, 1944, be passed."

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister whether it is a fact that the Commissioner of Divisions has already written to the respective Local Boards intimating that election will be postponed till 31st March 1945, even before the Bill was introduced in this House ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I take, Sir, that the information given by the hon. Member is correct.

Maulavi ABDUR RAHMAN: May I know, Sir, on whose authority did the Commissioner write to the respective Local Boards ?



The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY. The Commissioner might have known, Sir, that the Bill is coming up before the Legislature.

The difficulty is there, Sir, if the election is not postponed a lot of work has to be done and perhaps he gave proper directions to his officers that they might look to other works. He might have given such instructions. It is very natural because our officers are hard worked and they cannot be kept engaged in work which may ultimately serve no purpose.

Maulavi ABDUL BARI CHAUDHURY: Sir, I wish to speak a few words on the Motion that is before the House.

First of all, I will turn to the Statement of Objects and Reasons wherein the Hon'ble Minister-in-charge says: "The increased population figures as revealed in the Census of 1941 have given rise to various problems touching representation of various communities, redistribution of constituencies and various other consequential adjustments. The examination of these problems requires a good deal of detailed information and Government are in correspondence with the District Officers to furnish the necessary details. The collection of these details will require a considerable time specially because of the fact that Government officers in the districts are pre-occupied with war work".

Is it not a fact that the same reasons were put forth when the verdict of the House was sought in a similar Motion for postponing the election in the year 1941? There, it was specifically stated that as the census figures would not be available till late in the year, the Local Board Election had to be postponed. It is rather curious, Sir. Government are treating us with the same argument in the year 1944 after a lapse of three long years. Of course, in the interval there had been some vicissitudes in the fate of the Ministry. But nevertheless the Government of Assam was functioning. Why did not the officers collect the necessary details within this long period? I submit, Sir, this particular plea can hardly be supported now. Government have of late appointed so many special officers with justification and without any justification. After all that it does not lie in their mouth to say that a special officer could not be appointed to examine the whole situation in the light of the census figures of 1941. They should not have relied on the District Officers who are said to be pre-occupied with war duties.

In this connection, I wish to refer to another weighty matter. It is the Assam Local Self-Government Act, 1915, which governs all our local self-governing institutions. The Act is too old and rotten. As it stands it is a negation of the very spirit of Self-Government in Assam. People's ideas and requirements have undergone a complete change within this long period. It is ludicrous to ask us to be governed by that old fossil of the year 1915.

So, I submit that the Hon'ble Minister should not rest contented with only adjusting the constituencies and the representation of the various communities. He must take up in right earnest the work of amending the whole Act so that it can really be styled as the Local Self-Government Act.

\*Maulavi ABDUL AZIZ: Mr. Speaker, Sir, I like to oppose this Bill. I beg to submit that already there have been three postponements of this election and there should not be any further postponement. I submit, Sir, the election is long due. It has been postponed for three long years on account of war. Sir, even in England and America, they are having their elections in spite of the great war. Though we are here in the war zone we have no actual participation in the war. So, I see there is very little ground for postponement of Local Board elections any further.

The plea the Hon'ble Minister has put forward in favour of this Bill now, is the same which was taken up by the Ministry in the past three years also when they wanted postponement of the election. This is a new Bill and during the last three years the Ministry must have taken measures to collect facts and figures and they ought to have been ready by this time for fresh election. So, I submit, Sir, there is no ground for postponement of election any further. With these words, I beg to oppose the

\* Speech not corrected by the hon. Member.



\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Hon. Member who has just now spoken stated that general elections are going on in England and America. May we be enlightened what elections are going on?

\*Maulavi ABDUL AZIZ: I read in the papers that elections are going on there.

\*Srijut ROHINI KUMAR CHAUDHURI: Not general elections but bye-elections.

\*Maulavi ABDUL AZIZ: Yes, bye-elections are going on and there is a prospect of an early general election.

Maulavi ABDUR RAHMAN: Before I give my assent to the passing of this Bill, I think, I should make some points very clear. May I request the Hon'ble Minister that he should be more earnest in fulfilling the promise he has made in the House that he would not come forward before the House with another Bill like this after the expiry of the 31st March, 1945? Well, this is a promise which we have been hearing from the Ministry since after the general election became due. In the year 1940 or 1941, the then Hon'ble Minister-in-charge of Local Self-Government came forward with an emergent Bill like this asking the House for an extension of one year only. We believed honestly that they would be true to their word and they would not be coming forward with any such Bill asking the House for another extension.

The second extension was given for two years and we agreed to that also. The last extension was given by the 93 Government. This is the third time, probably, Sir, that we have been asked to give our assent for postponement of election. There have already been three postponements of election. Now the Hon'ble Minister-in-charge should seriously consider that he would not come forward any more before this House with further request to give our assent for further extension of election which we do not desire to take place even after 31st March of next year.

Srijut SURENDRA NATH BURAGOHAIN: Sir, I share the anxiety of the hon. Members of this House not to secure any more postponement of election of Local Boards, the Members of which are certainly remaining too long in their office. So far as the non-Muslim minorities are concerned these communities have not at all been represented in these existing Boards. But, Sir, in spite of that, I am afraid, if this Bill is thrown out the parties which will most suffer are the non-Muslim minorities which are hitherto not at all represented in the election to these Boards. So it is in their interest that I want to lend my support to the Motion moved by the Hon'ble Minister. The House will remember that I had elicited from the Hon'ble Minister the other day, when the consideration of this Bill was taken up, that the Government was going to secure the representation of these minorities by statutory orders and on the basis of informations secured from the District Officers. I quite realise that these informations will need to be worked upon and the time necessary will certainly be considerable.

There is another point of view, Sir, to be considered in the case of Local Board election. Unlike the election of Municipalities this election welcome to the rural population at a time after the main harvest, and it is at that time that they are in a mood to join the election campaign and to give their attention that it deserves. So if this Bill is accepted then the election can be held at a time when this will be most welcome and most convenient. So, Sir, with these few words and in the interest of the non-Muslim minorities in Assam, on whose behalf I am speaking, I beg to support the Motion.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I find, Sir, that there is a lot of misunderstanding in the minds of many of the hon. Members here as to the steps taken by the Government from time to time. My hon. Friend, Maulavi Abdul Bari Chaudhury started by saying that the first Bill for postponement of the election of Local Boards came in 1941. The first Bill was introduced in 1940 asking for a postponement of election for one year, as at that time the census figures were not available, and the Bill was passed in 1940. In December 1941, as it is known to all the hon. Members of this House, the Ministry resigned and that resignation came up not long after the census figures were available to the Government and Government had very little time to scrutinise those figures, not to speak of collecting

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



the details from the local officers. Then, Sir, during the 93 Administration period, of course, another postponement was enacted by His Excellency and this Ministry had nothing to do with that. After we took office this is the first time that we have come with this Bill with a view to meet the demand of the public and the minorities. It is with that honest intention, Sir, we have brought in this Bill. Government would have been very glad to hold the elections, had it been possible for them to ignore the public feeling, and would have been very glad to call for the election under the existing rules which would have minimised a lot of trouble to many of our officers who are over-worked. But Government's desire is quite different. The proposal for appointing a special officer came up long ago. We are now awaiting the time for the appointment of a special officer who will begin his work as soon as the materials are available. We hope to get this officer very soon.

Mr. Sen raised a question about the amendment of the Local Self-Government Act. That also did not escape the notice of Government. We are quite alive to the situation. Our present Act is a very old one and so many improvements are necessary. But, Sir, we all know that after the end of the war a complete change in the Constitution will come up. In view of this I do not know how far it will be worthwhile to take all the trouble to recast the whole Act. I think when there will be a complete change in the Constitution after the war, this Act, even after amendments, might not be of any use to us. So, Sir, as we expect a radical change in the Constitution that would determine the lot of our Local Boards, we could not take up that question of amendment. Besides that, Sir, I do not know how that will help the hon. Members at this moment if we take up the amendment of this Act. Hon. Members are aware that if we are to introduce a Bill it will have to be sent for eliciting public opinion and then to a Select Committee where the hon. Members will have to devote their valuable time to scrutinise it and thus it will take a very long time.....

Maulavi ABDUL BARI CHAUDHURY: On a point of information, Sir. Have not the Government introduced so many Bills in this Session?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Yes, Sir, I know, very many Bills have been introduced, but they are not of so great importance and I take it that it will be a Bill of greater importance. It is not supposed that the Members will be able to pass or agree to any amendment without giving proper thought over the different provisions of the Bill. For this reason Government could not take up the question of bringing any Bill for the amendment of the whole Act. I hope in proper time Government will be quite glad to bring in a suitable legislation before the House for the amendment of the whole Act.

The Hon'ble the SPEAKER: The question is: "That the Assam Local Board Elections (Emergency Provisions) Bill, 1944 be passed".

The Assembly divided.

