

Proceedings of the Fifth session of the First Assam Legislative Assembly, assembled under the provisions of the Government of India Act, 1935

The adjourned session of the Assam Legislative Assembly met in the Assembly Chamber, Shillong, at 11 a.m., on Thursday, the 1st December, 1938

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred question No. 241 standing in the name of Maulavi Abdul Aziz was not called and answered as the questioner was absent)

The Hon'ble the SPEAKER: Under the new Rules, the Speaker will call out the numbers of questions, but I think it would be convenient if the hon. members would rise and call out the numbers. That is the practice elsewhere. I shall announce the names only and hon. members will rise in their seats and call out the numbers. If that is done, it will obviate many difficulties, and I shall not have to look about and see if the particular member whose name I shall announce is present or not in his seat.

Scheme to construct a motor road from Dawki to Jowai

Rev. L. GATPHOH asked :

*242. Is it a fact that Government propose to connect the headquarters of the Jowai subdivision with Shillong by a motor road, rather than with the nearest market in the plains of Sylhet, a distance of about 30 miles only ?

*243. Are Government aware of the strong public resentment at this proposal of Government ?

*244. Do Government propose to reconsider and push forward the Government Scheme of constructing a motor road from Dawki to Jowai for which a survey and estimates were made by Government about 9 years ago ?

The Hon'ble Maulavi MUHAMMAD ALI HAIDAR KHAN replied :

242.—No.

243.—Government have no information.

244.—Not at present.

Rev. L. GATPHOH: Is it likely that the Communication Board will take it into consideration ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN: There are lots of schemes pending before the Communication Board, and as soon as they are finished, new schemes will be taken up.

Rev. L. GATPHOH: Is not Jowai the nearest of all subdivisions but it has been neglected ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN: Jowai might be the nearest, but Government has not neglected it. As soon as the matter comes up before the Communication Board, it will be considered in due course

Mr. NABA KUMAR DUTTA: May I know when Government is likely to consider the question of a road from Dawki to Jowai ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN: The hon. member is a member of the Communication Board, and it will be better if he brings it before the Communication Board himself.

Functions of Doloi in the Jaintia Hills

Rev. L. GATPHOH asked :

*245. Will Government be pleased to state—

- (a) The function of a Doloi in the Jaintia Hills ?
- (b) Whether there is a bar to a Christian becoming a Doloi ?
- (c) If not, do Government propose to throw open the posts of Dolois, whenever such vacancies occur, to Christians also in the Jaintia Hills, who hitherto are considered ineligible by Government ?
- (d) If the reply to question 245 (b) is in the affirmative, will Government be pleased to state the reasons for which such privileges are denied to Christians ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

245. (a)—The Dolois are village officials, who collect revenue on behalf of Government receiving a commission therefor, try certain civil and criminal cases and generally aid Government and the police in the business of administration.

(b)—There is no such bar.

(c)—There is already one Christian Doloi, the Doloi of Nongkhlich and the Sirdar of Saipung, who occupies a similar position, is also a Christian. Christians will certainly be considered for appointments.

(d)—Does not arise.

Rev. L. GATPHOH: Does the performing of *poojah* comprise part of the Doloi's function ?

The Hon'ble Srijut GOPINATH BARDOLOI: Government have no information on the point.

Leaflet re instances of repression of Muslims in the Congress Provinces

Srijut Bishnu Ram Medhi asked :

*246. Has the attention of Government been drawn to the leaflet issued over the signature of Maulana Md. Jainal Abedin Bhuyan, Organiser, Assam Provincial Muslim League, and Maulavi Sakhawatul Ambia, Secretary, Assam Muslim League, and distributed at the time of last Local Board elections particularly in Gauhati Circle (North Bank) in the month of March 1938 under the caption "Instances of Repression of Muslims in the Congress Provinces" ?

*247. Are Government aware that the said leaflet was widely distributed and that circulated among others, the following things—

(a) That the property and person of Muslims were in danger and were being attacked by Hindus particularly in the Provinces, under the Congress Government ?

(b) That a Muslim was not at liberty to slaughter a cow in the Provinces under the Congress Government ?

- (c) That a Bill was being introduced by the United Provinces Congress Ministry to stop cow slaughter in the United Provinces ?
- (d) That the mosques were invaded by the Hindus in the Provinces under the Congress Government, and that the Muslims were not at liberty to say their prayers ?
- (e) That the Nagri script and Hindi were being forced upon Muslim boys in schools situated in the Provinces under the Congress Government ?
- (f) That the Muslims were being murdered, attacked with *lathis* and spears and lives of their wives and children being endangered by the Hindus and that no steps were taken by the Congress Governments to bring those culprits to book ?
- (g) That Muslim women were shut in gaol by the Congress Ministry ?

*248. Are Government aware that the circulation and distribution of the said leaflets have disturbed the good relations between the Hindus and the Muslims that had existed before and have since created a feeling and atmosphere of communal bias ?

*249. Is it a fact that these leaflets were drafted, printed and distributed, within the knowledge and instructions of the Hon'ble Chief Minister, and the Hon'ble Minister of Agriculture ?

*250. Will Government be pleased to state what steps Government have taken or propose to take against the persons who are attempting to disturb the communal harmony and peace in the province in the aforesaid manner ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

246.—Government have obtained a copy after receipt of the question.

247.—Government have no information that the leaflet was widely circulated. It is reported that it was distributed in Rangia to several persons, when Maulana Jainal Abedin Bhuyan, Organiser of the Assam Muslim League, toured Rangia Circle with a few other Muhammadan followers in March 1938 and copies were also found in Kamalganj, Sylhet. The leaflet contains the statements mentioned in (a), (b), (c), (d), (e), (f) and (g) of the question.

248.—Government have received no special information to that effect.

249.—This Government is not in a position to reply to this question.

250.—Government will not hesitate to take such action as may be considered necessary against persons who may attempt to disturb the communal harmony and peace in the province.

Maulavi ABDUL MATIN CHAUDHURI : Are Government aware that the materials contained in the leaflet were published in many newspapers in the United Provinces and elsewhere ?

The Hon'ble Srijut GOPINATH BARDOLOI : Government have no information.

Mr. NABA KUMAR DUTTA : Did Government care to make an enquiry ?

The Hon'ble Srijut GOPINATH BARDOLOI : No.

Maulavi ABDUL MATIN CHAUDHURI : Is it a criminal offence to criticize and expose the tyranny of the Congress in other provinces ?

The Hon'ble Srijut GOPINATH BARDOLOI : I do not say it is criminal, but surely it is not proper for any person to attempt to disturb the harmony between the different communities.

Maulavi JAHANUDDIN AHMED: Is the Congress a community ?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already answered the question.

Maulavi MUHAMMAD AMJAD ALI: May I know the nature of the relations which existed between the communities before and that are existing now, after the distribution of this leaflet ?

The Hon'ble Srijut GOPINATH BARDOLOI: This is a matter of opinion more or less ; but there has been some disturbance.

Prohibition in the district of Goalpara

Mr. BAIDYANATH MOOKERJEE asked :

*251. Will Government be pleased to state—

- (a) Whether they made any declaration of their intention to try prohibition in the district of Goalpara ?
- (b) If any steps have been taken to implement such intention ?
- (c) If so, how and when ?
- (d) If there is any definite scheme to achieve the end ?
- (e) If so, will Government be pleased to place it on the table ?
- (f) How long is this scheme likely to take to be put into execution ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

251. (a) to (f)—Government are not aware of any such declaration but it is a fact that they are considering the introduction of prohibition in a suitable area. The hon. member will realise that difficulties which will be met with, have to be studied and provided for, before an experiment over a large area containing diverse population is started. The scheme will be given effect to as soon as it is finally framed and accepted.

Relief to the flood-affected people of Assam and facilities to rear *Endi* and Silk, etc.

Srijut SANKAR CHANDRA BARUA asked :

*252. Will Government be pleased to state—

- (a) Whether they have taken any steps to relieve the distressed people of the flood-affected areas of Assam by giving them facilities to rear *Endi* and Silk and for cotton cultivation and spinning ?

- (b) If not, do Government propose to take steps in the matter ?

*253. Do Government propose to take early steps to appoint one Sericulturist and one Weaving Demonstrator to each of the highly flood-affected mauzas on both the banks of the Brahmaputra to train up the people to rear *Endi*, *Muga*, Silk cocoons and spinning ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

252. (a)—Yes. About 4,000 layings of *pat* seeds were freely distributed by the Sericultural Department to the flood-affected areas of Majuli in the Sibsagar district. No demands were made from other quarters.

(b)—Does not arise.

Maulavi MUHAMMAD AMJAD ALI: Has the Hon'ble Minister visited any of the flood-affected areas ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: No.

Mr. NABA KUMAR DUTTA: May I know the reason why he did not visit ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: For other business I had no time. In the next time I shall visit that place.

Khan Bahadur Maulavi KERAMAT ALI: May I know what does the Hon'ble Minister mean by the phrase "in the next time" ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Very soon, Sir.

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, if the Hon'ble Minister visited any of the flood-affected areas during his last visit when he was supposed to have gone to Jorhat ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I did not visit Jorhat.

Srijut ROHINI KUMAR CHAUDHURI: Was that not published like that in the Gazette ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: It was cancelled.

Mr. NABA KUMAR DUTTA: May I know what was the object of the visit during the last tour ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I visited Rangjuli, North Gauhati and Palashbari.

Mr. NABA KUMAR DUTTA: Did he celebrate the *Id* festival there ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I visited the three places North Gauhati, Palashbari and Rangjuli in Goalpara district where weaving works are recently introduced.

Maulavi MUHAMMAD AMJAD ALI: May I know how many times the Hon'ble Minister visited Gauhati ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Twice.

Maulavi Syed ABDUR ROUF: Is the Hon'ble Minister aware that no sericultural or weaving demonstrators have been placed in the immigrant area of the district of Kamrup and Goalpara ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I have no information.

Maulavi MUHAMMAD AMJAD ALI: What was the purpose of the Hon'ble Minister's visit to Rangjuli ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: To inspect the centre there, I mean the weaving centre.

Maulavi MUHAMMAD AMJAD ALI: What does he mean by 'centre', Sir ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: There is a model village and a big amount of money is being spent for the upliftment of the village. I wished to see how the work is done there. And again sericulture work has been introduced newly and that also I wished to see.

Maulavi MUHAMMAD AMJAD ALI: May I know how many hours he spent there ?

