

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 2 p.m., on Friday, the 9th September, 1938.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred question Nos. 161-164 standing in the name of Khan Sahib Maulavi Mudabbir Hussain Chaudhuri were not called out and answered as the questioner was absent.)

Demand of local rates for the Madan Raja and Natir Estates

Maulavi ABDUR RAHMAN asked :

*165. Will Government be pleased to state—

- (a) The demand of local rates for the Madan Raja and Natir estates before they came to be owned by Government?
- (b) Whether Government has paid the local rate regularly of these estates to Habiganj Local Board?
- (c) If not, why not?
- (d) When Government propose to make these payments in full?
- (e) Whether it is a fact that the Local Board of Habiganj gave repeated *Tagids* for it?

*166. (a) Is it a fact that people are very often harassed by the employees of the Madan Raja estate office at Habiganj when they attend there in connection with works?

(b) If so, do Government propose to hold an enquiry to that effect?

*167. Is it a fact that malpractices are prevalent in the said office?

*168. Will Government be pleased to state the number of Mirasders who have been evicted since Madan Raja and Natir estates are owned by Government?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

165. (a)—Rs. 870-7-1 and Rs. 547-5-5 respectively.

(b)—No.

(c) & (d)—The matter was so long under the consideration of Government. Orders were issued on 27th August, 1938 to pay all the arrears which have accrued subsequent to the purchase of the estates.

(e)—No. (The Chairman of the Local Board only recently addressed a letter to the Subdivisional Officer on this point).

Maulavi ABDUR RAHMAN: Sir, in question No. 165(a) I find that there is some mistake. It is written that "the demand of local rates for the Madan Raja and Natir estates before they came to be owned by Government". I do not know what it means,

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The reply is quite correct.

The Hon'ble the SPEAKER: The question is all right. It means that the demand of the local rates that was to be paid before it came to be owned by Government.

Maulavi ABDUR RAHMAN: Sir, in reply to question No. 165 (c) and (d) it has been said by the Hon'ble Minister that after it came to the hands of the Government, the local authorities have been asked to pay the arrear rent.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: These are the demands of local rates, *i. e.*, the amount payable as local rate.

Maulavi ABDUR RAHMAN: May I know, Sir, when the local rates are to be paid to the Local Board?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: All the local rates that are collected go to Local Board. The amount represents the total local rate payable by the estate to Government and that eventually goes to the Local Board.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

166. (a)—No.

(b)—Does not arise.

167.—No.

168.—No Mirasders have been evicted.

Financial condition of the Habiganj Municipality

Babu SHIBENDRA CHANDRA BISWAS asked:

*169. Will the Hon'ble Minister for Local Self-Government be pleased to state if the financial condition of the Habiganj Municipality has attained a stability and that all liabilities have been cleared off by this time since its supersession?

*170. (a) Are Government aware that a public meeting was held a few days prior to the visit of the Hon'ble Minister in-charge in the town, attended by the representatives of all classes of people and demanded immediate restoration of the Board?

(b) If so, will Government be pleased to state whether the Hon'ble Minister in-charge has taken any step on the demand?

*171. Will the Hon'ble Minister in-charge be pleased to state—

(a) If he had taken any step to ascertain the feeling of the general rate-payers during his stay at Habiganj regarding such restoration?

(b) If so, will the Hon'ble Minister in-charge be pleased to state the names of the persons with whom he had consulted and ascertained their views?

*172. (a) Is it a fact that some persons waited upon the Hon'ble Minister in-charge at a deputation urging upon him to retain the Municipality in the hands of Government?

(b) If so, will the Hon'ble Minister in-charge be pleased to state the names of the members of the deputation and whether they were appointed by the public of Habiganj?

(c) Do Government propose to restore and order reconstitution of the Board forthwith?

(d) If the answer to question 172(c) is in the negative will Government be pleased to state the reason and when they propose to order such restoration?

*173. (a) Is the Hon'ble Minister in-charge aware that an Advisory Committee has been formed to help the administration of the Municipality?

(b) If so, will Government be pleased to state the principle on which such a Committee has been formed?

(c) Is it a fact that several local gentlemen of light and leading have declined to act as members of this Committee?

(d) Are Government aware that such refusal amounts to a condemnation of the policy pursued by Government in respect of the Municipality?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

169.—Government understand that all liabilities have now been cleared, but that the financial condition has not yet been stabilised.

170. (a)—Government are informed that the meeting referred to in the question was attended by 20 or 25 persons and passed a resolution demanding restoration of the Municipality.

(b)—No.

171. (a)—Yes. Two deputations of local people were received.

(b)—The deputationists were—

I. (i) Dewan Abdul Matin Chaudhury, Government Pleader and Zemindar.

(ii) Maulavi Nurul Hussain Khan, Pleader and Vice-Chairman, Local Board.