AYES—38

- |   |   |
|---|---|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.          | 12. Babu Kalachand Roy.                               |
| 2. The Hon'ble Mr. Naba Kumar Dutta.                          | 13. Rai Sahib Daulat Chandra Gohain.                  |
| 3. The Hon'ble Srijut Hirendra Chandra Chakravarty.           | 14. Srijut Surendranath Buragohain.                   |
| 4. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 15. Maulavi Abdur Rahman.                             |
| 5. The Hon'ble Dr. Mahendra Nath Saikia.                      | 16. Maulavi Syed Abdur Rouf.                          |
| 6. The Hon'ble Maulavi Abdul Matin Chaudhuri.                 | 17. Khan Sahib Maulavi Dewan Muhammad Ahab Chaudhury. |
| 7. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.           | 18. Maulavi Badaruddin Ahmed.                         |
| 8. The Hon'ble Miss Mavis Dunn.                               | 19. Khan Bahadur Maulavi Keramat Ali.                 |
| 9. The Hon'ble Srijut Rupnath Brahma.                         | 20. Maulavi Muhammad Maqbul Hussain Chaudhury.        |
| 10. Babu Bipin Behari Das.                                    | 21. Khan Bahadur Maulavi Mufizur Rahman.              |
| 11. Srijut Joges Chandra Gohain.                              | 22. Maulavi Sheikh Osman Ali Sadagar.                 |
|   | 23. Mr. F. W. Blennerhassett.                         |
|   | 24. Mr. N. Dawson.                                    |
|   | 25. Mr. E. H. S. Lewis.                               |



## AYES—38—concl'd.

- |                                 |                                  |
|---------------------------------|----------------------------------|
| 26. Mr. D. B. H. Moore.         | 33. Srijut Bideshi Pan Tanti.    |
| 27. Mr. C. W. Morley.           | 34. Srijut Dhirsingh Deuri.      |
| 28. Mr. R. A. Palmer.           | 35. Rev. L. Gatphoh.             |
| 29. Mr. P. Trinkle.             | 36. Mr. C. Goldsmith.            |
| 30. Mr. A. Whittaker.           | 37. Mr. Jobang D. Marak.         |
| 31. Mr. Benjamin Ch. Momin.     | 38. Srijut Rabi Chandra Kachari. |
| 32. Srijut Bhairab Chandra Das. |                                  |

## NOES—10

- |                            |                                   |
|----------------------------|-----------------------------------|
| 1. Srijut Ghanashyam Das.  | 6. Srijut Purandar Sarma.         |
| 2. Babu Kamini Kumar Sen.  | 7. Babu Rabindra Nath Aditya.     |
| 3. Babu Karuna Sindhu Roy. | 8. Babu Shibendra Chandra Biswas. |
| 4. Babu Lalit Mohon Kar.   | 9. Maulavi Abdul Aziz.            |
| 5. Babu Nirendra Nath Deb. | 10. Babu Sanat Kumar Ahir.        |

The question was adopted.

**The Assam Dadans Bill, 1944**

The Hon'ble the SPEAKER: The next item is the Assam Dadans Bill, 1944. There are numerous amendments. I intend to take up clause 2 first.

*Clause 2*

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that in line 2 of sub-clause (a), for the "comma" after the word "labourers", a "full stop" shall be substituted and the words "and from which he either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year" appearing thereafter shall be deleted.

By this small amendment we want to amend the definition of the word "cultivator". The definition in the Bill reads as follows: "cultivator" means a person who has land which he cultivates either himself or through labourers, and from which he either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year". This means that a person who either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year" will only come within the purview of this Bill. But as a matter of fact, it is only the smaller cultivators who take Dadans or advances. So, if this restriction is not lifted the very intention of the Bill will be frustrated. Perhaps the intention of Government is to touch only the bigger cultivators for the procurement operation, and they do not intend to touch the smaller ones. But this will not be a sound policy. The Mahajans are too clever, and taking advantage of this loophole they will be able to defeat the object of this Bill. Their transactions will then be limited only to the smaller cultivators who do not reasonably expect to have one hundred maunds of food-grains in one year. In that case he will not be required to furnish the statement prescribed by clause 4. This is why we have brought forward this amendment.

The Hon'ble the SPEAKER: The amendment moved: "That in line 2 of sub-clause (a), for the 'comma' after the word 'labourers', a 'full stop' shall be substituted and the words 'and from which he either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year' appearing thereafter shall be deleted."

Babu KAMINI KUMAR SEN: Sir, I support this amendment, and in doing so I would like to make a few observations. Besides the argument that has been put forward by the hon. Mover I say that the wording of the definition—particularly the portion "or may reasonably expect to have"—is very vague, and is likely to create confusion. The position would have been indisputably clear if the definition merely said "from which he has not less than one hundred maunds of food-grains in one year". But the words "may reasonably expect to have" will give rise to many disputes. Who will decide whether a cultivator "may reasonably expect to have one hundred maunds of food-grains." So, I think it is better to drop those words.



Moreover, Sir, I do not see any reason why the smaller cultivators should be excluded even if they accept Dadans.

For these reasons I think it would be better to delete the expression.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, in this matter I will be guided by the opinion of the House. Government's intention was not to touch the very poor cultivators who take Dadans not generally in the shape of money but in the shape of advance of crop. It is well-known to many that a poor cultivator who cannot get sufficient to feed his family throughout the year, generally gets help from his neighbour in the shape of advance of paddy which he promises to repay as soon as new harvest is cut by him. We wanted to avoid bringing this class of people under the operation of this Bill. But if the House think that after this Bill is passed, the Mahajans will take recourse to advancing money to this class of poor cultivators who will take money on the promise to repay till the crop is cut, then I think what my hon. Friend the Mover has said may come to pass. Therefore I shall be entirely guided by the opinion of the House in this matter.

The Hon'ble the SPEAKER: The question is:

"That in line 2 of sub-clause (a), for the 'comma' after the word 'labourers', a 'full stop' shall be substituted and the words 'and from which he either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year' appearing thereafter shall be deleted."

The question was adopted.

### Adjournment

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

### After Lunch

The Hon'ble the SPEAKER: Amendment No. (2) to Clause 2. I think that is consequential.

Maulavi ABDUL BARI CHAUDHURY: Yes, Sir.

I beg to move, Sir, that in the Explanation to sub-clause (a), the words "if, from his share in such land, he either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year" appearing in lines 2, 3 and 4 shall be deleted.

Sir, it follows from the amendment just now passed.

The Hon'ble the SPEAKER: The amendment moved:

"That in Explanation to sub-clause (a), the words 'if, from his share in such land, he either has or may reasonably expect to have not less than one hundred maunds of food-grains in one year' appearing in lines 2, 3 and 4 shall be deleted."

It is a consequential amendment and I am putting it as a question.

The question was put and adopted.

The Hon'ble the SPEAKER: Third amendment.

(c), Maulavi ABDUL BARI CHAUDHURY: I beg, Sir, to move that to sub-clause the following "Explanation" shall be added:—

"*Explanation.*—That for the purposes of this Act, Deputy Commissioner shall also mean and include the Subdivisional Officer—where there is a Subdivisional Officer".

Sir, very wide powers have been conferred to the Deputy Commissioner in clauses 10 and 15 but it is not possible for the Deputy Commissioner to take cognisance of all such cases. So for better working of the Act I want to delegate the powers of the Deputy Commissioner to the Subdivisional Officers.

The Hon'ble the SPEAKER: The amendment moved:

"That to sub-clause (c), the following 'Explanation' shall be added:

"*Explanation.*—That for the purposes of this Act, 'Deputy Commissioner' shall also mean and include the Subdivisional Officer—where there is a Subdivisional Officer.'"



The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, in my opinion this amendment is redundant but if the House wants it, I won't object. But the Deputy Commissioner has got the power to delegate his authority to collect these returns.

The Hon'ble the SPEAKER: Then I am putting it as a question.

The question is:

"That to sub-clause (c), the following 'Explanation' shall be added:

'*Explanation.*—That for the purposes of this Act, 'Deputy Commissioner' shall also mean and include the Subdivisional Officer—where there is a Subdivisional Officer'."

The question was put and adopted.

The Hon'ble the SPEAKER: The question is:

That Clause 2 as amended stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: As there is no amendment to clause 3 I am putting the question.

The question is:

That clause 3 stands part of the Bill.

The question was adopted.

#### Clause 4

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that in line 2, for the word "registered" the words "whether registered or not registered" shall be substituted.

Sir, it is common knowledge that few money-lenders get themselves registered under the Assam Money-Lenders Act. There is no penal clause in that particular piece of legislation. So if this clause is passed without amendment as suggested, a very big percentage of money-lenders will be left out from the scope of this Bill. By this amendment we propose that the money-lenders whether registered or not, must furnish a statement required of him if he advances money to the cultivators. With these words, Sir, I commend my Motion.

The Hon'ble the SPEAKER: The amendment moved:

"That in line 2, for the word 'registered' the words 'whether registered or not registered' shall be substituted"

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I oppose this amendment, Sir, for this is entirely redundant. The cases of unregistered money-lenders is covered by clause (5) and therefore I do not see any reason for making a change in Clause (4).

The Hon'ble the SPEAKER: The question is:

"That in line 2, for the word 'registered' the words 'whether registered or not registered' shall be substituted."

The question was negatived.

The Hon'ble the SPEAKER: The question is:

That clause 4 stands part of the Bill.

The question was adopted.

#### Clause 5

Maulvi ABDUL BARI CHAUDHURY: I beg to move, Sir, that in lines 1 and 2 after the words "Deputy Commissioner" for the word "may" the word "shall" shall be substituted.

The practice prevails in the District of Sylhet, and also elsewhere, that it is not money-lenders or food-grain licensees alone who give Dadan to cultivators. The transaction is carried on by persons who have no money-lending business at all. Many of them are land-holders and businessmen. Their number is very considerable. Though clause 5 provides for persons other than money-lenders or food-grain licensees, the discretion has been left with the Deputy Commissioners. By changing, "may" by "shall", I want that Deputy Commissioners shall require statements by those persons.



The Hon'ble the SPEAKER : The amendment moved :

“That in lines 1 and 2 after the words ‘Deputy Commissioner’ for the word ‘may’ the word ‘shall’ shall be substituted.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have no objection to make the change, Sir, and I think as in clause 4 the word “shall” has been used, it will be better to use the word “shall” in clause 5 also.

The Hon'ble the SPEAKER : The question is :

“That in lines 1 and 2 after the words ‘Deputy Commissioner’ for the word ‘may’ the word ‘shall’ shall be substituted.”

The question was adopted.

The Hon'ble the SPEAKER : Amendment No. (2).\*

Maulavi ABDUL BARI CHAUDHURY : The amendment does not arise, Sir.

The Hon'ble the SPEAKER : Amendment No. (3).†

Maulavi ABDUL BARI CHAUDHURY : It also does not arise.