The Hon'ble the SPEAKER: I am afraid we are straying very far from the question.

Mr. NABA KUMAR DUTTA: There is a rumour, Sir, that he went there to celebrate his *Id*. I want to know whether he went there for the purpose?

The Hon'ble the SPEAKER: I am afraid I cannot allow this.

Srijut ROHINI KUMAR CHAUDHURI: May I know if the Hon'ble Minister gave previous intimation to the public that he would visit Rangjuli?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I am afraid this question does not arise?

Srijut ROHINI KUMAR CHAUDHURI: It does, Sir. The Hon'ble Minister said that he visited Rangjuli cancelling his programme to Jorhat as published in the Gazette. I want to know whether the public was given an opportunity to know that he was coming to Rangjuli?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Information was given to the public in due time.

Mr. NABA KUMAR DUTTA: Who was given information, Sir?

The Hon'ble the SPEAKER: He has said "to the public".

Srijut ROHINI KUMAR CHAUDHURI: Were notices of his visit hung in the trees, or in what way were the public informed of his tour?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: In the way it was followed by the previous Government members.

The Hon'ble the SPEAKER: I am afraid we are straying far away from the question.

Maulavi MUHAMMAD AMJAD ALI: Rangjuli is a "centre" for *Endi* and *Muga* concerns. Is it a fact that the Hon'ble Minister was going to Goalpara and suddenly he returned from Rangjuli on his way back to Shillong?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I visited Rangjuli and went up to the North side of Brahmaputra (*loud laughter*). I visited North Gauhati.

Srijut ROHINI KUMAR CHAUDHURI: Did the Hon'ble Minister cross the Brahmaputra to go to Rangjuli? (*Laughter*).

The Hon'ble the SPEAKER: Order, order. We are really straying far away from the question and the Hon'ble Minister is subjected to a cross examination which is not the intention of supplementary questions. Next question.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied:
253.—No. The local officers are doing all that is possible under the present circumstances.

Facilities to manufacture *Mirizins*

Srijut SANKAR CHANDRA BARUA asked:

* 254. Do Government propose to allot a sum to open a few godowns of cotton in the Miri villages, in Assam and appoint two men to encourage and give facilities to manufacture *Mirizins*.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied:
254.—Government do not propose to allot any sum as there has been no demand so far made for such godowns nor have Government been informed of any practicable scheme showing the necessity for such godowns.

As there is already a Miri weaving demonstrator appointed in the Sadiya Frontier Tract who is helping the Miris in the improvement of the quality of the *Mirizins* and fixing standard sizes for facilitating their marketing, Government do not propose to appoint any more men at present. If they find any demand they will consider the question.

Mr. NABA KUMAR DUTTA: Has the Hon'ble Minister seen *Mirizins* ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: No.

(Starred question No. 255 standing in the name of Khan Sahib Maulavi Mudabbir Hussain Chaudhuri was not called and answered as the questioner was absent).

(Srijut Ghanashyam Das did not put his starred question No. 256).

Resolution passed by the Merchants' Association of North Lakhimpur against the second officer of North Lakhimpur Court

Mr. KEDARMAL BRAHMIN asked :

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

(a) Whether a resolution was passed by the Merchants' Association of North Lakhimpur on the 13th April 1938 against the second officer of the North Lakhimpur Court for his rude treatment towards the public and a copy of the same was sent to the Deputy Commissioner and the Commissioner, Assam Valley Division ?

(b) If so, what steps were taken in the matter ?

*258. (a) Is it a fact that a deputation waited upon the Commissioner, Assam Valley Division and a petition was submitted to the Deputy Commissioner, Lakhimpur, by the public against the said officer ?

(b) If so, will Government be pleased to place a copy of the same on the Assembly table ?

*259. Is it a fact that the number of civil cases has decreased since the second officer took charge of the North Lakhimpur Munsiffi ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

257. (a) and (b)—Government understand that the representation purported to emanate from the North Lakhimpur public. The Deputy Commissioner dealt with the matter in a personal interview with the Munsif.

258. (a)—A deputation of the Merchants' Association waited on the Commissioner.

(b)—Government are not aware of a written petition.

259.—Government are not aware of any noticeable decrease,

Appointments made by Government through the Public Service Commission

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

*260. Will Government be pleased to state—

- (a) The number of appointments made by Government through the agency of the Public Service Commission, since April, 1937 ?
- (b) The number of appointments in which the recommendations of the Public Service Commission had been accepted by Government ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

260. (a)—155.
(b)—154.

(Starred questions Nos. 261-263 standing in the name of Khan Sahib Maulavi Mudabbir Hussain Chaudhuri were not put and answered as the questioner was absent).

Steps taken to uplift the distressed condition of the Majuli people

Srijut SANKAR CHANDRA BARUA asked :

*264. Will Government be pleased to state whether any steps are being taken to uplift the distressed condition of the Majuli people by free distribution of seedlings of Onions, Mustard, Potatoes, Peanuts, etc.?

*265. Do Government propose to encourage the cultivation of Potatoes, Mustard, Peanuts, Linseed, etc., at Majuli and to give them assurance of selling their products through the Marketing Officer ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

264.—Arrangement has been made by the Deputy Director of Agriculture, Upper Assam Valley, to distribute the following rabi crops in Majuli:—Tobacco, vegetable seeds, potato, til, mustard, onion, garlic, Matikalai, mug, khesari, masuri, peas, groundnut, wheat and chillies.

265.—Government encourage the cultivation of the potato, Mustard, Peanuts, Linseed, etc., but cannot give any assurance for the marketing of the produce which the cultivators are expected to do in the usual way.

Appointment of a clerk of the office of the Director of Public Instruction in Class III of the Assam School Service

Srijut BHUBAN CHANDRA GOGOI asked :

*266. Is it a fact that recently a vacancy in Class III of the Assam School Service has been filled up by a clerk from the office of the Director of Public Instruction and the vacancy thus caused was filled up by an outsider ?

*267. Is it a fact that permanent posts in the Assam School Service are given to outsiders, when officers who have been officiating for a long period in that service, are available ?

*268. Is it a fact that many of these officers are getting overaged by this time and will have no chance of getting employment elsewhere ?

*269. Do Government propose to consider the case of those officers ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

266.—Yes, recently a vacancy in Class III of the Assam School Service has been filled up by a clerk from the office of the Director of Public Instruction and the vacancy thus caused has been temporarily filled by a graduate who was officiating in the Assam Lower School Service for a long time.

267.—No. Permanent posts in the Assam School Services are not given to outsiders when suitable men, who have been officiating for a long time in that service are available.

268.—Registration of name with the Education Department or officiating services rendered therein do not necessarily establish a claim for permanent appointment in the said Department and the candidates are not debarred from trying for employment in the other Departments before they are age-barred.

269.—Yes, so far as they are suitable.

Supply of Government House news to the Press

Mr. BAIDYANATH MOOKERJEE asked :

*270. Will Government be pleased to state who supplies Government House news to the Press ?

*271. Is it a fact that such news is supplied to the Associated Press of India ?

*272. Will Government be pleased to state why such news is not supplied to the United Press of India ?

*273. Are Government aware that the newspapers "Hindusthan Standard" and the "Amrita-Bazar Patrika" have their own offices at Shillong ?

*274. (a) Will Government be pleased to state if Government House news are supplied to these newspapers ?

(b) If not, why not ?

(c) Is it a fact that Government House news are to be paid for ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

270.—The office of the Military Secretary to the Governor.

271, 272 & 274. (a), (b) & (c)—Government House news is for convenience supplied to the Associated Press of India, which distributes it to the Press. Government are not prepared to make any statement regarding the arrangements made by the Associated Press or by particular newspapers to collect news. But if any Press Agency or newspaper which does not at present publish Government House news desires to do so, they should communicate with the Military Secretary on the subject. Under the orders now in force no charge is made for Government House news.

Mr. BAIDYANATH MOOKERJEE: Sir, If I am permitted to read a letter, Sir, then I can prove that the reply of the Hon'ble Minister is not exactly what he is saying.

The Hon'ble the SPEAKER: The hon. member will put a question and is not to disprove any allegation. He may put supplementary questions to elicit answers which may go to disprove the allegation and he may quote any passages from the communication he has with him.

Mr. BAIDYANATH MOOKERJEE: Is the Hon'ble Minister aware that the Military Secretary, Major Esse, wrote to the representative of a newspaper in Shillong that the information could be supplied provided he paid for it at usual press rate?

The Hon'ble Srijut GOPINATH BARDOLOI: We are not aware of that, Sir. If the matter is brought to the notice of Government, we may take any action that may be necessary.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

273.—Government are aware that the "Amrita Bazar Patrika" has an office in Shillong. It is understood that the "Hindusthan Standard" also has an office here but Government have no specific information on the point.

Schedule of fees for private bacteriological examination at the Berry-White Medical School

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*275. Are Government aware that the Schedule of fees for private bacteriological examination at the Berry-White Medical School is higher than that of the rates in Calcutta?

*276. Do Government propose to consider the desirability of reviewing the Schedule of charges?

*277. Will Government be pleased to state—

(a) If any correspondence was carried on with the Government of India on the above subject?

(b) If so, what is the result of that correspondence?

*278. Will Government be pleased to state the charges payable by a patient for X-Ray Examination at the Dibrugarh Civil Hospital?

*279. Will Government be pleased to state how the above charges are appropriated, e.g., (a) How much is paid to the X-Ray specialist (b) How much to the X-Ray Mechanic and (c) How much goes to Government?

The Hon'ble Srijut RAMNATH DAS replied:

275.—Government understand that the schedule of fees as laid down at the Berry-White Medical School is the same as that in Government institutions in Calcutta.

Khan Bahadur Maulavi SAYIDUR RAHMAN: What are the fees, Sir?

The Hon'ble Srijut RAMNATH DAS: I will reply to this with reference to question No. 278, Sir.

Khan Bahadur Maulavi SAYIDUR RAHMAN: That is with reference to X-ray examination, Sir, but this question refers to bacteriological examination.

The Hon'ble Srijut RAMNATH DAS: I want notice of that question, Sir.

The Hon'ble Srijut RAMNATH DAS replied:

276 and 277. (a)—The matter is under correspondence with the Government of India.

277. (b)—No final decision has yet been reached.