(iii) Babu Bepin Behari Roy, Pleader and Representative of the Vaisya-Saha Community.

(iv) Maulavi Abdul Majid Khan, Leading Merchant and Secretary, Moslem Merchants' Association.

II. (i) Dr. Abdus Sahid, Retired Sub-Assistant Surgeon.

(ii) Syed Ramjan Ali, Pleader.

(iii) Maulavi Abdur Rahman, M.L.A.

(iv) Babu Gagan Chandra Nath, Muktear.

(v) Babu Ramanath Das, B.L., Secretary, Scheduled Caste Association.

(vi) Babu Bepin Behari Das, M.L.A.

(vii) Babu Birendra Kumar Chaudhury, Assistant Secretary, Muktears' Association.

172. (a)—Yes.

(b)—The hon. member is referred to the names of the four gentlemen constituting one of the deputations given in answer to question 171. Government have no information whether any of the deputationists were appointed by the public of Habiganj.

(c)—No.

(d)—The reason is that the finances have not been stabilised and the improvements taken in hand have not also been completed. So far as the second part of the question is concerned Government are not in a position to reply now.

173. (a)—It is understood that a proposal for an informal Advisory Committee has been made.

(b)—Government are unable to say until the proposal reaches them.

(c)—Government are informed that some Congress people have declined to serve on the proposed Committee.

(d)—Government have not received full information regarding the names of the gentlemen who declined to serve on the proposed Committee. So they are unable to form any opinion on this point.

Babu SHIBENDRA CHANDRA BISWAS: Are Government aware that the Habiganj Municipal authority are deferring the payment of debt for retaining the Municipality in the hands of the Government to take up new project?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is not a fact, Sir.

Income of the Copying Departments of the Civil, Criminal and Revenue Courts of Assam

Mr. ARUN KUMAR CHANDA asked :

*174. Will Government please lay on the table a statement showing the income of the Copying Departments of the Civil, Criminal and Revenue Courts of the Province of Assam, district by district, under the following heads, for the last five years ?

(1) Court-fees for applica- tion for copi- es.	(2) Court-fees for certifica- tion.	(3) Court-fees for searching.	(4) Court-fees for urgent co- pies.	(5) Value of folios.
--	--	-------------------------------	--	----------------------

*175. Will Government please give a statement showing the expenditure of the Copying Department of these Courts and offices of the Province of Assam under the following heads, district by district, for the last five years ?

(1) Pay of compar- ing clerks.	(2) Remuneration to copyists.	(3) Expendit ure for the printing of court-fees and folios if charged under this head.	(4) Contri- bution to Provident Fund.
-----------------------------------	----------------------------------	--	--

*176. Will Government please state whether there is any other source of income and item of expenditure for the maintenance of the Copying Department ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

174 & 175.—Three separate statements for Civil, Criminal and Revenue courts are laid on the library table.

176.—There is another source of income for issuing copies of maps from the record. Expenditure is incurred under the following heads, e. g.—

(1) Section writing ;
(2) Interest on Provident Fund deposit ;
(3) Pay of <i>Punkha</i> puller ;
(4) Cost of stationery ;
(5) Pension of comparing clerks.

Quantity of quinine and cinchona purchased by Government every year

Mr. BAIDYANATH MOOKERJEE asked :

*177. Will Government please state—

- What is normally the quantity of quinine and cinchona purchased by this Government every year ?
- How much do they cost separately ?
- What is the source from which this supply of quinine and cinchona is purchased ?
- Whether they are purchased from different sources ?
- If so, what quantities of quinine and cinchona are purchased from each source and at what price ?
- Whether there is any cinchona plantation in Assam ?
- If so, where and what is the area of the cultivation ?
- Whether the sample of cinchona available in Assam has been examined ?
- If so, what is the result of such examination ?

*178. (a) Do Government propose to cultivate cinchona on a commercial basis ?

(b) If not, why not ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

177. (a)—Roughly 1,800 lbs. of quinine and 2,500 lbs. of cinchona febrifuge are purchased by Government.

(b)—Rupees 18 and Rs. 9 per lb. of quinine sulphate and cinchona febrifuge respectively.

(c)—Bengal.

(d)—No.

(e)—Does not arise.

(f)—Yes, an experimental one.

(g)—At Umsaw in the Khasi and Jaintia Hills. The area is about 3 acres.

(h)—Yes.

(i)—The result may be summarised as :

- Cinchona Ledgeriana and Hybrid cinchona Ledgeriana will do well in selected areas.
- Cinchona succiruba was not a success.
- The alkaloid content of the species mentioned in (1) above was satisfactory.

178. (a)—The suggestion will be considered when the results of the enquiry made by an expert deputed by the Imperial Council of Agricultural Research as to the possibilities of cinchona cultivation in Assam are known.