The Hon'ble the SPEAKER : The question is :

That Clause 5 as amended stands part of the Bill.

The question was adopted.

#### Clause 6

Maulavi ABDUL BARI CHAUDHURY : I beg, Sir, to move that Clause 6 and the Explanation thereto shall be deleted.

Sir, it is very doubtful whether this Bill will bring any specific benefit to the cultivators ; on the contrary this particular clause will mean untold harassment and hardship to them. Sir, we cannot deny that most of our cultivators are illiterate, most of them are not even acquainted with the alphabets. How is it possible for them to furnish statements as provided by Clause 6 ? My Friends who are connected with Debt Conciliation Boards will bear me out when I say that it is an absurd proposition. Big cultivators even find it difficult to furnish statements under the Assam Agricultural Income-tax Act. It might be argued that it would not be possible to verify the authenticity of statements submitted by money-lenders without statements from the cultivators ; but Clause 2 is a sufficient safeguard against false statements furnished by the money-lenders and in cases where there is reasonable cause for doubt, cultivators could be examined by the authority requiring the statements. I submit that this is very vital to the interest of the cultivators that this particular clause should be deleted. With these words, I commend my Motion.

The Hon'ble the SPEAKER : The amendment moved :

“That Clause 6 and the Explanation thereto shall be deleted.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker Sir, I oppose this amendment on two grounds. Firstly, if we ask the money-lender to make a statement as to the amount of Dadan that he has given, there is no reason why we should not ask the cultivator also to supply the same information. It may be that if the cultivator does not give his side of the case, the money-lenders would be encouraged to claim very heavy amounts thinking that there would be no statement from the cultivator. Then again generally these transactions are not carried on with any documentary evidence. Therefore the cultivator will be at a disadvantage if any kind of dispute arises later on.

Maulavi ABDUL BARI CHAUDHURY :

\* (2) That in lines 4 and 5, the words “registered under the Assam Money-lenders’ Act, 1934 (Assam Act IV of 1934)” shall be deleted.

† (3) That the following “Explanation” shall be added—

“Explanation.—For the purposes of clauses 4 and 5 any money paid as consideration for the transfer of land or of any interest in land shall be deemed to be a Dadan, when the transferee being a cultivator or receiver of rent in kind has remained in possession of the land.”



Next, Sir, if we simply ask one party to the transaction to submit a statement of account, it will be criticised as one-sided and that the Bill does not want to protect the money-lender but only the cultivator; but although we want the cultivator to furnish his return in a statement which is as simple as possible, we have not made it punishable for him if he does not put in his return under clause 11. The procedure was adversely criticised the other day by Mr. Baidyanath Mookerjee. Therefore, although the statement is required, there is no penal clause against the cultivator, and so the cultivator does not lose anything if he does not submit his statement. In order to safeguard him and in order to make it equally applicable to both, to the money-lender as well as to the cultivator, this clause is necessary.

Maulavi ABDUL BARI CHAUDHURY: May I interrupt, Sir? Section 12 reads as follows: "Whoever furnishes a statement as required by section 4, section 5, or section 6, which he knows or has reason to believe to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupee; or with both."

Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. Friend Mr. Abdul Bari Chaudhury has failed to catch my statement. I mentioned that according to clause 11, the cultivator is not made punishable for not submitting his return. Clause 11 reads as follows: "Whoever, being liable to furnish a statement under section 4 or section 5, has wilfully failed within the time therein laid down to furnish such statement, shall be punished with fine which may extend to two hundred rupees." Intentionally, I have omitted section 6 from this provision; but clause 12 details punishment for false statement,—I should not encourage the cultivator in spite of all my sympathy for him to give a false return; it must be an accurate return. Therefore, in clause 12 I have made false statement punishable, but failure to furnish is not punishable.

Maulavi ABDUL BARI CHAUDHURY: This is voluntary then?

The Hon'ble the SPEAKER: This is quite optional.

Maulavi ABDUL BARI CHAUDHURY: So I do not press it.

The Hon'ble the SPEAKER: I hope the hon. Member has the leave of the House to withdraw his Motion.

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

The Hon'ble the SPEAKER: The question is:

That clause 6 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: There is no amendment under clause 7. The question is:

That clause 7 stands part of the Bill.

The question was adopted.

#### Clause 8

Babu KARUNA SINDHU ROY: I beg, Sir, to move that in line 1 of sub-clause (a), for the words "one-half" the words "two-thirds" shall be substituted.

The cultivators are essential factors in economic, political and social areas. If cultivators stop work, society may be kept starving. So best facilities should be afforded to cultivators. I, therefore, suggest two-thirds of the Dadan money shall have to be utilised by *Kishans* themselves; one-third will go to liquidate their debts.

The Hon'ble the SPEAKER: The amendment moved:

"That in line 1 of sub-clause (a), for the words 'one-half' the words 'two-thirds' shall be substituted."

The Hon'ble Maulavi Saiyid Sir MAHAMMAD, SAADULLA: In this matter, Sir, I should like to be guided by the verdict of the House. We think that the condition of price should be 50—50 between cultivators and other claimants, which is a just one.



If the House decides that 2/3rd price should be given to the cultivators I will not object, but if the House allows price in favour of the cultivators it will be an one-sided matter and I hope the hon. Members will consider this matter in the light in which I have placed it.

The Hon'ble the SPEAKER: The question is:

"That in line 1 of Sub-clause (a), for the words 'one-half' the words 'two-thirds' shall be substituted."

The question was negatived.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that in line 1 of Sub-clause (b), for the words "out of the surplus", the words "out of the remaining half of the price" shall be substituted.

Sir, my intention is and I do feel that the word "surplus" has not been properly used here and I want to change this word.

The Hon'ble the SPEAKER: The amendment moved:

"That in line 1 of Sub-clause (b), for the words 'out of the surplus' the words 'out of the remaining half of the price' shall be substituted."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is merely a verbal change and I have no objection to it.

The question was then put and adopted.

The Hon'ble the SEAKER: The question is:

That clause 8, as amended, stands part of the Bill.

The question was adopted.

#### Clause 9

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move amendment No. (2) and not\* (1) that the following new proviso shall be added after the existing proviso:—

"Also provided that the majority of members of such Board of Arbitrators shall be non-official".

Sir, in the Bill itself no qualification has been prescribed for the members of the Board of Arbitrators. By this amendment I want that the majority of its members should be non-official.

The Hon'ble the SPEAKER: The amendment moved:

"That the following new proviso shall be added after the existing proviso:

'Also provided that the majority of members of such Board of Arbitrators shall be non-official.'"

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry, Sir, that I cannot accept this amendment. The 'Arbitrators' proposed has been left rather vague because nothing has been mentioned as to who should form the Arbitrators. The intention of Government is that in the Board of Arbitrators there will be two members representing two parties and one member of Government. As two members will represent two parties, most probably they will be non-official, but I do not like that the hands of Government or the discretion of the Deputy Commissioner should be so tied by a hard and fast rule when the majority of the Arbitrators will be non-official. In this view of the matter I oppose this amendment.

The Hon'ble the SPEAKER: The question is:

"That the following new proviso shall be added after the existing proviso: 'Also provided that the majority of members of such Board of Arbitrators shall be non-official.'"

The question was negatived.

Babu KARUNA SINDHU ROY: Sir, I am not going to move my amendment. †(No. 14 of Clause. 9).

The Hon'ble the SPEAKER: The question is:

That clause 9 stands part of the Bill.

The question was adopted.

\*Maulavi ABDUL BARI CHAUDHURY: (1) That in lines 2 and 3 of the proviso to sub-clause (1), the words "or section 6" shall be deleted.

† 14. Babu KARUNA SINDHU ROY to move: That in line 2 of explanation (2), after the word "appointed" the words "from representatives of people of the district" shall be added.



*Clause 10.*

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that the words "exceeds one thousand but" appearing in lines 1 and 2 of sub-clause (1)(a) shall be deleted.

Sir, under this clause, as drafted, it has been provided that an appeal will only lie when the amount exceeds rupees one thousand. So it is not possible for the poor to bring up their appeals. To me it seems fair that such restriction should be omitted from the Bill.

The Hon'ble the SPEAKER: The amendment moved:

"That the words 'exceeds one thousand but' appearing in lines 1 and 2 of sub-clause (1) (a) shall be deleted."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In this matter, Sir, I will be guided by the verdict of the House. Government, while drafting this clause, considered that if an appeal in every case is allowed then there will be such a big number of appeals that the Deputy Commissioner or the Commissioner will be over-flooded with appeals. Therefore we thought that there should be a limit over the amount exceeding which an appeal should be allowed and we thought the limit will be that there will be no appeal when a dispute is as regards Rs. 1,000 but if it is over, the appeal will be allowed. If the House thinks that there should be an appeal in every matter, in every dispute, in that case they should consider whether there will not be a very large number of such appeals and that the Deputy Commissioner will be overwhelmed with such work only and he will not be able to attend to other works.

The Hon'ble the SPEAKER: The question is:

"That the words 'exceeds one thousand but' appearing in lines 1 and 2 of sub-clause (1) (a) shall be deleted."

The question was negatived.

The Hon'ble the SPEAKER: The question is:  
That clause 10 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is:  
That clause 11 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is:  
That clause 12 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is:  
That clause 13 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is:  
That clause 14 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is:  
That clause 15 stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is:  
That the two Schedules stand part of the Bill.

The question was adopted.

*Clause 1*

The Hon'ble the SPEAKER: Maulavi Abdul Bari Chaudhury is now to move his amendment.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that in line 1 of proviso to sub-clause (3), after the words "Government may", the words "with the approval of the Legislature" shall be added.



Sir, this is a temporary piece of legislation designed to elicit certain information regarding advances to cultivators and receivers of rent for better procurement of food-grains on the part of the Government. The measure if passed into law will not bring any material benefit to the cultivators. The name of the Bill itself is a misnomer. It does not provide to safeguard the interest of the cultivators against the exorbitant demands of the Dadan-dars. As such, the life time of the Bill should be as short as possible.