278.—X-Ray examination is carried out at the Berry-White Medical School and not at the Hospital. The charges are as below :—

Nature of work	Class of patients	Rs.	a.
Screening	A	8	0
	B		
First Radiogram according to part placed	A	10	15
	B		
Second or subsequent radiograms	A	8	12
	B		
Barium meal	A	75	0
	B		
Gall Bladder	A	40	0
	B		
		32	0
		24	0

Note A—Persons with income of Rs.600 per mensem or over.

B—Persons with income between Rs.200 and Rs. 600 per mensem.

C—Persons with income between Rs.60 and Rs. 200 per mensem.

In the case of class C patients a flat rate of Rs.5 only (to cover the cost of materials) is charged for every kind of work mentioned above.

Khan Bahadur Maulavi SAIYIDUR RAHMAN: May I enquire, Sir, who ascertains the income ?

The Hon'ble Srijut RAMNATH DAS: It is based on the statement of the patient.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do Government mean that the statement of the patient is accepted ?

The Hon'ble Srijut RAMNATH DAS: The doctor in charge ascertains the income of the patient on the statement of the patient.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Am I to take it that, without any enquiry, the statement of the patient is accepted ?

The Hon'ble Srijut RAMNATH DAS: Not necessarily.

Maulavi ABDUR RAHMAN: What measure Government adopts to ascertain the income of the patient ?

The Hon'ble Srijut RAMNATH DAS: I have already replied.

Maulavi ABDUR RAHMAN: May I know, Sir, what measures Government adopts in such cases ?

The Hon'ble Srijut RAMNATH DAS: It is based on the statement of the patient and also from various sources the local officers ascertain the income of the patient.

Maulavi MUHAMMAD AMJAD ALI: May I know the various sources from which the income is ascertained ?

The Hon'ble Srijut RAMNATH DAS: That depends on individual cases.

Khan Bahadur Maulavi SAYIDUR RAHMAN: As regards the Government servants the income is known, what about private persons ? What about their income ?

Rai Bahadur PROMODE CHANDRA DUTT: Has not this question been answered several times, Sir ?

Khan Bahadur Maulavi SAYIDUR RAHMAN: Who is the officer who makes the enquiry ?

The Hon'ble Srijut RAMNATH DAS: The medical officer.

The Hon'ble Srijut RAMNATH DAS replied :

279.—The fees realised from persons with an income of not less than Rs.200 per month are divided equally between the Government on the one hand and the operator and staff on the other.

All flat rate fees are credited in full to Government.

Appointments in accordance with the recommendations of the Public Service Commission

Srijut MAHI CHANDRA BORA asked :

*280. Will the Hon'ble Minister be pleased to state—

(a) The number of appointments made in accordance with the recommendations of the Assam Public Service Commission since its composition up to July, 1933 ?

(b) The number of cases where appointments have not been made in accordance with the recommendations of the Public Service Commission ?

(c) The cases in which the first nominations of the Public Service Commission have not been accepted by Government ?

*281. Has the attention of the Hon'ble Minister been drawn to the editorial "Recruitment to Assam Service" published in the issue of the "Times of Assam" dated the 6th August, 1938 ?

*282. Will the Hon'ble Minister be pleased to state the reason why the appointments in those cases could not be made according to the advice of the Public Service Commission ?

*283. Is it a fact that the advertisements for appointments are not drafted by the Public Service Commission but by the Hon'ble Ministers of the Department concerned ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

280. (a)—155.

(b)—Only in one case which is still pending with the Government.

(c)—Five.

281.—Yes.

282.—In one case, the candidate was found to have misrepresented his age, in the second case the candidate was a dismissed Government servant, in the third, the first nominee was not a native of or domiciled in the Province, while in the fourth and fifth cases the second nominees were appointed to make up the under-representation of communities.

283.—The appointing authorities send a draft advertisement to the Commission according to the instructions issued by that body.

Appointments made against the recommendations of the Public Service Commission

Mr. BAIDYANATH MOOKERJEE asked :

*284. Will Government be pleased to state—

(a) the cases where appointments have not been made in accordance with the recommendations of the Public Service Commission since 1st April, 1937 ?

(b) The cases in which the first nominations of the Public Service Commission have not been complied with by Government since 1st April 1937.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

284. (a)—There was no such case, excepting that of U Lamphrang Tham, who was recommended for appointment to the Assam School Service, class III and whose case is under consideration.

(b)—The hon. member is referred to the replies given to Srijut Mahi Chandra Bora's questions on the subject in the current session of the Assembly (questions Nos. 282 to 283).

Maulavi JAHANUDDIN AHMED: Are Government aware that some appointments were made in the Education Department against the recommendations of the Public Service Commission ?

The Hon'ble Srijut GOPINATH BARDOLOI: I can definitely say 'No'. If such appointments had been made by the last Government, I am not aware ; but the present Government have done nothing against the recommendations of the Public Service Commission.

Payment of expenses of witnesses attending before a Criminal Court

Maulavi Md. AMJAD ALI asked :

*285. Will Government be pleased to state—

(a) Whether any Rules have been framed by Government of Assam as required by section 544 of the Criminal Procedure Code for payment of expenses of witnesses attending before a Criminal Court ?

(b) Whether Government is aware that in Crown prosecutions, the witnesses summoned to appear for the defence at Goalpara are not allowed their expenses by the Criminal Court at Goalpara ?

(c) If so, why ?

*286. Will Government be pleased to state—

(a) The number of Civil and Criminal Courts at Goalpara ?

(b) Whether the Sub-Registry office there is located in the Court buildings at Goalpara ?

(c) The average daily attendance of witnesses both Civil and Criminal at Goalpara during the years 1935, 1936, 1937 ?

(d) Whether there is any witnesses' shed at Goalpara Court ?

(e) Whether Government has received any representations from the Goalpara public that there is need for a witnesses' shed at Goalpara ?

(f) Whether Government proposes to construct a witnesses' shed at an early date at Goalpara ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

285. (a)—Yes.

(b)—No.

(c)—Does not arise.

Maulavi MUHAMMAD AMJAD ALI: As regards (a) have these Rules been framed ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir. If the hon. member wants them, these may be supplied to him.

Maulavi ABDUR RAHMAN: As regards, (b) why not according to Rules ?

The Hon'ble Babu KAMINI KUMAR SEN: According to Rules, the expenses are paid.

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister what is the rate of daily allowance which is given to witnesses for their attendance in courts ?

The Hon'ble Babu KAMINI KUMAR SEN: I cannot exactly say. I want notice.

Maulavi ABDUR RAHMAN: Is it not in the information of Government that they are paid annas two per diem ?

The Hon'ble Babu KAMINI KUMAR SEN: I have already said, I cannot say. The rates are there in the Rules and according to Rules expenses are paid to witnesses.

Maulavi ABDUR RAHMAN: Are Government prepared to take it from me that witnesses are paid annas two only ?

The Hon'ble Babu KAMINI KUMAR SEN: If there is any grievance on that account I will consider the question of amending the Rules.

Maulavi MUHAMMAD AMJAD ALI: Will the Hon'ble Minister in charge please take it from me that defence witnesses in Crown case at Goalpara are not paid at all ?

The Hon'ble Babu KAMINI KUMAR SEN: I have already replied that we are paying expenses according to Rules. But if the hon. member says that it is not done in Goalpara, I shall be glad to enquire.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand that expenses are paid in all criminal prosecutions whether instituted by police or on complaint ?

The Hon'ble Babu KAMINI KUMAR SEN: That I cannot answer off-hand.

Srijut ROHINI KUMAR CHAUDHURI: May I draw the attention of the Hon'ble Minister to the reply which is given in this House that in criminal prosecutions defence witnesses are allowed expenses by the Government ? Do I understand that expenses are paid in all cases whether instituted by Government or by police ?

The Hon'ble Babu KAMINI KUMAR SEN: Only in Crown prosecutions.

Srijut ROHINI KUMAR CHAUDHURI: Are all prosecutions conducted in the name of the Crown ?

The Hon'ble Babu KAMINI KUMAR SEN: Not in all cases. There are cases which are not treated as Crown cases.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Did I hear the Hon'ble Minister to say that the reply was in the negative ? Am I correct that that was the original answer that he gave ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir, the reply is 'no'.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not clear. The question is : whether Government is aware. 'No' means Government is not aware ; but the Hon'ble Minister now says that payment is made.

The Hon'ble Babu KAMINI KUMAR SEN: Expenses are paid according to Rules. That is why Government is not aware.

The Hon'ble Babu KAMINI KUMAR SEN replied :

286. (a)—There are four Criminal Courts including the Honorary Magistrate, and one Civil Court.

(b)—Yes.

(c)—The average daily attendance of witnesses :—

	...	...	...	...	...	Civil*	Criminal
1935	...	...	...	...	...	6	12
1936	...	...	...	...	...	7	11
1937	...	...	...	...	...	8	10

* Only the figure of those examined is available.

(d)—No.

(e)—No.

(f)—Government will consider the matter when funds are available, but there are many more urgent projects awaiting provision.

Maulavi MUHAMMAD AMJAD ALI*: May I know whether the Hon'ble Minister contemplates a tour to Goalpara very soon?

The Hon'ble Babu KAMINI KUMAR SEN*: I cannot exactly say, Sir.

Maulavi MUHAMMAD AMJAD ALI: Are Government considering the proposal of constructing a shed like this at an early date?

The Hon'ble Babu KAMINI KUMAR SEN: I cannot exactly answer the question now. There are many more places where the average total number of witnesses examined is much more. Their need is more urgent and Government have not been able to provide for witnesses shed in those places.

Maulavi MUHAMMAD AMJAD ALI: Are the figures on a comparative basis that there are places more needy than Goalpara? Will the Hon'ble Minister name the places?

The Hon'ble Babu KAMINI KUMAR SEN*: I can't exactly name the places where there is more urgent demand, but there are places where there are more urgent demands for witnesses' shed.

Srijut ROHINI KUMAR CHAUDHURI*: What about Karimganj?

The Hon'ble Babu KAMINI KUMAR SEN: In Civil or Criminal Court?

Srijut ROHINI KUMAR CHAUDHURI: In Civil.

The Hon'ble Babu KAMINI KUMAR SEN: Yes, there is also the necessity of a witnesses' shed.

Conveyance allowance of the Vice-Chairman of the Shillong Municipality

Mr. BAIDYANATH MOOKERJEE asked:

*287. (a) Is it a fact that the allowance of the present Vice-Chairman of the Shillong Municipality has recently been increased from Rs.100 to Rs.150.

(b) If so, when the order was passed sanctioning the increment and on what grounds?