(b)—Does not arise.

Number of times the Hon'ble Minister for Local Self-Government came to Jorhat and Golaghat in 1938

Srijut RAJENDRA NATH BARUA asked :

*179. Will Government be pleased to state—

- The number of times the Hon'ble Minister for Local Self-Government came to Jorhat and Golaghat in 1938 and the dates on which he visited each of these places each time ?

(b) Whether these visits were private or in connection with any public duties ?

(c) If the latter, what was the nature of the work done ?

*180. Will Government be pleased to state—

(a) Whether it is a fact that he came to Bhekelimukh to see Mr. Karkadolo Miri in August 1938 after the heavy floods ?

(b) Whether the Hon'ble Minister charged any travelling allowance for all these visits ?

(c) If so, what was the amount drawn ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

179. (a)—	7-4-38	...	...	Golaghat.
One trip	8-4-38	...	...	Jorhat.
	9-4-38	...	...	Left Jorhat.
	10-4-38	...	...	Arrived Jorhat.
	11-4-38	...	...	Left Jorhat.
	11-4-38	...	...	Passed through Golaghat— on the way to Shillong.
	2-5-38	Jorhat—Passing through on the way to North Lakhimpur from Tezpur via Silghat.		
One trip	5-8-38	Jorhat—visited flood-affected areas.		
	6-8-38	Left Jorhat for Majuli to visit flood-affected areas.		
	7-8-38	Arrived Jorhat in the evening on the way to Sibsagar—visiting flood-affected areas.		
	9-8-38	Arrived Jorhat from Sibsagar at about 3p.m. on the way to Nowgong.		

(b)—Public duties.

(c)—Performed many public duties in connection with Local Self-Government, Medical and Public Health matters with respective officers. On 8th and 10th April passed through Jorhat to attend a conference of the Miri tribal people at Lower Subansirimukh ghat.

180. (a)—It is not a fact that I went to Bhekelimukh to see Mr. Karkadolo Miri. I went to Majuli and the other flood-affected areas of the Sibsagar district with the Deputy Commissioner. I neither met Mr. Karkadolo Miri nor did I go to Bhekelimukh.

(b) & (c).—Yes. The total amount for all the three tours including North Lakhimpur, Mangaldai and Tezpur was Rs.612-7.

Srijut RAJENDRA NATH BARUA: Will the Hon'ble Minister please enlighten us whether he visited any of the flood affected areas of Golaghat during his last visit ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I visited only Dergaon.

Srijut RAJENDRA NATH BARUA: Is not Government aware that Dergaon was the least affected flood area ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I did not have time to visit all the flood-affected places. I had a discussion with the Deputy Commissioner and the Sub-Deputy Collector there about the condition of people, and about what Deputy Commissioner and Sub-Deputy Collector were doing in that area.

Srijut RAJENDRA NATH BARUA: Will the Hon'ble Minister please enlighten us whether he visited the Majuli area of Golaghat named Ahautguri ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I visited Majuli area, but I did not visit Ahautguri.

Srijut DEBESWAR SARMAH: What was done in Dergaon ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The Deputy Commissioner, the Civil Surgeon and myself went there to enquire from the Sub-Deputy Collector about the flood-affected areas, to see how many people were affected, to enquire about the health of the people there, how many were sick in the villages and so on.

Srijut RAJENDRA NATH BARUA: Did he see any of the flood affected villages of Dergaon ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No.

Srijut DEBESWAR SARMAH: Then why did he go to Dergaon ? Which part of Dergaon did the Hon'ble Minister visit ? It is a big locality.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I arrived at Jorhat in the evening. The Deputy Commissioner told me that it would be a good idea to see some of the places near about Dergaon and to make enquiry from the people there and also from the Sub-Deputy Collector about the flood-affected areas there.

Srijut DEBESWAR SARMAH: To which place of Dergaon did the Hon'ble Minister go ?

The Hon'ble Rev. J. J. M. NICHOLS ROY: To the Dergaon village itself. We passed through a muddy road to a little river, I forget the name of that river, and saw some of the flood-affected areas.

Srijut DEBESWAR SARMAH: Was the Hon'ble Minister passing by that trunk road on his car or did he drop in at any village ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: By the trunk road and also by a little road, in car. That little road was full of mud and we had great difficulty in passing through that road.

Srijut DEBESWAR SARMAH: Did he go to any other place excepting the Sub-Deputy Collector's office ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No, I did not go to any other place than the places I have already stated.

Srijut DEBESWAR SARMAH: Then for what purpose did he go to Dergaon ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already answered, Sir.

Srijut DEBESWAR SARMAH: The answer is not clear to us. He passed it over very quickly ; at times he is conveniently quick.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already answered.