By this amendment, I want to impose an additional clog to any attempt to extend the duration of the Act beyond the statutory period of two years.

If the state of emergency continues even after two years, the legislature is the most competent body to decide whether this special power should be invoked for a further period for procurement of food-grains as envisaged in the Bill.

This can very well be done by a Motion. I do hope the Hon'ble Minister-in-charge will concede to this amendment.

The Hon'ble the SPEAKER : The amendment moved :

“That in line 1 of proviso to sub-clause (3), after the words “Government may”, the words “with the approval of the Legislature” shall be added.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I accept the amendment, Sir.

The Hon'ble the SPEAKER : The question is :

“That in line 1 of proviso to sub-clause (3), after the words ‘Government may’, the words ‘with the approval of the Legislature’ shall be added.”

The question was adopted.

The Hon'ble the SPEAKER : The question is :

That clause 1 as amended do stand part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER : The question is :

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

The question was adopted.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that the Assam Dadans Bill, 1944 as amended be passed.

The Hon'ble the SPEAKER : The Motion moved :

“That the Assam Dadans Bill, 1944 as amended be passed”.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Mr. Speaker, Sir, before I give my assent to this Bill I want to make a few observations. According to me this Bill is a misnomer. Had this Bill been named ‘The Procurement of Food-grains Bill’ I think it would have been appropriate. From the Statement of Objects and Reasons I find, “Efficient procurement requires adequate control over wholesale stocks of food-grains and their movements. In Assam wholesale traders in rice and paddy do not always hold physical stocks in their godowns but secure control by granting advances to cultivators. An order under the Defence of India Rules has already been issued to collect information regarding such advances but it is felt that this is not enough and there should also be a ready means of settling claims in respect of such advances. This Bill has therefore been framed with two objects in view, firstly to get information about advances made by traders and others to cultivators on crops ; secondly, to set up a machinery for the speedy disposal of claims based on such advances. Provision has been made to protect the cultivator as well as the trader or money lender who has not concealed his activities”.

From the passage I have just now read I find that Government are strengthening the hands of their officers for procurement of food-grains. So, Sir, Dadans Bill is a misnomer. If the object of Government is to procure food-grains from the cultivators I think there is no necessity for such a measure. Cultivators are ready to part with their surplus paddy or rice when Government want to procure these, of course, if Government pay adequate price for the same. In the last rainy season we found Government officers busy for procuring paddy in the different localities of the Province. Many cultivators were ready to part with their surplus paddy but Government did not procure their paddy because they did not want more.



There are cases where Government procured rather seized paddy for which only half the price was paid, as decided by the officer. But after some days they released the seized stock and demanded the return of the price that was paid to the cultivators. This put some of the cultivators in an embarrassing situation. Some underwent a great loss. If the sole idea of Government is to procure and control the movement of foodgrain, I think, Sir, that such a Bill is not necessary at all. In the Statement of Objects and Reasons the Hon'ble Premier says that the aim of this Bill is to protect the cultivators as well as the traders. But, from the reading of the Bill, I find that the aim is quite otherwise. Clause 8 says—

“The price of any food-grains purchased from a cultivator or a receiver of rent in kind by the Provincial Government either through its officers or through agents appointed for the purpose, as well as of any food-grains requisitioned from such persons by the Provincial Government under any provision of the Defence of India Rules, shall, where the food-grains are encumbered by any Dadan be disbursed in the following manner:—

(a) One-half of the price shall, upon delivery of the food-grains, be paid to the cultivator or the receiver of rent in kind from whom it is purchased or requisitioned.

(b) Out of the surplus, all persons who have any claim against the cultivator or the receiver of rent in kind on account of any Dadan shall be reimbursed to the extent of the amount advanced, and, where the surplus is not sufficient for the purpose of such reimbursement, it shall be rateably distributed amongst the claimants if more than one in number.”

Here I find, Sir, Government has not provided any rate of interest for the Mahajans or traders who advance money, or any sort of profit on the advances made by them owing to which, I am afraid, cultivators will not get money when they need it most. I live in village mostly and I know the condition of the cultivators. As for instance, if a cultivator wants to purchase plough cattle he will require money and when he will go to the creditor, the creditor would not advance him the money, because he knows that when he will advance any money Government will come and procure all the food-grains and divide the price, as determined by the power given to Government by Clause 8 of this Bill. So, this will put the cultivator in a very disadvantageous position. I therefore like to say, Sir, that this Bill will protect neither the cultivators nor the creditors. I fully realise the position. The Bill has been drafted hastily and worded unhappily, and it is wanted to be passed by the Legislature in a hot haste. I would like to request the Hon'ble Prime Minister to see his way to withdraw this Bill and bring in a comprehensive Bill in the next Session after due consideration over the matter.

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

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am not sure whether my Friend Maulavi Maqbul Hussain Chaudhury has properly grasped the intention of this Bill. If he argued that he wanted to see that system of Dadans be abolished and a comprehensive Bill for this purpose should be placed before the House, I would have acceded to his request. But he himself admits that Dadan system largely benefits the cultivators and in spite of that, if he does not want to protect the economic condition of our cultivating class, we cannot bring in a Bill withdrawing the system of Dadans or advances to the cultivators against their crops. In these abnormal times when the cultivators are to be protected, especially when we insist on doing propaganda work to grow more food, we ought to see that they receive the proper price for their agricultural product. The system of Dadans is well known to every one here. When the cultivators are at a disadvantageous position and have no money to buy things necessary for cultivation, they go to money-lenders or Mahajans who gladly lend the cultivators money with even sweet words, but take away in return unconscionable portion of the product of the cultivators' sweated labour in the shape of crop. We want to prevent this by bringing the whole account into the light of law of the day. If the Mahajans and the money-lenders are compelled to place before the Deputy Commissioner, or the Subdivisional Officers the amount of



advances and the quantities of rice or paddy, etc., that have got to be paid in lieu of the advances then there is every likelihood that they, the Mahajans, will think twice before making any exacting demand, for they know that the Deputy Commissioners and the whole force of Government are behind the cultivators and the Deputy Commissioners will see that the cultivators get a fair deal. In this way alone the Bill has sought to protect the interest of the cultivators. The cultivators on the other hand are not a set of angels and it is not that they do not make any attempt to take some advantage for themselves. It may be, Sir, that some cultivators who, having received quite a large amount of loan, would try later on to contest either the amount of loan advanced or the quantity of crop to be delivered. If there is this penal clause, as provided in respect of any wrong statement by a cultivator, he will think twice before making any such wrong statement. Therefore this Bill stands for both the cultivators and the Mahajans.

Then again, Sir, Maulavi Maqbul Hussain Chaudhury has advanced an argument which gives away his own position. He says that if this Bill is passed then the Mahajans will be much afraid to give any advance to the cultivators. If I remember aright, Sir, he was one of the sponsors of the Assam Money-lenders Act. This argument which he has now put forward had reigned supreme in the minds of some of the hon. Members at the time when he pressed for the Assam Money-lenders Bill to be enacted into law for the protection of the cultivators. So, Sir, there is really no force in the argument advanced by my hon. Friend, Maulavi Maqbul Hussain Chaudhuri and I doubt if he can constitutionally object to the passing of the Bill having already accepted the principle of different Clauses by giving notice to bring so many amendments with a view to bettering the piece of legislation which, he thinks, is necessary.

The Hon'ble the SPEAKER: The question is:

"That the Assam Dadans Bill, 1944, be passed."

The question was adopted.

#### **Government Motion to make the Publicity Department a permanent Institution.**

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that this House recommends that the Publicity Department be made a permanent institution in the Province.

Hon. Members will remember that with their verdict and voting of supplies, we started the Publicity Department a few years ago. Since then great improvements have been made in the Department and its activities are expanding daily. At present, in addition to the normal duties of publicity and propaganda, this Department has undertaken further duties, for example, about the National Savings Scheme, Song publicity and Red-cross propaganda. On the top of these, the Department have acquired some 67 wireless sets which, I hope when installed, will bring much needed information, relaxation and propaganda to the rural areas. Then they have got the publicity Van equipped with batteries, cinema projectors, magic lanterns and things like that. One may question why the Assam Publicity Department should undertake to do the work of schemes enunciated by the Central Government. If the Publicity Department has undertaken these duties, the expenditure has been provided by the Central Government to some extent. For example, for the National Savings Scheme Government of India has allotted a sum of Rs. 15,000 which the Publicity Department is spending. The Song Publicity Scheme of the Central Government—a scheme which we have also adopted—is getting a sum of Rs. 53,000 annually and as the song activities will be controlled by the Publicity Department, they will have the handling of this money. Similarly I am told that the Red-cross have agreed to pay for all the materials and part-time assistants if the Red-cross propaganda is done by the Publicity Department. In view of the large and growing activities of this Department, we have to have a competent staff and we cannot have a competent staff unless we make the Department permanent. For no one would like to come and work in a department knowing full well that it is not permanent and therefore they will not get the advantages of full Government servants either in the shape of pension or as regards very beneficent and liberal



leave rules. In these modern days when new inventions are the possibilities of reaching the propaganda to the very backbone of the nation, namely, the masses in the rural areas, we have drawn up an ambitious programme, *viz.*, wireless sets, loud speakers, cinema projectors etc. These are very effective means of doing propaganda and therefore we, with the vote of the House, have come in for all these different improvements of reaching the masses and of giving publicity to the activities not only of the war which is essentially necessary but also of the war efforts in the Province in which is included not only the National Savings campaign but also the Grow-More-Food campaign. But to keep these machineries in proper order it will be surprising to know that the batteries that operate these machineries have to be looked into and re-charged almost twice a week ; we require some technical hands as well in addition to men with ideas as regards publicity and propaganda. When there has been a tremendous demand for men on account of war work, it has been found difficult, if our staff remain temporary, to keep any efficient worker, especially of technical nature, in this Department.