*288. Is it a fact that after the increment, if any, was sanctioned Messrs. Reade and Phillip, two *ex*-Vice-Chairmen of the said Municipality applied for arrears of allowance at the increased rate recently sanctioned?

*289. Will Government be pleased to state—

(a) If such application was entertained?

(b) If so, what was the sum sanctioned in each case?

*290. Will Government be pleased to state on what principle, retrospective effect was given to the order of increment of allowance?

The Hon'ble Babu KAMINI KUMAR SEN replied:

287. (a)—The conveyance allowance of the present Vice-Chairman was restored to the level at which it stood before 1931, *i.e.*, Rs.150 per month with effect from the date on which he assumed charge of his office.

(b)—On the 9th October 1937 and on the unanimous recommendation of the Board.

*Speech not corrected.

288.—Yes.

289. (a)—Yes.

(b)—Rupees 150 per mensem in each case.

290.—The grounds on which the previous Government based their orders are summarised below :—

The Board has always maintained that Rs.150 is the appropriate allowance in view of the expenses of maintaining a car for municipal purposes and their proposals were supported by successive Deputy Commissioners. The sanctioned rate of allowance was Rs 150 till 1931. The reduction was made in that year by Government on its own initiative through fear of the general depression possibly imperiling the Board's finances. This fear has proved to be groundless. The Board's finances have come out unseathed. In view of these facts, the recent restoration of the allowance to its pre-1931 level and the Board's resolution regarding reconsideration, Government considered that relief was called for.

Habiganj Criminal Courts

Maulavi ABDUR RAHMAN asked :

*291. Will Government be pleased to state—

(a) Whether the Commissioner, Surma Valley and Hill Division inspected the Habiganj Criminal Courts in the years 1936, 1937 and 1938 ?

(b) If so, will Government be pleased to lay on the table those inspection reports ?

*292. Is it a fact that the Commissioner, Surma Valley and Hill Division issued instructions to all the Magistrates in his Division to dismiss certain percentage of cases in the initial examination under Section 203, Criminal Procedure Code ?

*293. Will Government be pleased to state the percentage of cases dismissed under Section 203, Criminal Procedure Code by the Magistrates of Habiganj during the years 1937 and 1938 ?

*294. Will Government be pleased to state—

(a) The total number of cases instituted in the Habiganj Criminal Courts in the years 1937 and 1938 ?

(b) The number of cases dismissed under section 203, Criminal Procedure Code, by the Magistrates in those years ?

(c) The number of cases tried by the Magistrates during the said period ?

(d) The number of Magistrates doing criminal work at Habiganj now ?

*295. Will Government be pleased to state—

(a) The number of appeals filed before the District and Sessions Judge, Sylhet, from January to June last ?

(b) The number of appeals dismissed summarily during the said period ?

(c) Whether it is a fact that the Sessions Judge dismissed appeals summarily against convictions of imprisonment of various terms during that period ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

291. (a)—The Commissioner, Surma Valley and Hill Division, inspected the Habiganj Criminal Courts in 1937 and 1938 and in December 1935.

(b)—Government regret that they are unable to do so as these are not public documents.

292.—No such instructions were issued.

293.—14 per cent. in 1937 and 18 per cent. up to July 1938.

294. (a)—Three thousand six hundred and eighty in 1937 and 2,172 upto July 1938.

(b)—Five hundred and nineteen in 1937 and 389 upto July 1938.

(c)—Two thousand two hundred and sixty-five in 1937 and 1,462 upto July 1938.

(d)—Six including the Subdivisional Officer.

Maulavi ABDUR RAHMAN: Do Government consider that the percentage of dismissal is too high ?

The Hon'ble Babu KAMINI KUMAR SEN: No, Sir.

Maulavi ABDUR RAHMAN: Is it not desirable that after the institution of the cases, parties should be given facilities to have a trial ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, the Magistrates have ample discretion and Government have no reason to believe that they are misusing that discretion.

Maulavi ABDUR RAHMAN: Is it a fact that most of the appeal cases filed during this session before the District and Sessions Judge, Surma Valley Division, were dismissed summarily ?

The Hon'ble Babu KAMINI KUMAR SEN: That I cannot say.

The Hon'ble Babu KAMINI KUMAR SEN replied :

295. (a)—One hundred and thirty-four excluding the Jail appeals.

(b)—Twenty-one.

(c)—Yes.

Interference of the Deputy Commissioner with the discretion of the Magistrates subordinate to him in the matter of local inspection under section 539B of the Criminal Procedure Code

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

*296. Will Government be pleased to state—

(a) If they have issued any order to the Deputy Commissioner, Lakhimpur, to interfere with the discretion of the Magistrates subordinate to him in the matter of local inspection under section 539B of the Criminal Procedure Code ?

(b) If not, are Government aware that in several cases the Deputy Commissioner of Lakhimpur did not allow the Magistrate subordinate to him to inspect certain localities in the interest of justice ?

*297. Will Government be pleased to call for the records of those cases and examine the propriety of the Deputy Commissioner's action in not allowing local inspection ?

*298. Is it a fact that the Deputy Commissioner, Lakhimpur, does not allow Magistrates subordinate to him to hold local trials where such trials are necessary in the interests of justice and in furtherance of the convenience of parties ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

296.—(a) No.

(b)—Government understand that in one case the District Magistrate recently exercised his discretion to decide that a local inspection should not be held.

297.—There is no rule enabling Government to call for records of cases under such circumstances. It is a matter for the appellate or revisional court, if a party is not satisfied with the District Magistrate's action.

298.—The District Magistrate has a discretion in the matter, with which Government cannot interfere.

Srijut ROHINI KUMAR CHAUDHURI: May I know how the Deputy Commissioner can exercise jurisdiction in a matter like this?

The Hon'ble Babu KAMINI KUMAR SEN: I think the Deputy Commissioner as District Magistrate has power to use discretion in the matter of local inspection.

Srijut ROHINI KUMAR CHAUDHURI: Under what section?

The Hon'ble Babu KAMINI KUMAR SEN: I can't exactly remember the section, but I think the District Magistrate is competent to take such action under section 539B, Criminal Procedure Code.

Srijut ROHINI KUMAR CHAUDHURI: Since when the Deputy Commissioner has become the head of judiciary?

The Hon'ble Babu KAMINI KUMAR SEN: As District Magistrate he can exercise the powers of the head of judiciary.

Khan Bahadur Maulavi KERAMAT ALI: Under what section of the Criminal Procedure Code he can stop the Magistrate from proceeding to the locality for local enquiry?

The Hon'ble Babu KAMINI KUMAR SEN: There is no question of stopping, but he has got the discretion.

Khan Bahadur Maulavi KERAMAT ALI: Under what section?

The Hon'ble Babu KAMINI KUMAR SEN: I have already mentioned that.

Khan Bahadur Maulavi KERAMAT ALI: Has the Hon'ble Minister gone through the section and satisfied himself as to the applicability of that section in such a case?

The Hon'ble Babu KAMINI KUMAR SEN: I admit I have not personally gone through the section.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is the Hon'ble Minister depending on the report of the Deputy Commissioner?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Is he satisfied that the Deputy Commissioner's report is quite correct?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Will Government take this matter into consideration and issue correct instruction to the Deputy Commissioners?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir, I shall myself look into the section.

Konwarpur mouza of Sibsagar

Srijut BHUBAN CHANDRA GOGOI asked:

*299. Will Government be pleased to state—

(a) The total demand of the land revenue of the Konwarpur mouza of Sibsagar, in 1929 and the current demand?

(b) The total reduction of the land revenue of the said mouza after the reclassification?

(c) The area of waste land in the mouza.

*300. Is it a fact that there was a great demand for land in that mouza and that the middle class people were affected on account of a *bund* there?

*301. Is it a fact that a deputation waited upon the Hon'ble the Premier during his last visit to Sibsagar ?

*302. Is it a fact that the Hon'ble the Premier personally visited the spot, and the *bund* raised by the *rai-yots* themselves ?

*303. Is it a fact that the public there represented to the Hon'ble the Premier that in the case of reconstruction of the *bund*, it will bring annually at least 35 thousand more to the coffer of Government ?

(b) If so, do Government propose to take up the construction of the *bund* in this winter ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

299. (a)—In 1929 Rs.49,645-11-0. Current demand (1937-38) Rs.25,377-4-0 after temporary remission.

(b)—The reduction in 1933-34 was Rs.10,869 after reclassification.

(c)—14,598b. 3k. 4l.

300.—Yes. The mouza is now almost annually subjected to flood and the people are adversely affected for want of a *bund*.

301.—Yes.

302.—Yes. Not the Prime Minister, but the Hon'ble Chief Minister of the previous Government.

303.—As far as could be gathered, the representation was for a *bund* to be reconstructed by which the Government will regain the loss of Rs.10,869 which was reduced from the demand after the reclassification, and will get additional revenue by settlement of more waste lands in the mouza.

(b)—The present financial condition of the Government stands in the way of consideration of such schemes.

Maulavi ABDUR RAHMAN: Sir, may I know from the Hon'ble Minister how does he distinguish between the Hon'ble Prime Minister and the Hon'ble Chief Minister ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: It is within the knowledge of the hon. member that his present Leader was styled as the Hon'ble Chief Minister while the Leader of the present Cabinet is styled as the Hon'ble Prime Minister.

Maulavi ABDUR RAHMAN: Sir, I want to know from the Hon'ble Minister the difference between the words 'Prime Minister' and 'Chief Minister'.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: The difference is in the mentality between the hon. member and the hon. members of this side. (*Loud laughter.*)

Maulavi ABDUR RAHMAN: It is clear, Sir, that the reply just now given by the Hon'ble Minister bears no sense. I put a question to know the difference between the words 'Hon'ble Prime Minister' and 'Hon'ble Chief Minister' and the reply given by the Hon'ble Minister has been heard by the House. As for my personal mentality I shall give my explanation later. Now I want a reply.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: As a matter of fact I cannot follow the hon. member, but it is obvious that he wants to know the difference between the words 'Prime Minister' and 'Chief Minister'. For his benefit I would advise him to see me in my Chamber when I shall explain the difference between the words 'Prime Minister' and 'Chief Minister', and he need not waste the valuable time of the House for such irrelevant matter as this.

Maulavi ABDUR RAHMAN: How is it Sir, that I should visit his private house for this information ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: The Leader of the present Cabinet is called the Hon'ble Prime Minister because we want to shake off the slave mentality by not calling him as the Hon'ble Chief Minister.