Srijut DEBESWAR SARMAH: Will the Hon'ble Minister be graciously pleased to repeat his answer as we could not follow ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I went to the Dergaon Inspection Bungalow with the Deputy Commissioner. There I sent for the Sub-Deputy Collector and made enquiries from him about the flood-affected areas. He told us about different places that were least affected and about these places which were badly affected. We enquired about the health of the people there, whether there were any kinds of sickness, or epidemics. He told us that there was nothing of the kind.

Srijut SARVESWAR BARUA: Could not the Sub-Deputy Collector be sent for from Jorhat ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The Deputy Commissioner wanted to show me some of the affected areas near Dergaon. We passed through a road to a little river and saw the places that were covered by water. We went to see those places.

Srijut DEBESWAR SARMAH: To what place of Majuli did the Hon'ble Minister go ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I went to Kamalabari, Salmara, Mirigaon, Kumargaon, and some of the places near about Kamalabari.

Srijut DEBESWAR SARMAH: To what distance from the Kamalabari Inspection Bungalow did the Hon'ble Minister go ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: If the hon. member wants to know I can show him my Inspection note. I have got a long Inspection note.

Srijut DEBESWAR SARMAH: What was the expenditure incurred by the Hon'ble Minister in going to Dergaon and getting the information ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I did not incur any expenditure. I went with the Deputy Commissioner in his car.

Srijut DEBESWAR SARMAH: Did the Hon'ble Minister go there at his own expense or at the expense of the public exchequer ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already replied, Sir.

Srijut DEBESWAR SARMAH: Did not the Hon'ble Minister receive certain telegrams from some gentlemen to visit certain places ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, Sir, I received one from my hon. friend the questioner after I had reached Shillong.

Srijut DEBESWAR SARMAH: What was the actual working time the Hon'ble Minister spent, barring travelling and taking rest in the Bungalow ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I may be permitted to say that we worked very hard. As soon as we arrived at Kamalabari, we did not stop for even an hour. We took our lunch and then visited some places. We went about by country boat until late in the evening. We arrived at the Inspection Bungalow about 9 p. m. We left the Kamalabari station again early in the morning. We visited some other places and in this way we did not spend time in resting save at night.

Srijut DEBESWAR SARMAH: What provision did the Hon'ble Minister make as a result of his inspection at Majuli ? What did he do as a result of his inspection there ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I submitted that report to the Government. We enquired from the people about their sufferings, what they did during flood, what they needed, whether they wanted paddy seed or seedlings, how many people were sick.

Srijut DEBESWAR SARMAH: What seed ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Paddy seed.

Srijut DEBESWAR SARMAH: Did you dabble therein also ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: What is that ?

The Hon'ble the SPEAKER: The hon. member wants to know what tangible action has been taken by Government as a result of the Hon'ble Minister's visit to those areas.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I wired to my friend, the Hon'ble Minister for Revenue that he should send Rs. 5,000 at once to the Deputy Commissioner so that the Deputy Commissioner might buy seedlings and distribute to the people worst affected by the flood, and to give them relief. Government sent Rs. 5,000 at once to the Deputy Commissioner.

Srijut RAJENDRA NATH BARUA: Was this money sent as a result of the inspection of the Hon'ble Minister or on the report of the Deputy Commissioner ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: As a result of my inspection and on the report of the Deputy Commissioner, both.

Srijut RAJENDRA NATH BARUA: Where was this conference of the Miris held ? Was it a private conference, or a public conference ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It was a public conference.

Srijut RAJENDRA NATH BARUA: Were any M. L. As. invited ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, and I saw some Congress men there also ; and some of the Congress men spoke in the meeting.

Srijut RAJENDRA NATH BARUA: May I know who these Congress men were ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not know their names.

Mr. FAKHRUDDIN ALI AHMED: Are Government aware that there is a strong feeling that these visits are connected more with self-preservation ?

Srijut DEBESWAR SARMAH: Is it permissible to ask whether these tours were undertaken to consolidate his position or following ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Will you allow that question, Sir ?

The Hon'ble the SPEAKER: I cannot allow such a question. Hon. members ought to remember that they cannot put such questions as will subject the Hon'ble Minister to a cross examination.

Srijut DEBESWAR SARMAH: But they are squandering public money, Sir.

Tenders submitted by different parties in respect to the Gauhati-Shillong Road

Mr. BAIDYANATH MOOKERJEE asked :

*181. Will Government be pleased to lay on the table (a) A statement showing all the details of tenders submitted by different parties in respect of the Gauhati-Shillong Road ?

(b) When the tenders were received and when they were opened ?

(c) When Government disposed of the tenders and passed final orders of settlement ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

181. (a)—A statement was laid on the library table on the first day of the Session.

(b)—They were received up to 12-25p.m. on the 7th July and opened on the 8th July.

(c)—Government passed final orders of settlement on the 30th August.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Further supplementary questions on unstarred questions** Nos.8—10 standing in the name of Mr. Baidyanath Mookerjee.