One may question why this Department should be made permanent. Every hon. Member knows that each province in India has got its own Publicity Department also a Directorate of Information. We have the Publicity Department only. Every hon. Member who has seen the activities of this Department cannot but see that this Department is fraught with immense possibilities for the good of the Province. Members from the Opposition Bench may cry out and say that this is one of the means of carrying on propaganda for the Ministry. But I can assure them that up till now I have not used these machineries to prop up any tottering Ministry, if that is the idea of some of the Members. Whatever may be the moral of this statement, I fully believe that it is no use starting a Grow-More-Food campaign, if it is no use experimenting with better yielding varieties of seeds in our experimental farms, it is no use bringing any filature machine for reeling our silk which is bringing very large prices and which may bring thousands of rupees to the pockets of our people, unless we can tell the masses that such and such instrument is available at such and such places or such and such better yielding seeds are available at such and such places. One can question that such department should have its own publicity. It is up to the hon. Members of this House to reflect whether the puny and detached publicity of each Department will be better than a fully equipped Publicity Department which will co-ordinate the activities and propaganda necessary of the different nation-building Departments. I know, Sir, that while I was in the Surma Valley last month and when the Government propagandists told the big crowd that I was addressing of the activities of the Agriculture Department, it was found that the people of the rural areas had not heard what Government was doing in this respect, where they could get good seeds for growing their crops or how they could grow castor plants, the seeds from which can produce oil to meet the growing scarcity of kerosene. The Publicity Department did undertake by means not only of the publicity van but also by means of Cinema Projectors to bring home to the vast audience the activities of these nation-building Departments. Governments may come and Governments may go but each Government I am perfectly sure, is imbued with one idea how best to enhance the economic condition of our people.

If one Government is able to bring a little extra income to the pockets of our teeming millions in the countryside by publicity, they will be doing an immense service to the public and a grateful electorate will vote for that Ministry in next election.

So, Sir, I have come before the House with this proposal. The Publicity Department is doing good work and is capable of doing vaster benefit to the people than what it has been able to do up till now, if we can have an efficient staff to run the Department. But an efficient staff we cannot have unless we make this Department permanent. There may be some questioning that the Department has not as yet shown much activity in the areas where it is necessary. I am conscious of that ; we are out now to concentrate our activities more to the rural areas rather than the urban areas. Therefore we have purchased 67 wireless sets with loud-speakers which will be installed in big villages where the villagers will learn not only news of the war and the market, but will also get some relaxation which is essentially necessary to our village folk who have got no system of any relaxation or amusement.



With these words, I commend my Motion for the acceptance of the House.

The Hon'ble the SPEAKER: The Motion moved:

"That this House recommends that the Publicity Department be made a permanent institution in the Province."

Mr. D. B. H. MOORE: Mr. Speaker, Sir, I rise to support this Motion. The Publicity Department, if I recollect rightly, was born in 1941 due primarily to war needs. The need for this Department is still great, but the need in the future post-war years will assuredly be greater still. The Government of Assam like all other Governments will be facing giant problems on the conclusion of hostilities if a period of chaos and depression is to be avoided. In an efficient and live Publicity Department Government will have a formidable weapon with which to tackle the many tasks of the post-war period, *e.g.*, the problem of mal-nutrition, the Grow-More-Food campaign, price control, the improvement of crops and increase of yields of those crops, animal husbandry, poultry farming, anti-malarial work and village improvement schemes. If the Department is to flourish and be effective, it is imperative that funds be available for its development on an adequate scale. It is useless toying with a few thousand rupees; if the Department is in need of four lakhs of rupees then it must be given four lakhs of rupees, and if necessary men found who will utilise the money well and wisely. I visualise a fleet of mobile propaganda and publicity units complete with cinema and lantern slide equipment and staffed with trained commentators. The Prime Minister has told us that such a fleet on a small scale now exist. I should like to see that fleet multiplied not once, not twice, but, if necessary, five times. This programme can be given immediate effect if in all subdivisional towns fixed loudspeaker batteries were installed which would release mobile units for operation in the mofussil. There is reason to hope that roads will be vastly improved after this war, and indeed already colossal schemes are in hand for the whole of India of which Assam will have her share, and it should be possible for these mobile units to reach every village in the Province.

I need hardly stress the great value of the picture as compared with the lecture or pamphlet. If I might illustrate my point, I recently received a visit from a gentleman who called himself a public lecturer. He visited me with the idea of speaking to my labour on the subject of Grow-Wore-Food campaign and domestic economy and various other interesting subjects. Naturally I gave him every assistance I could, and approximately 100 to 150 men turned up to listen to his lecture. He addressed the gathering in fluent Assamese, and he spoke for, if I remember rightly, about an hour and twenty minutes, at the end of which time his audience were completely bored and the lessons of that lecture, which was excellently delivered and had excellent substance, were completely lost. Now had I had in my possession suitable lantern slides I could have shown those slides on a magic lantern which I have, and I am quite certain I could have collected five to six hundred people and in a talk of half the time could have held their interest and taught them many valuable lessons.

It may well be that vast electrification schemes will be introduced into Assam soon after the war, opening up the possibility of inexpensive wireless sets for every village. This in turn envisages a Broadcasting Station for Assam, the possibilities of which are again almost limitless. This is a dream which can be translated into reality provided men with vision, drive and integrity are at the top. Let us not forget that publicity and propaganda are double-edged weapons. Misuse or abuse of those weapons can assuredly be dangerous. Used wisely they can be of the greatest assistance. Let us have a permanent Publicity Department by all means, but above all let us have the Department staffed by keen, farseeing men prepared to make the fullest use of modern methods and first class equipment. Let us in short have a Publicity Department to be proud of; it can assuredly be made to pay handsome dividends.

Finally, Sir, if the Motion before the House be approved we ask that a report on the activities of this Department be placed each year before the Legislature, and an opportunity afforded to Members of this House for a full-dress debate.

Khan Saheb Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Speaker, Sir, I rise to support the Motion moved by the Hon'ble Prime Minister. So long the Publicity Department was a temporary institution; we are glad to find that the Hon'ble Prime Minister has brought the Motion before the House for making the Publicity Department of the Government of Assam a permanent institution in the Province.



Publicity is the powerful weapon for the good of both the Government and the people. If Assam is to secure and maintain a place for herself in this twentieth century world, she must develop every weapon of publicity and use it efficiently.

This war is the war of ideas and propaganda. Just at this critical juncture, when the enemies are keeping at our doors, and the Fifth Columnists and the agents of the enemies are spreading false rumours throughout the country, it is our duty now to face the cannons with cannons, bombers with bombers, bayonets with bayonets and pen with pen and propaganda with propaganda. So I like to call it the Propaganda Front. Sometimes bulletins of the Publicity Department appear to be more effective than the bullets of the rifle. Propaganda and publicity are the two weapons with which we must defeat the object of the enemies. In the words of our National War Front bulletin, the aim of the Publicity Department should be "That no spirit of defection enter the minds of our masses and to inculcate in them a spirit of resistance against the aggressors and to keep their morale high and to remove from their minds any depression or gloom caused by the evil effects of the war by rousing in them a spirit of triumph.

Thus our object is to serve the people without any distinction of caste and creed, political views and social ideas, in other words, service to humanity is our motto.

I also see in the Publicity Department a means by which the mass people can be approached and acquainted with matters of vital importance to them. I refer, Sir, to children, the means by which they earn their livelihood. Our watchword, Sir, should be progress and self-help and this is the message which the Publicity Department can and should take to the villagers and townsmen.

"Educate our masters" was the slogan of a great British Parliamentarian. It should be also our duty to educate the dumb millions of our masses whom I call our masters. They have no voice, have no organ. They do not know how to place their demands and to ventilate their grievances before the Government. The Publicity Department should work as an interpreter of the mass mind and place the grievances of these dumb millions before the Government.

Sir, democracy can flourish only if the masses have a habit and a desire to know about the affairs of the country and this habit can be created by providing them with the means of hearing the news regularly. I have heard with delight that at headquarters towns a daily news-bulletin is given out while loud speaker cars give weekly news-bulletin in mofussil centres. In this connection, I shall be failing in my duty if I do not make special mention of the activities of Mr. Hayley, our Publicity Officer, who should henceforth be styled as "The Director of Public Information". He has already made a mark amongst the educated public by his article "Assam—Land of the Future" published in special number of the *Amrita Bazar Patrika* and we are glad to find that he has identified himself with the miseries and happiness, hopes and aspirations of the people of Assam. (*Hear, hear from the European Benches*).