The Hon'ble the SPEAKER: I take strong exception to the expression 'slave mentality'.

Khan Bahadur Maulavi KERAMAT ALI: Will the Hon'ble Minister withdraw the word.

The Hon'ble the SPEAKER: I think, it will be better if the Hon'ble Minister withdraws the word 'slave mentality'. (*Loud applause.*)

Maulavi ABDUR RAHMAN: Yes Sir. The Hon'ble Minister should withdraw the word.

The Hon'ble the SPEAKER: Will the Hon'ble Minister withdraw the words 'slave mentality' ? (*Loud applause.*)

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Yes I withdraw the words, Sir.

Maulavi MUHAMMAD AMJAD ALI: May I know Sir, why does he call him the Hon'ble Prime Minister instead of Hon'ble Chief Minister ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: What is the question Sir ?

Maulavi MUHAMMAD AMJAD ALI: I want to know what is the object of calling the Leader of the present Cabinet as the Hon'ble Prime Minister and not the Hon'ble Chief Minister ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: There is nothing in the law to prevent the present Head of the Government from calling himself as 'Prime Minister'.

Maulavi ABDUR RAHMAN: Sir, may I know from the Hon'ble Minister how he sought his election in the Assembly ? Was it not as an independent candidate ? Is he not a cheater of his Constituency since he changed his colour ?

Mr. ARUN KUMAR CHANDA: Does this question arise, Sir ?

The Hon'ble the SPEAKER: We are not here to carry on discussion about the difference in the mentalities of the different members of this House and I understand the Hon'ble Minister has already withdrawn the expression 'slave mentality', and there is no use in pursuing this matter in the tone in which the hon. member is proceeding.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: Mr. Speaker, Sir, I want to know whether it is the order of the present Government that when any member puts any question for any information he should go to his private residence for it.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, I want to make a statement in this connection. As you will see the question relates to land revenue matters in the district of Sibsagar and as the hon. member opposite wanted to know why I had styled the present Head of the Government as the Hon'ble Prime Minister, I naturally asked him to come and see me in my room outside, *i.e.*, my chamber for the information because this matter does not relate to the question to which he was putting the supplementary question.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: From the answer of the Hon'ble Minister the supplementary question arose and my friend wanted to know about it, but he has been told that he should go and meet

him in his house for this information. I want to know whether it is the order of the present Government that a member should go to the private residence of the Hon'ble Minister for getting the information.

The Hon'ble the SPEAKER: Did the Hon'ble Minister say 'private house'?

The Hon'ble Srijut GOPINATH BARDOLOI: I think, he said 'outside the House'.

Maulavi MUHAMMAD AMJAD ALI: He said it like a school boy.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I am awfully sorry, Sir, the hon. members are bent upon wasting the time of the House. What I meant is this that the hon. member can easily see me outside this House to find out the difference so that the time of the House may not be wasted over it.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I object to the expression that the time of the House is being wasted. If anybody is responsible for this, it is the Hon'ble Minister himself. The Head of the Government, be he called the Hon'ble Chief Minister or anything else, he is entitled to be called the Premier. My hon. friend the questioner wanted to know the difference between the words 'Prime Minister' and 'Chief Minister', but he has been asked to see the Hon'ble Minister in his house for this and started the question of mentality, I therefore charge the Hon'ble Minister that he himself by starting all these loose talks and exhibiting his own mentality has been wasting the time of the House.

Restriction of the Kulsi Range sales to the local indigenous people

Mr. ARUN KUMAR CHANDA asked :

*304. (a) Is it a fact that the timber contractors from the Surma Valley are barred from bidding at the auction held in respect of the Kulsi range of Kamrup?

(b) If so, on what principle?

*305. Is it a fact that the Kulsi range falls within the constituency of the Hon'ble Minister in charge of Forests?

The Hon'ble Srijut RUPNATH BRAHMA replied :

304. (a)—Yes.

(b)—The restriction of the Kulsi range sales to the local indigenous people has been made with a view to encouraging the small Assamese timber traders who are unable to compete with big outside traders.

Maulavi JAHANUDDIN AHMED: May I know from the Hon'ble Minister who are the local contractors or traders?

The Hon'ble Srijut RUPNATH BRAHMA: The local traders means Assamese timber traders.

The Hon'ble Srijut RUPNATH BRAHMA replied :

305.—Yes, that is, the Hon'ble Minister at the time when notice of the question was given.

Srijut ROHINI KUMAR CHAUDHURI: Does the Hon'ble Minister mean to say that the order with regard to question No.304 was passed by the Hon'ble Minister hailing from that constituency?

The Hon'ble Srijut RUPNATH BRAHMA: I think, it was done by the Hon'ble Minister of the previous Government.

Srijut ROHINI KUMAR CHAUDHURI: May I know by whom?

The Hon'ble Srijut RUPNATH BRAHMA: By the former Minister

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Minister please name the former Minister?

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Rohini Kumar Chaudhuri.

Srijut ROHINI KUMAR CHAUDHURI: The order was passed by my hon. friend Shams-ul-Ulama Maulana Abu Nasr Md. Waheed and not by me.

CONDOLENCE MOTIONS

Condolence on the deaths of Kamal Ataturk, Maulana Shaukat Ali, Khan Bahadur Maulavi Muhammad Mashraf and Babu Krishna Sundar Dam

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, before the House takes up other business I consider it my duty to refer to the deaths of two of the greatest personalities that the world and India have seen during the last 20 years. I am, Sir, referring to the deaths of Kamal Ataturk and of Maulana Shaukat Ali.

Sir, the life history of Kamal Ataturk is, I am sure, known to all. His has been a world figure and if we really try to judge the people who have lived during the last decade in this world we must see that he was really one of the greatest, if not the greatest, men in the world. You know, Sir, how Turkey, which was disunited, which was broken into pieces after the War, was reorganised into a great power—a power that was not going to entrench upon the rights and liberties of other nations. Kamal Ataturk built up a nation which was so self-contained in itself, so reorganised, that it stands as a great power to-day. You very well know, Sir, how in the fields of Istanbul he won the laurels of a great fighter, you also know how step by step he won territories after territories in order to make Turkey what it is to-day. He was indeed a great man in war, but surely he was a greater man in times of peace. You know, Sir, through what obstacles he had to build up a new Turkey; he had to meet on the one hand the fanaticism of his people, on the other hand, bad religious and social customs prevailing in his country. All these obstacles he got over by a strong will, by influencing his people in the light of right thinking; and thereby has built up a Turkey to-day which is modern in every sense of the word. I would not like to take up the time of the House by detailing all that he did. Sufficient it is for me to say that both as a fighter as well as a builder—qualities which are not often times found in a single individual—he has proved himself as one of the greatest men of the world. To us, the Congressmen, his life has a special meaning. We are also faced with the same difficulties as Kamal Pasha had when he was trying to build up a new Turkey, and it is on that account we view his life as an example for us to be followed and acted upon. The world surely is poorer to-day on account of his death.

Then, Sir, I am referring to the death of Maulana Shaukat Ali. A wire was sent to me from Silchar only the other day that he was coming to visit this Province. I was surprised to read from the News Agency Bulletin only a day after—it was sent only a day after I received the wire—that he died. Nothing could shock me more. Sir, I had not a personal acquaintance with him, but I have seen him. We all watched his life from the very beginning with great interest. He was a born fighter and, as many have said, it was always a pleasure to find him not merely as a friend but also as an opponent. His fight during the Non-Co-operation days are very well known and his adherence to a cause was so great that on account of that

he commanded the respect of all. We are indeed very sorry that he should have left us at this juncture of our history, and I propose to offer our heartfelt condolence to the family he has left behind.

In so far as Kama! Ataturk is concerned, Sir, I think we can convey our condolence through the Consul General of Turkey to such members of his family and friends and to the Turkish Republic as may be communicated to them.

Sir, we have some formal business to-day and I had just now a talk with the hon'ble the Leader of the Opposition who has also been pleased to think on the same lines with me, namely, that after this formal business is performed we do adjourn the House in honour of these great personalities.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker Sir, I thank my friend the Hon'ble Premier for mentioning in our Legislature the passing away of the two illustrious personalities in different spheres of the world. 'Kemal' is an Arabic word meaning "perfection", and the title 'Kemal' was given to the late Ataturk by his teachers in the Military College; his real name was Mustafa. Even as a student he was of such an outstanding brilliance that the Professors gave him the title, which stuck to the last. He was in every sense of the term a 'perfection', as a soldier and as a Master-General, but in this sphere of our Assembly we must admire him as a perfect administrator and a nation-builder. My hon. friend the Leader of the House has already stated what he has done for the Turkish Nation. Not only has he emancipated the Turkish nation but he has given the Turkish nation a Constitution which is unique, for not only is it a democratic institution, but on account of his wonderful powers of organisation, he has made it one party institution and the Turkish Nation followed with one accord the ideas conceived by Mustafa Kamal and therefore he was given the name of Ataturk, or the Father of the Turkish Nation. In this time of International crisis and the mad race for armaments, the passing away of such a great general and statesman of the first magnitude is no small loss not merely to the Turkish Nation but to the whole of the civilized world and in sending our message of condolence to the Turkish Nation it is better that we should mention this. I need not say anything more about Ataturk.

I had the good fortune of knowing the late Maulana Shaukat Ali—he was properly known as the Big Brother—since 1921. Big he was in many ways, and you may remember that a certain journalist in England described him as the man six feet square—he was a gigantic figure with an immense volume of flesh, but he possessed a bigger heart than anybody that I have met. Those who had the privilege of being acquainted with him must have been struck with the simplicity of his life and the sincerity of his purpose. As my hon. friend the Leader of the House has mentioned, he was a born fighter. He applied himself body and soul in the movement of 1921, along with his late lamented brother the illustrious Muhammad Ali, and has since been in the forefront of all agitation for the betterment of India. Although latterly he was not on the ranks of the Muhammad Mahatma Gandhi himself said that he was his right hand at the time of the Non-Co-operation Movement. Even now, till the last, he was fighting for the independence of India and for bringing about a conciliation between the two sections of the community—the Hindus and the Muhammadans. He was a sportsman—he used to be the Captain of the Cricket Team in Aligarh and he died as a sportsman. It is very unfortunate that when we were expecting him in our midst here to preside at the Muslim League meeting which

was held in Sylhet recently, we received a wire from him from Delhi that he was suffering from malarial fever. You may have heard the news on the radio that he died in harness while at Delhi to attend the meeting of the Central Assembly, and that at the time of his death he was writing a letter to a friend about the political atmosphere in the country, and then he suddenly told his servant that he was feeling cold and wanted his chair to be placed in the sun ; and that as he walked and took his seat in the chair he suddenly breathed his last, and not only the Muslim India but the whole of India lost a great man. (*Hear, hear.*)

Sir, I whole-heartedly, on behalf of my party, associate with my hon. friend the Premier in what he has said. As regards sending a message of condolence to the bereaved family and as a mark of respect to his memory it would be better if you, Sir, adjourn this House after the conclusion of formal matters.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I wish to add to what has been said by the Hon'ble Leader of the House and the Leader of the Opposition that Khan Bahadur Muhammad Mashraf, who was a member of this House for about seven years, and who also worked in the district of Sylhet, has recently died, and I hope that we would be fair to send condolence to his bereaved family also.