Mr. BAIDYANATH MOOKERJEE: Was not Cachar under-represented ?

**8. Will Government be pleased to lay on the table the list of candidates for the Sericultural scholarship, together with their educational qualifications and home districts ?

9. Will Government be pleased to state who got the said scholarship ?

10. Is it a fact that it was advertised for B. Sc. graduates only ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It may be.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that there was a B. Sc. candidate from Cachar who had passed with distinction?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, but we thought that the Assam Valley candidate was more suitable, as sericulture is one of the principal industries there.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that there was a Muhammadan candidate from Sibsagar who though best qualified was not given a scholarship?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, but as Goalpara was poorly represented we gave it to a man of Goalpara. Muhammadans of Sibsagar are already well represented in services.

Mr. FAKHRUDDIN ALI AHMED: Is it the policy of the Government to give scholarships on a district basis?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: District representation was also taken into consideration.

Mr. FAKHRUDDIN ALI AHMED: If a B. Sc. degree was not considered the necessary qualification being given the stipend, why was it so specifically advertised? Further, what are the reasons for the Hon'ble Minister to think that Sibsagar was well represented in matters of scholarships?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I requires notice of that question.

Mr. FAKHRUDDIN ALI AHMED: The Hon'ble Minister has stated that the Muhammadans of Sibsagar are well represented. Can he give us any figure?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I did not mean it in the matter of scholarships; I meant it in the services. In the services it is a well known fact that the Muhammadans of Sibsagar are well represented.

Srijut DEBESWAR SARMAH: Are we considering the question of services, Sir?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Scholarships ultimately lead to service.

Mr. FAKHRUDDIN ALI AHMED: What I want to know is this. When there is a Muslim B.Sc. candidate with distinction, how could his case be overlooked in preference to a candidate possessing second class Honours degree in Arts, specially when it was specifically stated in the Gazette that only B.Sc.'s would be eligible for the stipend?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: As I stated yesterday, his case was carefully considered, but as the candidate from Goalpara had a brilliant academic career, and had obtained scholarship from Matriculation onwards, we gave him preference.

Mr. BAIDYANATH MOOKERJEE: Is Government bound to provide service to candidates who are given scholarships?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Not necessarily.

Mr. BAIDYANATH MOOKERJEE: Then how does he say that scholarships ultimately lead to service?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It has been our experience that as soon as these people pass out, they apply for service under Government.

Mr. FAKHRUDDIN ALI AHMED: If academical career is the criterion, why was the case of the Sibsagar candidate who possessed the last requisite qualifications, ignored?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: As I have already stated, the other candidate though not a B. Sc. had a brilliant career throughout Matriculation onwards.

Mr. FAKHRUDDIN ALI AHMED: Should not a candidate, who had distinction in a B. Sc. degree have been given preference over a candidate who has got only a B.A. degree?

The Hon'ble the SPEAKER: This question was asked yesterday, and the Hon'ble Minister gave grounds for selecting an Arts graduate.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Also that the sort of training that was to be received in the Mysore State did not require any B.Sc. degree.

Mr. FAKHRUDDIN ALI AHMED: Did not the Government consider this side of the question before putting in the advertisement?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It was thought at the time that a B. Sc. candidate would be more suitable.

Mr. FAKHRUDDIN ALI AHMED: My question is this, when a man with a B.A. degree would have suited equally well, what was the necessity for inviting applications only from B.Sc. candidates?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: When a B.A. candidate with necessary qualifications was found, and taking into consideration other factors also, we gave the scholarship to him.

Officers holding Superior Indian Civil Service posts outside listed posts

Mr. BAIDYANATH MOOKERJEE asked:

11. Will Government be pleased to state the names of the officers of the Assam Civil Service, holding Superior Indian Civil Service posts outside listed posts, with dates of their appointments to such posts?

12.(a) Do Government propose to retain the services of any of these officers after the expiry of their present term?

(b) If so, will Government please state whether the officer who was first appointed to such a post will have prior claim over others for retention?

(c) If not, why?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

11.—The information is given herein below—

Names	Dates of appointment
1. Mr. Satyadas Goswami, B.A. ...	21st June 1936.
2. Maulavi Muhammad Ataur Rahman, B.A....	21st July 1937.
3. Mr. Josingh Rynjah, B.L. ...	19th March 1938.

12.(a)—The appointment of a provincial service officer to act in a reserved post, other than a 'listed' post, depends upon whether an officer of the Indian Civil Service is available: it is not possible to foresee the circumstances of the future.

(b)—Not necessarily.

(c)—If a post is so occupied for a period of more than twelve months, the orders of the Secretary of State are required, the circumstances being fully explained.

Mr. BAIDYANATH MOOKERJEE: What is the criterion according to which permanent promotion is decided upon?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: To the listed posts?

Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Seniority and merit.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that Mr. Goswami superseded the other two officers?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If by some reason he was temporarily appointed to fill a vacancy in the listed post that does not mean supersession, which can be only in filling permanent vacancies.

Mr. BAIDYANATH MOOKERJEE: On what ground was this promotion given to Mr. Satyadas Goswami?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA*: There was a sudden vacancy and he was available on the spot and appointed.

Mr. FAKHRUDDIN ALI AHMED*: Since Mr. Goswami was keeping this post for over a year now, may I take it that Government have taken necessary sanction from the Secretary of State?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA*: Yes, Sir. But latterly they have demurred to this as preference was given to the Assam Service Officers over the Indian Civil Service Officers and in one case they refused to extend their sanction. Now we are short of Indian Civil Service Officers and we have therefore gone up again to the Secretary of State.

Mr. BAIDYANATH MOOKERJEE: Is it a fact that Mr. Aatur Rahman served under Mr. Satyadas Goswami?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA*: I am not aware of that.

Mr. BAIDYANATH MOOKERJEE: If I say that he served as Sub-Divisional Officer under Mr. Goswami shall I be wrong?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA*: I will take the statement of hon. the member as correct on that point.

Abolition of rent-free quarters to the officers

Maulavi ABDUR RAHMAN asked :

1. Do Government propose to consider the desirability of withdrawing the concession of allowing rent-free quarters in the case of officers, getting more than Rs.500 per mensem?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

13.—Government will make its decision after the Retrenchment Committee has discussed the subject.

Maulavi ABDUR RAHMAN: Is it a fact that these officers who are allowed to have bungalows free of rent are exempted from paying any house rent to the Municipality?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of that. I will require notice of that question.

Maulavi ABDUR RAHMAN: My question is whether Government propose to consider the desirability of withdrawing the concession of allowing rent-free quarters in the case of officers getting more than Rs.500 per

*Speech not corrected.

mensem. The answer is that Government will make its decision after the Retrenchment Committee has discussed the subject. May I request the Government whether they can issue any *ad interim* order so that these officers may not be allowed to occupy bungalows free of rent?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not prepared to forestall the judgment of the Retrenchment Committee. My colleagues in the Retrenchment Committee know that this question of rent-free quarters will be discussed in the next session.

Seleabazar Ferry in the Karimganj subdivision

Khan Bahadur Hazi ABDUL MAJID CHAUDHURI asked :

14. Will Government be pleased to state—

- (a) The duration of the lease of Seleabazar ferry in the Karimganj subdivision, district Sylhet, with the present lessee?
- (b) The total amount of sale proceeds of the said ferry for the present arrangement?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

14.(a) & (b)—Government are unable to identify the ferry referred to; but if the Sheola ferry is meant, this, with its sub-ferry Mewa, has been leased for five years to the present lessee, with effect from the 1st April 1937. The annual rent is Rs.7,500?

Decrease in revenue obtained from the sales of fisheries in Cachar

Colonel A. B. BEDDOW asked :

15. Are Government aware of the fact that revenue obtained from the sales of fisheries in Cachar have dropped from Rs.36,370 in 1928-29 to Rs. 22,185 in 1937-38?

16. Are Government satisfied that this decrease in revenue is not preventable?

17.(a) Are Government aware that at the beginning of the dry season and at the time of the first rains, for the purpose of catching fish, the mouths of hill rivers are completely blocked by solid bunds leaving only small openings which are closed with nets so that fish cannot get up to spawn or down into the big rivers?

(b) If so, will Government be pleased to state whether this method of catching fish is allowed by the rules?

18. Do Government propose to consider the advisability of ensuring that run-ways are always left to allow access of fish to the upper reaches of the rivers?

19. If the reply to question 17(b) is in the negative, do Government propose to take steps to prevent this form of fish destruction?

20. Are Government aware of the fact that the upper reaches of hill rivers are systematically netted and poisoned during the cold weather?

21. Do Government propose to consider the question as to whether these practices are not progressively ruining the supply of fish?

22. Do Government propose to consider the possibility and advisability of creating absolute sanctuaries of the upper reaches of Hill rivers and taking such action as may be necessary to prevent poaching.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

15.—The figure for 1928-29 was Rs.36,730 and that for 1936-37 was Rs.26,557. The figure for 1937-38 has not yet been received from the local officers.

16.—Fishery revenue has fallen everywhere in the Province in consequence of the economic depression. Government are not prepared to admit that the Deputy Commissioner has not obtained the best possible prices in auctioning the fisheries.

17.(a)—A report to this effect was received from the Surma Valley Angling Association which was sent to the Commissioner for report.

(b)—The method is contrary to the rules.