Finally, Sir, I cannot believe that anyone in this House would wish to see the services which could be performed by the Publicity Department either frustrated by lack of money or stopped when fire ceases and the war ends. Therefore, I unhesitatingly support the Motion for making the Department permanent and hope that the Department be strengthened under a separate portfolio.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, during the last November Session under a supplementary Demand for grants under the Publicity Department, I stated that this Department had made some improvement since it came into existence. But I particularly stated that I had expected further improvement with regard to various activities of the Government for publicity to the people of the rural areas and in reply the Hon'ble Prime Minister stated that the publicity to the rural areas is made through the National War Front Organisation. But till now I do maintain that the publicity, which I always have been trying to be made to the rural areas, is not being done efficiently through the National War Front Organisation. I have seen that the National War Front Organisation is issuing occasional pamphlets which are very few in number and which do not regularly reach the rural areas. What comes



in my mind uppermost is that the various activities of the Government should be given publicity to the people so that they may be in a position to understand what policy with regard to certain department or matters is being followed by Government. The present Government is a constitutional Government and people now understand that this Government is meant for their welfare. If our people whom we represent here do not understand or do not know what actually is going on inside this House or what actually is happening in the hillocks of Shillong, really it is a matter for regret. With this view in mind I changed my views that this Publicity Department is of use. At the very beginning the hon. Members of the House may remember that I was opposing this Department; I was not convinced of its utility to the poor people of the Province. But while I could understand that this Department will be meant for the purpose of giving publicity of the various activities of Government to the poorer section of the people who live in villages, then only I had to change my views and have been thinking that this Department should receive our appreciation. For the last two or three years no improvement could be seen of the activities of this Department, but for a few months back I have seen some works done by this Department. I always grumbled that its activities should be made to reach the poorer people easily. Sir, the work which has been taken by this Department up till now is of a richer nature, that is to say, that it is so high that it does not reach naturally the people of rural areas. Why I press for taking up the publicity duties to rural areas will be evident from the instances I may tell now. Sir, from the Supply Department occasional orders are issued that the prices of such and such goods have been controlled. These are published in Gazette notification but it is not expected that people in rural areas should know what has been published in Government notification and as a matter of fact petty shopkeepers without knowing the actual state of affairs sell piece goods at a higher price which Government do not approve of; and if he is detected, he is convicted and sentenced very severely. Recently one educated youngman started a stall to sell cigarettes in a mofussil bazar. He sold a packet of cigarette to a peon of an officer at 6 annas. The officer at once sent for him and asked him whether he actually sold the cigarette at 6 annas to the peon and the youngman admitted that. A report was sent against him and he was prosecuted for making extra profit. Even the Daroga of the locality said that he did not know that the price of cigarettes was controlled. I also did not know that the prices of Cavendar and Scissors cigarettes have been controlled.

Sir, very recently at Habiganj, on a market day some of the boatmen were arrested by the police because of the fact that they were carrying potatoes and some brinjals from Habiganj to Ajmiri. They were brought before the court. I do not know what became of the trial. While people approached me just to know whether the movement of these vegetables has been restricted by any order of the Government, I could not reply as I myself did not know that the movement of these articles has been controlled or restricted by Government. If there had been wide publicity that such and such action have been taken by Government with regard to such and such food-grains or some other articles, the people would not have been put to hardship.

On one occasion, I received complaints that in a bazar one Daroga went there to seize fowls because they were in large number. On being questioned the Daroga stated that he wanted to do so by Government order. It is reported one cannot have in his possession more than one pair of fowls. People did not know that the movement of eggs and vegetables has been restricted by certain orders of the Government. I did not know whether there is any restriction order but some persons have been sentenced to 4 months' imprisonment for moving eggs from one place to another. So this should be given publicity and people should know that the movement of such and such articles has been prohibited or restricted. I make an appeal to the Hon'ble Prime Minister that this Department should make it a point to see that wide publicity is given to rural areas of the various kinds of Government orders regarding food-grain. I, particularly, mention the case of the Supply Department orders. There are, of course, Gazette notifications, but how many persons know this; how many persons read the Gazette. I request the Hon'ble Prime Minister that this Department should be best used. My previous speaker was telling the House that if used wisely it would give assistance to the administration. I do agree that if the Department can be best used, it can, I think, give publicity to various activities of the administration.



Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, no one will welcome this Motion more heartily than I do. I consider, Sir, that all civilised Governments should have a permanent Publicity Department and to this extent I support the Motion before the House. But, Sir, I reserve to myself the right of criticism in the future about the working of this Department. I quite concede that this Department has not so far been able, on account of uncertainty and precariousness of its existence, to show any marked result; but I hope that with the consciousness of the fact that it is going to be a permanent establishment, the Officers-in-charge of this Department will really set their hearts at work and try to make the Department a really useful one. Sir, in my opinion the true test of the success of a Publicity Department is its ability to remove misunderstanding, if any, between the public and the Government of the day. They ought to be able to bring to the notice of the Government the real grievances of the public and also to convince the public about the *bonafides* of the Government and the efforts which the latter have made to remove their grievances. This is the first test of good working of a Publicity Department. In these days when meetings are banned and newspapers have been placed under restriction in voicing public grievances, it is the Publicity Department, run under the aegis of the Government, which can, without any fear of prosecution or being banned, bring easily to the notice of the Government the real feeling of the public in certain matters and for these reasons I would suggest that the Publicity Department officers should not merely attend the big meetings organised by the Government but also attend *melas* and other assemblages of people, from time to time. They should mix with the public and try to know what exactly is happening and what are the complaints of these people.

Sir, the Publicity Department ought also to be able to secure important news quickly and ought to be able to dissipate it speedily. Mere local news will not satisfy us. They ought to be able to get also All-India news and for this purpose they ought to subscribe news sheets of the United Press and the Associated Press as well. It is a matter of regret, Sir, that we have found no provision for subscribing news sheets from these News Agencies. The Publicity Department should subscribe them as quickly as possible.

Sir, the daily paper takes about 7 days at least to go to the villagers and it is also very difficult for all villages to subscribe daily papers. In their tours the Publicity Officers can go to important village centres and propagate important news to the public.

Sir, I do not know how this Publicity Department is going to be organised in the future. I should think that the Government should employ persons who are really experts in the matter of publicity and for this purpose Government ought to get the service of persons who have previous experience as news reporters or who were actually working in the Editorial staff of different newspapers. Those persons will be more useful in the service of the Publicity Department. (*Hear, hear!*)

Sir, I do criticise the tendency of Government to employ I. C. S. Officers as Heads of Publicity and Nation-building Departments. Sir, I do not know the reasons which prompt the Government always to undertake this step. But having taken that step I should say that they should constantly follow that step. I mean they should not frequently experiment with different officers. I have seen, Sir, that in the Industry Department, one officer was taken as Director of Industries and after he had worked for sometime and gathered some experience he was transferred and another I. C. S. officer was taken there; and after working for two or three years he too was transferred and another officer is taken. Term of their office is only 2 or 3 years. After that period they are transferred and made District Magistrates or something like that. Here also in the Supply Department we find that an I. C. S. officer has been appointed as Head of the Department and probably before he can distinguish between what is fine rice and what is coarse rice, he will be transferred and placed in charge of a division or in charge of a district. This is the way how our Government are changing their officers from time to time. It does not help the proper working of a department at all. For instance, we find now that Mr. Hayley has been placed in charge of the Publicity Department. To-morrow he may be appointed a Deputy Commissioner and he will go away throwing away all his experience and knowledge acquired so long. If Govern-



ment wants really to train an I. C. S. man as Publicity Officer let them do so. He may be told that he will have to stick to the Department for at least ten years and in consideration of this fact he should be told also that he would have to give up his ambition of becoming a Deputy Commissioner or Commissioner of Divisions. He must be told like that, otherwise it is no use appointing an officer for a period of six months and allow him to make experiment in various ways and then let him go elsewhere. This is not the right way. If you keep an I. C. S. officer for these years, I mean for some years only, then do not transfer him at all. Have somebody who is prepared to serve in this Department for years together or for a considerable period and try to make it a success. This is all I have to say in this matter.

There is also suspicion at large about the recent growing fondness of Government for this newly created Department. It has been getting more patronage now than that it used to get before. It is supposed that this is only on account of war activities and war efforts that this Department is getting so much encouragement now, but as soon as war is over probably it will again be relegated to the background. The war activities, *i.e.*, the publicity of war activities should not be allowed to monopolise the whole time of the Publicity Department. So far as war efforts and war activities are concerned, there is a Military Public Liaison Department which is doing very useful work in this direction. This Liaison Department is carrying on its propaganda with the help of cinema, music and dances and these are more attractive than what the Publicity Department of the Government of Assam could possibly expect to do. So instead of wasting our energy, wasting our time in trying to compete with the Military activities in this direction it is better that the Publicity Department gives its whole hearted attention to give correct news to the public, give correct information to the Government and bring about a closer and friendlier relationship between the public and the Government.

Mr. N. DAWSON: Mr. Speaker, Sir, I wish to ventilate in a few words a grievance of the Darrang people. I entirely agree that the Publicity Department is a necessity and that it should be made permanent; but I think we should have some assurance that its scope should be much more extensive and its activities considerably widened. I confess that it was not until this morning that I realised that the Publicity Department was still in existence and I may say, Sir, that the same holds good for 95 per cent. of the population of Darrang. The people of Darrang are completely ignorant not only of what is going on outside the Province but also of what is going on inside the Province (*hear, hear*). There is no propaganda whatsoever. There are no news about controlled prices, standard cloth and war events, etc. To all intents and purposes the people of Darrang are completely cut off. Where the defect lies I do not know. Whether it lies with the Publicity Department in Shillong or whether it is due to lack of money to carry on effective propaganda or to lack of co-operation on the part of district officials I do not know. That is for the Government to find out, but I hope, Sir, that when the Publicity Department is re-organised and expanded the news which it disseminates will reach every nook and corner of the Province.

Maulavi MUHAMMED MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, since the inauguration of the Publicity Department Mr. Moore and myself were repeatedly pressing the Government to make the Department more efficient. I am glad to find that the Department will be made permanent and the Hon'ble Premier on seeing the defects of the Department is ready to make it efficient and to re-organise it. The Publicity Department is ready to make it efficient and to re-organise it. The public opinion is against the Department because the Officer-in-charge of the Department showed his activities with the National War Front Conferences only. I hope from now this practice will not be followed and important village centres will be visited by him and perfectly effective propaganda will be undertaken amongst the cultivators. The Publicity Officer sometimes issues Press notes but these notes do not reach the villagers. Mr. Abdul Bari Chaudhury said that it does not reach even the members of this House. Some copies are sent to the Subdivisional Officers and here the duty of the officer is finished. I would suggest, Sir, that Government should at least try to see that every Press note reaches the people of every village. Now-a-days propaganda through radio sets is taken recourse to by all civilized countries. In Assam we have not got adequate number of radio sets. Not to



speak of villages, we have not got sufficient number of radio sets in towns even. I would ask the Government to see their way to introduce radio sets in rural centres so that our village people may be educated. I requested Government for this on a previous occasion. While speaking in connection with this Department, I said that Government should issue some news bulletin or newspaper through this Department for enlightening the public about the activities of Government; but that has not yet been done. I hope Government will take sufficient note of it and see their way that a bulletin be published from the capital of the Province. Mr. Moore has suggested that a broadcasting station be established in Assam. I am in favour of it. In Bengal there are two such stations but there is not a single station in Assam. So far as this matter is concerned, we are living behind. I hope the Hon'ble Premier will see his way to establish a station at least in Shillong.