The Hon'ble the SPEAKER: I fully associate myself with what has been said by the Leaders of the parties in this condolence motion on the demise of the late Kamal Ataturk and Maulana Shaukat Ali. By the death of Kamal Ataturk one of the most outstanding personalities from the field of International politics has been removed, and the Turkish Nation has lost its saviour, and I should say its protector. The achievements of Kamal Ataturk in the work of reconstructing Turkey at a time of her critical existence marked him out as the most distinguished of all the post-war patriot-statesman who figured so prominently in the post-war reconstruction. Turkish people were to be saved from the grip of European imperialism and were to be freed from the shackles of medieval conventions, practices and superstitions which were really sapping the vitality of the Turkish people and had long marked out that country as the "sick man of Europe". Kamal Ataturk was really a man of destiny who did perform the mission of his life like a true Moslem imbued fully with the democratic principles for which Islam stands. And if he really employed his dictatorial powers, he employed them not to secure for him a kingdom to rule over but to give a democratic State to the Turkish people fully organised, for all healthy and fruitful activities to bring prosperity, peace and happiness to the Turkish people. To him must go the instinctive homage of all. The most outstanding fact noticeable in his life is that whatever he did, whether social, religious, educational and political, he did with tremendous courage, remarkable efficiency and stern seriousness of a highly practical and immeasurably capable and farsighted leader with the single unalterable aim of building up Turkey as she is to-day.

We the people of India, feeling a kinship with the Turkish people, must extend our sympathy and condolence to them in their terrible bereavement. His life is full of inspiring ideals to be followed by us in our struggle for attainment of freedom of this country.

Maulana Shaukat Ali was one with whom I had the good fortune of associating myself intimately as a member of the Central Legislative Assembly. He was truly a vigorous personality in the political field of India. He was a brave fighter in the cause of Indian Nationalism. He was really an exponent of the Hindu Moslem unity and although his political

views went through different phases yet in the midst of these changes he retained a heart always yearning for the independence of his country. Whoever came in contact with him was at once struck by his amiability of temper and was attracted to him by his loving and generous disposition. He was an ardent patriot and no sacrifice was too great for him in his work for the regeneration of his country. Describing his political activities recently he used to say that he was a "rebel" and now a "peace-maker". This was indeed a true description of his own character and the very recent utterances which he made only a month ago shows what he was and how true his heart remained. I shall quote those few lines which will at once show the real nature of the man whose death we mourn to-day. He said: "Sooner or later our team will be cosmopolitan and strong. It will be composed of Hindus, Moslems and other communities and will play the game in a team spirit and score centuries of triumph. The Indians will acquire real and all-embracing powers when they will bury the hatchet and face their white rulers with one common demand". India is poorer to-day by the death of such a son of hers.

I join with the hon. members in paying my homage of respect to the two departed Great. And as it is the general wish of the House that the business of the House should stand adjourned after the formal business is done, the House will stand adjourned till to-morrow after the formal business is finished to-day.

But I wish that in order to show our respect to the memory of these great men, the hon. members will stand up for about three minutes in silence.

Khan Bahadur Muhammad Mashraff's death was referred to by the Hon'ble Khan Bahadur Maulavi Mahmud Ali. He was a member of the old Council and he was very intimately known to me and he was really a public man who devoted the best part of his life to the service of the country. He was for many years Vice-Chairman of the Sylhet Municipality and he was also a member of the old Legislative Council. His death certainly is a loss to the people of this province. So in accordance with the desire of the House, a message of condolence will be sent to his family.

(All members stood up for three minutes.)

Messages of condolence will be sent in one case to the Turkish Nation through their Consul General in India and in the other cases to the members of the bereaved families.

The Hon'ble Babu KAMINI KUMAR SEN: Sir, our *ex*-member of the old Legislative Council Babu Krishna Sundar Dam also died some time ago. I think, Sir, it would be in the fitness of things that a condolence motion should be adopted in regard to this gentleman also. He was not only a member of the old Council but also a distinguished public man.

The Hon'ble the SPEAKER: He died before this session commenced in September last. He was also a prominent figure in the old Legislative Council and we all know what useful work he did as a member thereof.

A message of condolence will also be sent to the members of his family.

Enquiry whether no-confidence motions against the Ministry, of which notices were sent on the 21st September, 1938, should be moved or not.

The Hon'ble the SPEAKER: I am to tell members that there are 56 no-confidence motions in respect of which notices were sent to me on the 21st September 1938. Since then 5 hon. members have dissociated

themselves from those motions. I may point out to hon. members that when those motions were tabled, the Ministry was composed of only 5 members, and now the Ministry is composed of 8 members. I wish to know from the hon. members, whose no-confidence motions are still with me, whether they want to ask for leave of the House in respect of those motions.

Maulavi Siayid Sir MUHAMMUD SAADULLA: Mr. Speaker, Sir, as has been pointed out by you, notices of these no-confidence motions were given on the 21st September at a time when there were only 5 members in the Ministry composed by my hon. friend Mr. Bardoloi. Since then there have been three more additions. Therefore our purpose will not be served by moving the motions which are before the House just now. At the proper time the party which I have the honour to lead propose to give notices of fresh no-confidence motions during the session.

Adjournment motions

The Hon'ble the SPEAKER: Then I have got notices of some adjournment motions. As it is the desire of the House that the remaining business to be transacted to-day is to be postponed, I propose to take up these adjournment motions to-morrow.

(Several voices form the opposition benches—Yes, Sir.)

Srijut ROHINI KUMAR CHAUDHURI: Will fresh notices be necessary?

The Hon'ble the SPEAKER: I think it would be better if the hon. members submit fresh notices tomorrow.

Governor's message re: allotment of days for (1) presentation of supplementary statement of expenditure, (2) voting on demands for supplementary grants and (3) presentation of authenticated schedule of authorised expenditure.

The Hon'ble the SPEAKER: I shall now place before the House His Excellency the Governor's message allotting days for Government business which runs as follows—

“For the purposes of section 81 read with sections 78, 79 and 80 of the Government of India Act, 1935, and in pursuance of rules 17(1), 17(2)(a) and 19 of the Assam Legislative Assembly Rules, Part I, I, Robert Niel Reid, hereby appoint the following days for the presentation to the Legislative Assembly of the Supplementary Statement of Expenditure for the year 1938-39 and for the subsequent stages thereof in the Legislative Assembly during its adjourned Session to be held in December, 1938, namely:—

Thursday, the 1st December and	...	Presentation of the Supplementary Statement of Expenditure.
Friday the 2nd December.	...	Voting on the Demands for Supplementary Grants.
Tuesday, the 6th December	...	Placing of the authenticated schedule of authorised expenditure in relation to the supplementary demands for grants for 1938-39.
Friday, the 9th December	...	

This order shall be subject to my revision, if necessary from time to time.

The previous order dated the 26th August 1938 on the same subject is hereby cancelled.

R. N. REID,
Governor.”

Announcement by the Hon'ble the Speaker of the number of days allotted by him for private members' business.

The Hon'ble the SPEAKER : I may then announce to the House the number of days allotted by me for private business during the present session.

In pursuance of Rule 17 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Prime Minister the following days for private members' business during the present session of the Assam Legislative Assembly, 1938 :—

Saturday, the 3rd December and } Private members' Bills.
Thursday, the 8th December }
Monday, the 5th December ... Private members' Resolutions.

Private Members' Resolutions shall also be taken up on Friday, the 2nd December and Tuesday, the 6th December, *if time permits, after disposal of Government business.*

This order shall be subject to my revision, if necessary from time to time.

Committee on petitions relating to Bills

The Hon'ble the SPEAKER : Under Rule 112(1) of the Assembly Rules, I nominate the following members to constitute a Committee on Petitions relating to Bills for the current session of the Assembly.

1. Khan Bahadur Maulavi Mufizur Rahman.
2. Mr. Arun Kumar Chanda.
3. Mr. W. R. Faull.
4. Srijut Dhirsing Deuri.

Under the rules the Deputy Speaker will be the Chairman of the Committee.

House Committee

The Hon'ble the SPEAKER : Under Rule 126 of the Assembly Rules I nominate the following members to constitute a House Committee for the current session of the Assembly :—

1. Mr. Baidyanath Mookerjee.
2. Khan Bahadur Maulavi Sayidur Rahman.
3. Srijut Debeswar Sarma.
4. Maulavi Namwar Ali Barbhuiya.
5. Mr. D. B. H. Moore, and
6. Mr. Jobang D. Marak.

In this connection I would, however, like to draw the attention of the members to an important fact in the matter. The members' hostels, which will be one of the chief concerns of the House Committee, are open to members of both the Houses in this province. Consequently any additions to or alterations of the hostels will require joint consideration and approval of members of both the Houses. It would have, therefore, been convenient if a similar House Committee were appointed in the Upper House also. In that case the Committee of both the Houses could have considered all proposals with regard to the comfort and convenience of members in the hostels jointly. As there is no such committee in the Upper House and as there is no provision in the Draft Council Rules for the constitution of such a Committee, all proposals made by the Assembly House Committee, in so far as the member'

hostels are concerned, will have to be sent up for the approval of the Council members. This will mean delay, but there seems to be no help, unless the Council decides to make provision on the subject before passing the Draft Council Rules.

Statement of Government business

The Hon'ble Srijut GOPI NATH BARDOLOI: With your permission, Sir, I desire to make a statement about the course of Government business during this session.

2. The Government business which is to be taken up to-day and tomorrow is already shown in the day's agenda, a copy of which has been placed on each member's table. I need not detail it again.