18 & 19.—The reply of the Deputy Commissioner is laid on the table: he has already taken steps to stop the practice and Government will be grateful if any future breach of the Deputy Commissioner's orders is brought to his notice.

Copy of letter No.2496-R., dated Silchar, the 5th July 1937, from Khan Bahadur Md. A. Rahman, B.A., Deputy Commissioner, Cachar, to the Commissioner, Surma Valley and Hill Division.

Reference :—Your Memorandum No.1213-R., dated the 14th May 1937 regarding fish supply in the upper waters of the Baleswar and Gumra rivers. From the report dated the 31st May 1937 (copy enclosed) of the Deputy Collector, Katigora, it will appear that at present there is no dam or bund in the fisheries of these rivers. But it is reported that dams are sometimes erected for fishing by the neighbouring villagers and garden labourers. Extraction of stones from the bed of these rivers by Public Works Department Contractors also prevents the fish from going up the rivers into reserved waters.

According to clause VI of the present lease form, erection of dam or bund is not permissible without obtaining Deputy Commissioner's permission beforehand. I am cordially asking the lessees of these fisheries that no dam or bund should be erected and the villagers in the neighbourhood of the fisheries are also being warned not to erect any dam, etc., in future. The lot *patwari* is also being asked to report the erection of any such dams in the lower waters.

As regards extraction of stones it transpires that permits are issued by the Forest Department at the instance of the Executive Engineers, Cachar and Sylhet. I am asking the Executive Engineers if this practice can be stopped for the improvement of fish supply.

20.—Government have no information on this point but if the hon. member can quote specific instances they will be pleased to enquire.

21.—Government propose to send a copy of these questions and answers to the Commissioner for such action as he may find possible.

22.—The upper reaches of rivers are reserved from settlement from time to time with this express purpose in view but it is difficult both to assess the value of these measures and to prevent poaching without a larger staff than is available. Government have no Piscicultural expert to advise them in these matters.

Mr. FAKHRUDDIN ALI AHMED*: Have Government satisfied themselves that the decrease in the revenue is not due to any other reason except that it is due to depression during the last few years?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: It is already stated that it is in consequence of the economic depression that the fishery revenue has fallen everywhere. There is another factor which has been brought to our notice that in some places this water hyacinth is causing considerable decrease.

Srijut PURNA CHANDRA SARMA*: Are Government aware that some fisheries have been let out at smaller bids instead of accepting higher bids and therefore, the revenue has fallen?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: That is not the reason. It may be that in some cases Government or the local officers have accepted lower bids. It is laid down in the rules that the local officers are not bound to accept the lowest bid only.

Srijut PURANDAR SARMA*: Are Government aware that in one case in Nowgong the highest bidder has been refused simply because he does not belong to the scheduled community?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: It may be so. But I have not got the exact details in my possession now.

Srijut PURANDAR SARMA*: Was not this fact brought to notice that the highest bid was rejected by the Government only because the bidder did not belong to the scheduled caste?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: If the name of the fishery is given I may have enquiries made?

Srijut PURANDAR SARMA*: Do Government know anything about such a case in the case of Talujan fisheries in Nowgong?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: The hon. member who has just put the supplementary question has filed an application with regard to the Tuluja fishery. I think it would be better not to discuss this in the House now.

Mr. FAKHRUDDIN ALI AHMED*: Can he deny that this revenue has fallen in view of the fact that some of them have been given to the Surma Valley Angling Association on nominal rates?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: The Government does not admit that, Sir.

Mr. FAKHRUDDIN ALI AHMED*: Can the Hon'ble Minister deny that there are more than ten such fisheries which have been given to this association at the rate of Rs.5?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I do not think so, Sir.

Mr. FAKHRUDDIN ALI AHMED*: Will the Hon'ble Minister take it from me that what I have stated is a fact and if he is not aware, he will make enquiries into the matter?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I am not prepared to take the hon. member's statement as a necessary fact, Sir.

Mr. FAKHRUDDIN ALI AHMED*: Is the Hon'ble Minister aware that I am making this statement with full responsibility and on what grounds can the Hon'ble Minister refuse to take this statement?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I am not aware that he is making a statement with full responsibility (*laughter*).

Number of posts of Accountants and Accounts Clerks in the Public Works Department

Srijut KARKA DALAY MIRI asked :

23. Will the Hon'ble Minister in charge of the Public Works Department be pleased to state—

(a) The number of posts that are in existence in the cadre of Subordinate Accounts Establishment of Assam in the Public Works Department in the rank of (i) Accountants, (ii) Accounts Clerk ?

(b) How many of these posts are held by the following communities :—

(1) Assam Valley Hindus ?

(2) Muhammadans ?

(3) Tribal ?

(4) Surma Valley Hindus ?

(5) Schedule Caste people ?