I like to pay tribute to Mr. Hayley for the picture he had shown on the "Possibilities of Hydro-electric Power in Assam." Of course, that picture indicated some possibilities of himself. Nevertheless that picture should be an eye-opener to the leaders of Assam. Assam has got so many possibilities but the people of Assam have not yet been benefited by the gift of nature. It was Mr. Hayley who first brought it to the notice of the Members of the Legislature and then he showed this picture in mofussil areas to acquaint the public with the facts. It is not only the duty of the public but it is the duty of the Government as well to utilise the natural resources for the benefit of the people.

Now, Sir, the Publicity Department is going to be permanent. I will request Government to select such officers from the public who are well versed with the affairs. Only patronising some candidates will not do. Competent persons who have journalistic experience should be appointed. With these few words, I recommend that the Publicity Department should be made permanent.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am obliged to every hon. Member who has spoken on this subject and I am glad to find that every one agrees with me that the Province should have a permanent Department of Publicity and Propaganda. Various suggestions were made to make this Department more useful to the public. Suggestions were also made to ask Mr. Hayley, the Publicity Officer to see that the rural population can also get in touch with and benefit from this Department. I may inform the hon. Members that we have already proceeded on this line. Mr. Hayley accompanied me during my January and February tour to all the big National War Front rallies and meetings that were held both in the Surma Valley and in the Assam Valley. Maulavi Maqbul Hussain Chaudhury rightly remarked that the Publicity Officer or his subordinates should take advantage of other similar gatherings in order to bring home to them the advantages of the Publicity Department. The same suggestion was made to me by my Friend Srijut Rohini Kumar Chaudhuri that Mr. Hayley should attend, if possible, all the big *hats* and festive gatherings. Certainly it will be unwise on the part of the Publicity Department if they ignore to send their representatives to the rallies of National War Front. For any one who has seen this kind of meetings or rallies, must have an impression what immense crowds gather therein—from 5,000 to even 25,000 has been the limit of the gatherings during the last meetings that I addressed and where Mr. Hayley was also present and took the advantage of this concourse of people to speak to them. I know, Sir, that Mr. Hayley had his own meetings at other times, for before joining me in the Assam Valley, he went to Habiganj, the Subdivision which I excluded from my itinerary in January last. Then again another suggestion made by Srijut Rohini Kumar Chaudhuri was regarding meeting of public demands. Whenever Mr. Hayley went to different Subdivisional towns, he met with such demands and he made a note of all the points raised and placed them before me on which I took suitable action. So, the Publicity Department under its present head has already brought a closer contact between the Government and the people at large.

Mr. Moore has made a very novel and, I think, a good suggestion in as much as that he wants that the reports on the activities and doings of the Publicity Department should be drawn up in the shape of a memorandum and placed before the House. I will see that the suggestion is acted upon.



Mr. Abdur Rahman, as usual, has found fault with Government for not giving wide publicity of price control orders. We do our utmost in this respect. We publish them in the Government Gazette and in few newspapers that are published in the Province and we send copies of our orders to the Deputy Commissioners and Subdivisional Officers and ask them to give wide publicity as much as possible. He advises that the Publicity Department should undertake the job of bringing home to the country-side of the new orders of Government as regards price control and some matters connected with this. For this purpose, I am afraid, it will require a bigger staff in the Publicity Department to do this job efficiently and I gather that I will have to come before the House with a big bill. But in spite of the limitation of the present staff and funds, this Department do the publicity job of announcing the present day prices that have been fixed by Government and different price control orders, through its publicity vans, in the rural areas where the vans can go. I know that Mr. Hayley was collecting all the different Government orders and publish them after translating them into Assamese and Bengali, with the idea of bringing them home to the people at large throughout the two Valleys. I am sorry to hear from Mr. Dawson that this Department has not yet made its existence felt in the District of Darrang which, as he said, is a depressed one. I know Darrang is higher in altitude than places like Gauhati and Jorhat and is that the reason why our radio sets do not work so properly there as in Gauhati and similar other places? However, I will tell Mr. Hayley to visit the District of Darrang as early as possible. I remember that Mr. Hayley had been to Tezpur once or twice, but I think he could not see Mr. Dawson, who lives some 30 miles out of the town.

Sir, I do not think I need say anything more and I give this assurance that all the suggestions made by different speakers will be given effect to as far as possible.

One word more and that is Mr. Maqbul Hussain Chaudhury's suggestion that there should be a Government news bulletin published daily from the Publicity Department. Formerly the Publicity Department used to send weekly to the mofussil the review of world affairs and war news and also matters of local interest. But since the National War Front has been publishing two vernacular weekly newspapers, one in Assamese for the Assam Valley and the other in Bengali for the Surma Valley, the Publicity Department utilize at least one sheet of these newspapers for publishing its news. It is proposed, subject to help from Central Government both in funds and availability of papers, to increase the circulation of those weeklies so that two sheets for publicity news may be utilized, and distribute them in both the Valleys. It is very difficult to start a newspaper, for to make it attractive, various things have got to be done, which Government news sheets cannot do. Yet we will try to make our literature as attractive and as useful to the public as possible.

The Hon'ble the SPEAKER : The question is ;  
 "That this House recommends that the Publicity Department be made a permanent institution in the Province."

The question was adopted.

### **Discussion on Mr. Baidyanath Mookerjee's starred question No. 15**

#### **Re Report of Enquiry regarding the Jorhat Jail incident**

The Hon'ble the SPEAKER : Now half an hour's debate may be taken up on the subject matter of the Starred Question No. 15, under the Proviso to Rule 40 of the Assam Legislative Assembly Rules.

Srijut ROHINI KUMAR CHAUDHURI : Mr. Speaker, Sir, the incident which was the subject matter of Starred Question No. 15 which the Hon'ble Minister-in-charge was pleased to decline to answer this morning, was most deplorable. It took place some time on the 24th February, 1943 and on the 8th March, 1943, I brought the matter to the notice of Government in this House by way of an Adjournment Motion. At that time the Motion had to be ruled out, because the Hon'ble Premier said that on the matter a judicial enquiry was being held and it being



*sub-judice*, could not be discussed in this House. But sometime later, in course of the same session, it was on the 27th March last when I brought this matter again to the notice of the Hon'ble Prime Minister on the floor of this House, he admitted that there was no judicial enquiry and that the Deputy Commissioner wrongly telegraphed that a judicial enquiry was being held. It was agreed that the enquiry was being held under the rules of the Jail Manual which laid down that enquiry was to be made by the District Magistrate. The Commissioner had absolutely nothing to do with that enquiry. Sir, I mentioned on the floor of the House that the enquiry held by the District Magistrate was completed and that actually his report was being typed and transmitted to the Government. But even then the report had not reached the Government on the 27th March although about 5 days before the 27th March, when I met the Deputy Commissioner at Jorhat, he told me that the investigation was finished and he had written a report which was being typed and after it was typed he was going to send it to the Government. Now in reply to the various questions put by different Members of this House the Hon'ble Prime Minister said like this. I am reading only that portion which is relevant to the present debate. He said "the reports are generally treated as confidential documents and are not published. But in view of the very serious nature of the charge, I propose to lay the report or the portions thereof before the House where the Members have got rights and privileges which the public outside have not". That was the assurance which the Hon'ble Prime Minister gave about a year ago. Then he further said in reply to a question put by Mr. Nirendra Nath Deb "I am prepared to lay the report before the House but not to send copies to the respective homes of the hon. Members". Then being further questioned the Hon'ble Prime Minister said "A Press Note will be issued after the report is received". Then in further replies to my questions the Hon'ble Premier said "This is a very important matter and therefore as soon as the report is received by the Secretary I will take it into consideration."

So that was the position the Hon'ble Premier took up with regard to this matter about a year ago. Now, to-day what has happened? The Question was "Will Government be pleased to lay on the table the report of the enquiry made by Government according to the assurance given during the Budget Session of the Assembly, 1943, regarding the Jorhat Jail incident?" The Hon'ble Minister absolutely refused to answer that Question. Then as regards the name or names of the persons who made the enquiry, which was the second Question (b) put to-day, the Hon'ble Minister at first refused to answer that Question. He could not be persuaded to disclose the names of the persons who made the enquiry, but after some persuasive remarks made by my hon. Friend on the left Mr. Whittaker, he disclosed that the Deputy Commissioner and the Commissioner made the enquiry. Now he was asked when the Deputy Commissioner submitted his report. No reply was given to that. He did not give even the date of the report. So it is quite up to us to infer that the report was received long long ago and it has been shelved.

Then, Sir, as regards the Commissioner's enquiry I put this question to my hon. Friend whether the Commissioner agrees with the findings arrived at by the Deputy Commissioner because between the two they have taken an inordinate time to submit the report. If the Deputy Commissioner and the Commissioner are really guilty for taking such a long time in submitting a report, I think, proceedings should have been drawn up against them, but as they are officers beyond the control of this Government they have been allowed to sit tight over a matter which has taken these long 12 months to be completed. It is an unheard-of thing.