3. The 6th December has been fixed for voting on demands for Supplementary Grants for 1938-39. We also propose to take up on this date the following further business:—

(i) Motion for further amendments, if any, to the amendments made by the Assam Legislative Council on the "Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937".

(ii) Motions for consideration of the Assam Ministers' Salaries Bill, 1938, clause by clause, and then for passing the same, if the motion for taking it into consideration is accepted by the House today or tomorrow.

4. We propose to place the authenticated schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1938-39 as the last item on the 9th December.

5. Any unforeseen Government business would be taken up on the 6th after the disposal of Government business allotted for the day by His Excellency the Governor and before the presentation of the authenticated schedule on the 9th.

Presentation of Notification under the Assam Municipal Act, 1923, by the Hon ble Minister, Local Self-Government

The Hon'ble Babu KAMINI KUMAR SEN: Sir, under section 296 of the Assam Municipal Act, 1923, I beg to present before the House Notification* No. 3974-L.S.-G., dated the 25th July 1938, a copy of which has been placed on each of the hon. member's table.

Election of a member to the Assam Communications Board

The Hon'ble Maulavi MD. ALI HAIDAR KHAN: Sir, I beg to move that the members of the Assembly other than the members of the Planting constituencies do proceed to elect one member to the Assam Communications Board in place of the Hon'ble Mr. Fakhruddin Ali Ahmed.

The Hon'ble the SPEAKER: Motion moved is that the members of the Assembly other than the members of the Planting constituencies do proceed to elect one member to the Assam Communications Board in place of the Hon'ble Mr. Fakhruddin Ali Ahmed.

The motion was adopted.

The Hon'ble the SPEAKER: Under rules 1 and 2 of the Rules regarding the procedure to be followed in holding election of members to the Public Accounts Committee and other committees, I hereby fix 2 p.m. to 4 p.m. on Monday, the 5th December, for holding the election to the Assam Communications Board. Copies of these rules have already been circulated to the members. The voting for the election will be held in the Secretary's Chamber between these hours. Hon. members will please see that the rules are followed. The voting is open to all the members except members of the Planting Constituencies.

Election of a member to the Agricultural section of the Advisory Board for Development, Assam

The Hon'ble Babu AKSHAY KUMAR DAS: I beg, Sir, to move that this Assembly do elect one member from the Surma Valley in place of the Hon'ble Khan Bahadur Maulavi Mahmud Ali to the Agricultural section of the Advisory Board for Development, Assam.

The Hon'ble the SPEAKER: Motion moved is that this Assembly do elect one member from the Surma Valley in place of the Hon'ble Khan Bahadur Maulavi Mahmud Ali to the Agricultural section of the Advisory Board for Development, Assam.

The motion was adopted.

Election of a member to the Industrial section of the Advisory Board for Development, Assam

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I beg, Sir, to move that this Assembly do elect one member from the Assam Valley in place of the Hon'ble Srijut Rupnath Brahma to the Industrial section of the Advisory Board for Development, Assam.

The Hon'ble the SPEAKER: Motion moved is that this Assembly do elect one member from the Assam Valley in place of the Hon'ble Srijut Rupnath Brahma to the Industrial section of the Advisory Board for Development, Assam.

The motion was adopted.

The Hon'ble the SPEAKER: Under the Rules, I hereby fix Saturday, the 3rd December, as the date and 2 p.m. to 4 p.m., as the hours for holding the election to the Agricultural and Industrial sections of the Assam Development Board. The voting will be done in the Secretary's Chamber within these hours.

Presentation of the supplementary demands for grants and the Supplementary statement of expenditure for the year 1938-39

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: On the recommendation of His Excellency, the Governor, I beg, Sir, to move that additional sums of Rs.27,524 and Rs.300 (charged) be granted to the Ministers-in-charge to defray the charges which will come in the course of payment during the year ending 31st March 1939, for the administration of the heads 'Forests', 'Administration of Justice', 'Agriculture' and non-excluded areas (charged).

Sir, I need not take much time of the House in presenting this supplementary statement, because the explanatory notes given in the list of supplementary demands will explain the requirements for which these amounts have

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been found necessary. Sir, the major portion of these expenditure was spent in connection with the Flood Relief Work. I hope the House will consider that the amount that we have included in the supplementary demand is an essential expenditure and will, therefore, allot to me the amount asked.

The Hon'ble the SPEAKER: In connection with the supplementary statement of expenditure which is presented before the House, I am to inform the hon. members that the time for receiving notices of cut motions, under rule 100, will be up to 3 p.m. on 2nd December 1938.

Presentation of a note on the present financial situation of the Province

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Sir, I beg to present a note* on the present financial position of the province with reference to actual receipts and expenditure of the year 1937-38, as compared with the revised for that year.

Adjournment

The Assembly was then adjourned till 2 p.m., on Friday, the 2nd December 1938.

APPENDIX D

SUPPLEMENTARY STATEMENT OF EXPENDITURE CHARGED ON THE REVENUES OF THE PROVINCE DURING 1938-39, LAID BEFORE THE ASSEMBLY UNDER SECTION 81 OF THE GOVERNMENT OF INDIA ACT, 1935

(To be discussed by the Assembly on the 6th December 1938)

CHARGED—NON-EXCLUDED AREAS

41.—Veterinary—			
Amount originally included in the authenticated schedule			Rs. 900
Additional amount now required			300
II.—Sub-heads under which this additional amount will be accounted for:—			
A.—Superintendence—			
Contingencies—Rates and taxes (Charged) ...			Rs.300

EXPLANATORY NOTE

An excess amount is required for payment of Rs.280 (for two years 1937-38 and 1938-39 at the rate of Rs.140) as municipal taxes on the buildings of the Veterinary Department at Shillong which were so long exempted from such payment and Rs.20 (for the year 1938-39) on account of meeting the increased rate of municipal taxes now charged by the Silchar Municipal Board on the Veterinary buildings at Silchar. As the question of exemption of Veterinary buildings from taxation was under the consideration of Government, the municipalities withheld realisation of these taxes until the matter was finally disposed of and as such this excess amount could not be provided when the regular budget was made.

APPENDIX E

The 25th July 1938

No.3974-L.S.-G.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendments in the Rules published with Notification No.1041-E., dated the 8th March 1924.

*Appendix F.

AMENDMENT

In Rule 1 of Part II, section II before the word "estimates" in the second sentence *insert* the word "detailed". *Substitute* the following for the first sentence of Rule 2 :—

"All original works shall be subject to the administrative approval of the Board at a meeting. Similar approval shall be required for special repairs whereby the permanent value of the work is increased, but such items costing not more than Rs.500 may be approved by the Chairman subject to the provisions of section 29 and section 301(1) (e).

Projects of original work shall require the following further approval :—

At the end of the first part of Rule 2, after the table *add* "Every application for approval shall be accompanied by a rough project prepared by the Municipal Public Works Staff".

S. P. DESAI,

Secy. to the Govt. of Assam, Edn. & L, S.-G, Deptts.

APPENDIX F

NOTE ON THE PRESENT FINANCIAL SITUATION OF THE PROVINCE WITH REFERENCE TO THE ACTUAL RECEIPTS AND EXPENDITURE OF THE YEAR 1937-38 AS COMPARED WITH THE REVISED FOR THE YEAR

I—SUMMARY

	Revised	Actuals	Result +or—
1	2	3	4
	Trs.	Trs.	Trs.
Revenue Receipts	2,78,67	2,73,13	—5,54
Capital, Debt and Deposit head receipts	3,60,27	5,25,70	+1,65,43
Total receipt	6,38,94	7,98,83	+1,59,89
Opening balance	24,64	24,64	...
Grand Total	6,63,58	8,23,47	+1,59,89
Revenue expenditure	2,81,41	2,78,69	—2,72
Capital, Debt and Deposit head expenditure.	3,48,83	5,13,80	+1,64,97
Total Expenditure	6,30,24	7,92,49	+1,62,25
Closing balance	33,34	30,98	—2,36

1. The revised estimates for the year 1937-38 which were prepared in January last, placed the receipts for the year at Trs. 6,38,94 and the expenditure at Trs. 6,30,24 thus anticipating a surplus closing balance of Trs. 33,34. The final accounts of the year, however, show that receipts amounted to Trs. 7,98,83 and charges to Trs. 7,92,49 thus reducing the closing balance to Trs. 30,98. There was a drop of Trs. 5,54 in revenue receipts, but this was counterbalanced to some extent by a decrease in revenue expenditure to the extent of Trs. 2,72. On the whole, the excess of expenditure charged to revenue over revenue rose to Trs. 5,56 against Trs. 2,74 adopted in the revised.

II—REVENUE

2. The revised estimates and the final actuals for the year 1937-38 are compared in the following table:—

Heads of Revenue	Revised	Actuals	Result +or—
1	2	3	4
	Trs.	Trs.	Trs.
I.—Customs... ..	12,70	11,75	—95
IV.—Taxes on Income other than corporation tax.	...	2,50	+2,50
V.—Salt	10	7	—3
VII.—Land Revenue	1,26,00	1,21,33	—4,67
VIII.—Provincial Excise	36,51	35,93	—58
IX.—Stamps	19,00	18,38	—62
X.—Forests	16,55	17,51	+96
XI.—Registration	1,66	1,67	+1
XII.—Receipts under Motor Vehi- cles Taxation Act.	2,55	2,78	+23
XIII.—Other taxes and duties ... ..	...	...	...
XX.—Interest... ..	49	42	—7
XXI.—Administration of Justice	1,80	1,61	—19
XXII.—Jails and Convict Settlements	52	63	+11

Heads of Revenue	Revised	Actuals	Result + or -
1	2	3	4
	Trs.	Trs.	Trs.
XIII.—Police	19	28	+9
XXIV.—Ports and Pilotage ... ..	...	...	...
XXVI.—Education	3,74	3,76	+2
XXVII.—Medical	1,88	1,95	+7
XXVIII.—Public Health	3,00	2,29	-71
XXIX.—Agriculture	1,64	97	-67
XXX.—Veterinary	41	44	+3
XXXI.—Co-operation	32	17	-15
XXXII.—Industries	45	40	-5
XXXIV.—Miscellaneous Departments	46	55	+9
XXXIX.—Civil Works	16,93	16,11	-82
XLIV.—Receipts in aid of superan- nuation.	18	21	+3
XLV.—Stationery and Printing	54	44	-10
XLVI.—Miscellaneous	1,05	98	-7
XLIX.—Grants-in-aid from Central Government.	30,00	30,00	...
Total, Revenue heads	2,78,67	2,73,13	-5,54
O. Unfunded Debt—			
State Provident Funds	15,50	15,18	-32
Deposits not bearing interest—			
Depreciation Reserve Fund—			
Government Press	17	14	-3
General Police Fund	10	10	...
Deposits of Local Funds—			
Districts Funds	37,00	37,45	+45

Heads of Revenue	Revised	Actuals	Result + or —
1	2	3	4
	Trs.	Trs.	Trs.
Other Funds	11,90	12,33	+43
Departmental and Judicial Deposits	50,74	46,05	—4,69
Advances	9,15	9,12	—3
Suspense	36,13	47,02	+10,89
Loans and advances by the Provincial Government	9,56	8,98	—58
Remittances within India	1,90,02	2,30,91	+40,89
Reserve Bank Deposits ... ..	...	1,18,42	+1,18,42
Total, Capital, debt and deposit heads	3,60,27	5,25,70	+1,65,43
Grand total	6,38,94	7,98,83	+1,59,89

The more important variations are explained below:—

I. Customs (—Trs. 95)—Due to a decrease in this Government's share of the export duty on jute.

IV. Taxes on Income other than corporation tax (+Trs. 2,50)—Due to receipt of the Provincial share of Income-tax which was not anticipated at the time when the revised was framed.

VII. Land Revenue (—Trs. 4,67)—Due to remissions and to an unexpected fall in the realisation of revenue.

VIII. Provincial Excise (—Trs. 58)—Due to a fall in the consumption of country spirit.

IX Stamps (—Trs. 62)—The decrease is due to the fact that the increase in revenue anticipated from the introduction of the Assam Stamps and Court Fees (Amendment) Acts, 1936, was not realised in full.

X. Forests (+ Trs. 96)—Owing to increased demand for timber.

XII. Receipts under Motor Vehicles Taxation Act (+ Trs. 23)—Due to the increase in the number of Motor Vehicles.

XXI. Administration of Justice (—Trs. 19)—General fees, fines and forfeitures fell short of expectation.

XXXVIII. Public Health (—Trs. 71)—The amount of contribution for water-supply from the Government of India could not be spent in full during the year.

XXIX. Agriculture (— *Trs. 67*)—The amount of contribution for economic development of rural areas and for the scheme for fruit culture could not be utilised in full during the year.

XXXIX. Civil Works (— *Trs. 82*)—Due to smaller expenditure from the amount received from the Central Road Development account.

Capital and Debt Heads (+ *Trs. 1,65,43*)—Receipts and expenditure under these heads are of a fluctuating nature and accurate estimates are not possible. An increase or decrease in receipt is followed by a similar increase or decrease in expenditure.

III—EXPENDITURE

3. Revised estimates and the final actuals for the year 1937-38 are compared below in the following table:—

Heads of expenditure	Revised	Actuals	Result + or —
1	2	3	4
	Trs.	Trs.	Trs.
7. Land Revenue ...	16,20	16,59	+39
8. Provincial Excise...	4,74	4,69	—5
9. Stamps ...	44	43	—1
10. Forests ...	11,74	11,72	—2
11. Registration ...	1,37	1,38	+1
12. Charges on account of Motor Vehicles Taxation Act.	1,56	1,54	—2
18B. Navigation, Embankment and Drainage Work.	60	46	—14
22. Interest on debt and other obligations.	3,18	3,11	—7
25. General Administration ...	33,85	34,31	+46
27. Administration of Justice ...	9,93	9,75	—18
28. Jails and Convict Settlements.	4,74	4,78	+4
29. Police ...	31,24	31,10	—14
30. Ports and Pilotage ...	10	11	+1

Heads of expenditure	Revised	Actuals	Result + or —
1	2	3	4
	Trs.	Trs.	Trs.
36. Scientific Departments ...	14	14	...
37. Education (European) ...	86	} 35,60	...
Ditto (other than Euro- pean).	34,85		—11
38. Medical ...	14,37	14,48	+11
39. Public Health ...	8,52	7,89	—63
40. Agriculture ...	6,71	6,31	—40
41. Veterinary ...	1,49	1,53	+4
42. Co-operation ...	1,02	1,00	—2
43. Industries ...	2,52	2,63	+11
47. Miscellaneous Departments	91	98	+7
50. Civil Works ...	54,10	52,90	—1,20
54A. Famine Relief ...	62	45	—17
55. Superannuation Allowances and Pensions.	20,88	21,06	+18
56. Stationery and Printing ...	3,44	3,40	—4
57. Miscellaneous ...	11,29	10,35	—94
Total, Revenue heads ...	2,81,41	2,78,69	—2,72
83. Payment of commuted value of Pensions.	1,71	1,21	—50
85. Payments to retrenched per- sonnel.	— 9	—9	...
Unfounded Debt—			
State Provident Fund ...	8,65	9,27	+62

Heads of expenditure	Revised	Actuals	Result + or -
1	2	3	4
Deposits not bearing interest—	Trs.	Trs.	Trs.
Depreciation Reserve Fund—			
Government Press ...	7	6	—1
General Police Fund ...	9	10	+1
Deposits of Local Funds—			
District Funds ...	37,10	37,80	+70
Other Funds ...	11,75	12,06	+31
Departmental and Judicial Deposits.	52,55	49,22	—3,33
Advances ...	9,21	9,10	—11
Suspense ...	36,13	47,01	+10,88
Loans and Advances by the Provincial Govern- ment.	2,66	2,18	—48
Remittances within India	1,89,00	2,27,46	+38,46
Reserve Bank Deposits ...	...	1,18,42	+1,18,42
Total Capital, debt, and deposit heads.	3,48,83	5,13,80	+1,64,97
Grand Total ...	6,30,24	7,92,49	+1,62,25

The more important variations are explained below:—

7. *Land Revenue (+ Trs. 39)*—Mainly due to greater charges on commission for land revenue collections owing to better realisation in the month of March.

25. *General Administration (+ Trs. 46)*—Due to travelling allowance of members of the Legislative Assembly owing to a larger number of sessions and also to small excesses under other different heads.

39. *Public Health (— Trs. 63)*—Due to reasons stated under XXVIII—Public Health.

40. *Agriculture* (+ Trs. 40)—Due to reasons stated under “XXIX—Agriculture.”

50. *Civil Works* (— Trs. 1,20)—Savings mainly due to the fact that the allotments made for different works could not be spent in full by the Executive Engineers for various unavoidable reasons before the close of the year.

57. *Miscellaneous* (— Trs. 94)—Due to smaller writes-off of agricultural loans than anticipated.

IV—1938-39

4. *Prospects for 1938-39*.—The total provincial revenue receipts for the first half year totalled Trs. 1,27,03 as compared with Trs. 1,29,92 during the corresponding period of 1937-38. The decrease of Trs. 2,89 is due mainly to a fall of receipts under “Land Revenue” (Trs. 3,74), “Stamps” (Trs. 16), “Forests” (Trs. 79), and “Customs” (Trs. 39) counterbalanced by an increase of revenue under “Motor Vehicles Taxation Acts” (Trs. 54), “Provincial Excise” (Trs. 1,03) and “Medical” (Trs. 1,05). It is impossible to say accurately what the actual position at the end of the year will be but the recent floods in both Valleys and the grant of 33 per cent. of remissions are likely to affect the land revenue collections to a great extent and a fall of about Trs. 6,00 is anticipated under “Land Revenue” receipts. It is also anticipated that there will be a fall of Trs. 1,20 under “Stamps” and Trs. 60 under “Forests”. A sum of Trs. 2,00 is, however, expected this year under “Taxes on Income”.

The expenditure under revenue heads during the first half of the year amounted to Trs. 1,59,91 against Trs. 1,16,61 during the corresponding period of last year. In the first half year of 1937-38 only half of the annual grants payable to local bodies for educational and other purposes were paid while in the current year full amounts were paid. Similarly under “Excise” the indent for opium was for the first half year only while in the current year it was for the full year. This, together with increased expenditure under “Land Revenue”, “General Administration”, “Police”, and “Famine Relief and payment to the Government of India the loan of Trs. 30,65 taken to cover the deficit for 1936-37, account for the increase of Trs. 43,30.

During the current year a heavy sum is needed under “Famine Relief” and “Agricultural Loans” to give relief to the people of the flood-affected parts of both the Valleys. Expenditure to the extent of Rs. 2,75,540 has already been sanctioned under the former head against the budget grant of Trs. 50 and Rs. 2,15,000 under the latter against a provision of Trs. 25 in the budget. The budget grants under these heads have thus been exceeded by Trs. 4,16 and further expenditure may be incurred in this connection during the remaining months of the year. Some additional expenditure is also needed under “Forests”, “Civil Works” and “Navigation” to carry out flood damage repairs which will amount to more than a lakh of rupees roughly. Under capital heads an additional sum of Trs. 2,00 will also be required to pay the Provident Fund money of late Messrs. Furze and Reid Shaw. Government considered the financial situation and ordered a retrenchment of expenditure according to certain fixed percentages in all budgets. It is hoped additional expenditure will be met partly from savings thus obtained.

The Government of India sanctioned a short-term loan of Trs. 30,65 at an interest of $1\frac{1}{2}$ per cent. to be repaid on or before the 30th September 1938 to cover the deficit of year 1936-37. It was proposed to repay this loan by floating a permanent loan of Trs. 35,00 in the open market and provision was accordingly made in the budget of 1938-39. On the basis of actuals, it was however, thought more expedient to repay the Government of India loan from the current resources, deficits from time to time being covered by short-term loans in Ways and Means advances or Treasury Bills arranged through the Reserve Bank of India. Accordingly the loan was repaid on the 1st August 1938 and it is anticipated that a saving of Trs. 50 in brokerage, commission, etc. and another Trs. 50 in interest charges will materialise. The year will close with a short-term loan of Trs. 24,00 in Treasury Bills and Ways and Means advances instead of a permanent loan of Trs. 35,00.

The original budget for the current year estimated a revenue deficit of Trs. 4,62 but the present indications are that this deficit is likely to go up to Trs. 11,00 *plus* the loan re-payment of Trs. 30,65 and the estimated closing balance will drop from Trs. 40,48 to Trs. 17,00.

Dated Shillong,

The 26th November 1938.

SHILLONG :

The 2nd January 1939.

A. G. PATTON,

*Secretary to the Government of Assam,
Finance Department.*

A. K. BARUA,

Secretary, Legislative Assembly, Assam.