Then, as regards the other Question whether the Superintendent of Police, Sib-sagar was present at Jorhat on the night of occurrence—which is a pertinent question, the Hon'ble Minister refused to answer. It would have been very easy for him to answer those Questions after seeing the report. He wants absolutely to keep the House in dark about the incident. But we got it from the Hon'ble Premier the other day that no judicial action, no prosecution have been launched as a result of the report submitted by the Deputy Commissioner or the Commissioner. The only action which has been taken is that departmental proceedings have been drawn up against the Jailer



and the Assistant Jailor on account of the incident on that day. But we have heard in course of the information which had been given last year that the Jailor was absent at the time and the Assistant Jailor was also absent. Then what happened to the persons who actually inflicted injuries on these 151 persons? Who assaulted these people? Did somebody come from outside the Jail and assaulted them or did some demons or *Bhuts* or evil spirits come from outside and assaulted these people? Sir, there is absolutely no justification for the Hon'ble Minister to refuse to answer these Questions. The matter is not at all *sub-judice*, but the departmental proceeding which usually end in farce have been treated as *sub-judice*. The plea of *sub-judice* is entirely wrong, it is a lame excuse. It does not absolve the Hon'ble Minister from refusing to answer the Questions. The attitude of the Government in this matter after 12 months of the occurrence lends support to the view that the Government must have some hand in getting all these political prisoners assaulted. So, Sir, I hope you will rule that this matter is not at all *sub-judice*. If the Government liked they could have given the information. Government do not like to give the information and it is common knowledge that when a man who does not answer a question, it must be presumed that the answer which he gives will go against him. That is the presumption. If he does not answer a straight question then the only inference is that the information goes very much against him. Now that they have a comfortable majority, now that the House is thin, the Government will behave as they like. But it is up to us who have the sense of justice to condemn the Government for their refusal to answer on an incident which was barbarous, uncivilised and worthy of only a barbarous and uncivilised Government and not of the Government of which Sir Muhammad Saadulla is the head.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, we are discussing this matter under Rule 40 of the Assam Legislative Assembly Rules, and I was admiring the very lucid and the very forcible way in which the raiser of this debate was placing matters before the House till he came to the end. It is extremely painful for me to see that a sudden brawl and a sudden attack in a jail without the knowledge of Government has now been sought by that hon. Member to have been engineered by the Government. It is a shame that a man who once adorned these Benches now comes out with this kind of insinuation, and the very man whom he acknowledged as his leader is now to be condemned for an occurrence with which his Government had absolutely nothing to do.

It is rather painful for me to admit that it was a very very unsavoury occurrence in the Jorhat Jail that took place on the 21st February, 1943. Notice of that we received by means of a telegram which I placed before the House no sooner the matter was brought before it by way of an Adjournment Motion by Mr. Rohini Kumar Chaudhuri. For the information of the House, I will give all the consecutive dates so that the House may know and make up their mind whether the Government had had any hand whatsoever in postponing the ultimate action or in directing their officers to delay as far as possible.

The occurrence took place on the 24th February, 1943, a very regrettable occurrence, as I have already admitted. Then the Adjournment Motion was brought on the 8th March 1943, and by that time the only information that was in the hands of the Government was a document or rather a very cryptic telegram from the Deputy Commissioner where he used the term "judicial enquiry", which he said was being held. Then during the course of the same session, I admitted before the House that the procedure adopted by the Deputy Commissioner did not make it a judicial enquiry, rather the enquiry must have been under the Jail Manual. If I had any thing to conceal I would have concealed those matters then and there. I find, Sir, from the report which we received from the Deputy Commissioner on the 4th July, 1943—the report was rather a curious document—that immediately after the occurrence the Deputy Commissioner held the enquiry himself; but having recorded the evidence of a few witnesses he had been called away to make an enquiry into some other matter and he deputed one of his Extra Assistant Commissioners to conduct further record of evidence. When I knew this, I immediately admitted before the House that this could not be a judicial enquiry, for in a judicial enquiry the same officer is to hear all the evidence and not that one officer should start the enquiry



and another would finish it. Now the Magistrate, who was deputed for the work, recorded evidence from the 27th February to 8th March. After 8th March further evidence was recorded by the Deputy Commissioner himself and his enquiry was not finished till the 28th June because for some reason or other he could not get a report from the Superintendent of the Jail. Without any expression of opinion from the Superintendent of the Jail, the Deputy Commissioner sent up his report through the Commissioner, and we received it on the 4th July 1943. When the Hon'ble Minister-in-charge went through the report he found that there were certain matters which had not been investigated, and in order to come to a final decision those gaps had to be filled in. And therefore a letter was addressed to the Commissioner on the 11th August, 1943 to make a further enquiry on certain points which I need not detail here. The Commissioner's final recommendation of proceeding departmentally only against one Assistant Jailor was posted from Gauhati on the 30th December, 1943, and was received in Shillong in the New Year. This matter was carefully gone into in the light of the report and the Hon'ble Judicial Minister had the courtesy to consult me, and on perusal of the very defective report of the Deputy Commissioner we came to the conclusion that the entire jail staff should be proceeded with departmentally. The jailor was away at the time, and so proceedings are being conducted against all the three Assistant Jailors.

Now the Question this morning was "Will the Government be pleased to lay on the table the report of enquiry made by Government according to the assurance given during the Budget Session of the Assembly, 1943, regarding the Jorhat Jail incident? The name or names of the persons who made the enquiry?" If I had any hand in replying I would have given all these replies *seriatim* (*hear, hear*). But my Hon'ble Friend thought that as departmental proceedings are going on against three Assistant Jailors, the laying of the report on the table of the House would create such an atmosphere as the Assistant Jailors might legitimately claim to have been prejudiced by this action. But although he refused to lay at present the report of the Deputy Commissioner on the table, I stick to the assurance I gave last year that as soon as these departmental proceedings are over, the report will be laid on the table of the House. My Hon'ble Colleague has already stated that, Sir, in this case the Ministry could very well have accepted the recommendation of the highest administrative officer of the district, *viz.*, the Commissioner and proceed only against one Assistant Jailor. Instead, Government gave orders to proceed against all the three Assistant Jailors. As a matter of fact if the Jailor had not been absent at the time, proceedings would have been drawn up against him too.

Srijut ROHINI KUMAN CHAUDHURI: Will no action be taken against the actual assailants?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The actual assailants are very difficult to find out. From the report of the Deputy Commissioner it is clear that even those who were assaulted could not recognise the actual assailants. This is of course very unfortunate. We can only proceed against the Assistant Jailors who were delinquent of their duties, and if their negligence is proved they will be suitably punished. I hope that in future there will be no such ugly and regrettable incident. Sir, I have placed all the relevant dates as well as materials before the House and I am sorry that the Hon'ble Minister-in-charge of Jail lumped up all the Questions in reply together from No.15 (a) to (h) although the different heads (a), (b), (c), etc., related to different matters. He simply stated "As certain departmental proceedings are being taken, Government do not consider it desirable to lay the papers on the table at this juncture." It only replies to No.15 (a). I hope my Hon'ble Colleague will remember this debate and if possible give exact information before the House.....

Babu RABINDRA NATH ADITYA: Sir, it seems the Government is proceeding at a snail's pace. It took one year to get the details of the incidence from the local authorities. If this pace is maintained, I am afraid, the proceedings against that Assistant Jailor will take another 2 or 3 years and by the time the lease of this House expires the enquiry will be finished and it may not be the lot of the Members of this House to receive the detailed report as has been assured by the Hon'ble



Premier. This time there has been a qualification in his assurance. The former assurance in the previous session was unqualified. This time there is a qualification that after the judicial or departmental proceedings are finished the report will be placed. Can he assure as to the availability of this report before the next session.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Most probably.

The Hon'ble the SPEAKER: Next session is too long a time. Generally we meet in December.

Babu RABINDRA NATH ADITYA: There is no other way as they will not be sending the reports to our homes and therefore can we not expect it at the next session of the Assembly in December next?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My Friend knows "slow and steady wins the race". Although we are accused of proceeding at snail's pace, we will achieve the result the hon. Members want.

Srijut ROHINI KUMAR CHAUDHURI: Sir, will the Hon'ble Prime Minister give the replies to the other Questions. These Questions are not connected with the Assistant Jailor at all.

The Hon'ble Srijut RUPNATH BRAHMA: Sir, I will see to that.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, some of the Questions I can reply immediately, if you permit.

The Hon'ble the SPEAKER: Very well, but you have got only 3 minutes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the answer to (a) is already in print.

The next Question is "The name or names of the persons who made the enquiry? I have already stated, Sir, the Deputy Commissioner, Mr. Humphrey held the enquiry originally. Then an Extra Assistant Commissioner; I do not remember the name but my Friend Khan Bahadur Maulavi Keramat Ali says that his name is Srijut Rati Kanta Sarma. He continued for 10 days. After that the Deputy Commissioner continued. This enquiry evidently was held under section 202 of the Criminal Procedure Code which was a judicial enquiry but later on it was found that it did not fulfil the requirements of the Criminal Procedure Code and therefore we presumed that the enquiry was under the Jail Manual.

Then the reply to (c) is: Yes, the Superintendent of Police, Sibsagar, was present at Jorhat.

(d) Whether he was informed by the Jail authorities or by anybody else before the Police force was requisitioned in the jail compound—the reply is: No.

(e) The name of the Officer who sent for the Police. The reply is: That the Police assembled at the jail gate on hearing the sound of alarm and were sent inside by the senior Assistant Jailor, Babu Gojendra Nath Ghose.

(f) The name of the Police Officer who sent the Police force. The reply is: There was no Police officer. The Police assembled at the jail gate and was sent in by Gojendra Babu.

(g) The name of the Officer-in-charge of the Police force who was sent to the jail. The reply is: The Senior Sub-Inspector of Police, Tribhuban Dube.

(h) The number of Jail inhabitants who were injured. The reply is: The number of jail inhabitants who were injured was given last year. The number has come down to 80 according to the report of the Civil Surgeon or the Jail Superintendent.

Srijut ROHINI KUMAR CHAUDHURI: Sir, in spite of a very strong rebuke from the Hon'ble Prime Minister, I thank him as he has given the information and my object has been achieved. His strong rebuke shows that he feels my absence in those Benches. (Loud laughter).

#### Adjournment

The Assembly was then adjourned till 2 p.m., on Friday, the 10th March, 1944.

Shillong:

The 6th April 1944.

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