(c) How many Assam Valley people have passed the Divisional Accountancy Examination conducted by the Sibpur Engineering College through the Comptroller, Assam, during the last ten years and how many of them secured the highest marks in the said Examinations ?

(d) Does the Hon'ble Minister in charge of the Public Works Department propose to obtain the figures from the result submitted by the Sibpur Engineering College, to the Comptroller, Assam during the last ten years ?

24. Will the Hon'ble Minister in charge of the Public Works Department be pleased to state, why not a single Assam Valley candidate has been recruited in the said cadre, in spite of there being several Registered Candidates ?

25. Will the Hon'ble Minister in charge of the Public Works Department be pleased to state the name of the person who has been recruited in the vacancy caused by the retirement of the single Assam Valley Hindu Accountant, viz., Srijut Santi Ram Das ?

26. Does the Hon'ble Minister in charge of the Public Works Department propose to take proper steps to remove this disparity that is prevalent in filling up the vacancies in the Subordinate Accounts Establishment in the Public Works Department, Assam ?

27. Will the Hon'ble Minister in charge of the Public Works Department be pleased to state why the Assam Valley people are not given their due share in these appointments ?

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

23.(a)—

	Accountants	Accounts clerks (including 4 Head clerks and Account- ants under Civil Public Works Disbursers)
(b)—	13	20
(1) Assam Valley Hindus.	Nil	2
(2) Muhammadans	1	1
(3) Tribal ...	1	1
(4) Surma Valley Hindus.	8	14
(5) Schedule caste	Nil	...
Total ...	10	18

(c) & (d)—A statement showing the names of persons of Assam Valley who passed the Divisional Accountants' Examination conducted by the Sibpur Engineering College, through the Comptroller, Assam, including one who passed the London Chamber of Commerce Examination of 1935 during the last ten years, and the marks obtained by each of them is given below. None secured highest marks :—

STATEMENT SHOWING THE MARKS OBTAINED BY ASSAM VALLEY STUDENTS WHO HAVE PASSED THE DIVISIONAL ACCOUNTANTS' EXAMINATION DURING THE LAST 10 YEARS

Year	Name	Subject (Book-keeping)	
		Full marks	Pass marks
		100	50
1932	1. Benedict Farwell, B.A. ...	83	Appeared in Book-keeping only being exempted from appearing in other subjects.
1933	2. Mahim Ch. Bora, B.sc. ...	65	Ditto.
1934	3. Asanuddin Ahmed, B.sc. ...	70	Ditto. (Now employed as Accountant from 24th April 1937)

Year	Name	Subject (Book-keeping)	
		Full marks	Pass marks
		100	50
1934	4. Bholanath Sarma, B.A. ...	70	Appeared in Book-keeping only being exempted from appearing in other subjects.
	5. Mohiuddin Ahmed, B.Sc. ...	50	Ditto. (Now employed as Accounts clerk from 2nd December 1936.)
1935	6. Surendra Nath Bhuyan, B.A.	65	Ditto.
	7. Radhanath Sarma Barthakur, B.A.	75	Ditto.
1936	8. Rohini Kanta Saikia, B.Sc. ...	65	Ditto. (Employed in Executive Engineer's Office, Gauhati.)
1937	9. Abani Kanta Bhagabati, B.Sc.	50	Ditto.
	10. Debeswar Barthakur, B.Sc. ...	64	Ditto.
	11. Nazibuddin Ahmed, B.Sc. ...	57	Ditto. (Employed in the Comptroller's Office.)
	12. Nurul Islam ...		Passed London Chamber of Commerce Examination in 1935. (Since died.)

Srijut KAMESWAR DAS: In reply to question 23(a) it has been stated that there are 13 Accountants. But in reply to 23(b) a list comprising 10 only has been shown to belong to different communities. What happens to the other 3?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They are from "others", e.g., domiciled community and non-natives of the Province.

Srijut KAMESWAR DAS: Are they from the province of Assam?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Some domiciled in Assam and some not.

Srijut KAMESWAR DAS: In answer to (b) the Assam Valley Hindus are shown to be nil. Is it due to want of qualified candidates?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, it is due to want of qualified candidates.

Srijut KAMESWAR DAS: How is it then from the statement given below in reply to (c) and (d), it is shown that there are several qualified candidates from the Assam Valley who are yet unemployed. May I know why these people cannot be taken in?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The fact that some of these candidates are not shown as employed by the Public Works Department does not mean that they are not employed. From my personal knowledge, I can say that the Indian Christian from Nowgon (No.1) has been employed in the Governor's Secretariat. He is not employed in the Public Works Department.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

24.—Appointments to the cadre of Accounts clerk, who ultimately fill up the posts of Accountants are made by the Comptroller, Assam. The Comptroller, Assam, had to take men from the minority communities in the Accounts clerks' grade so as to secure the requisite quota of representation allowed to such communities by the Government of India in the Divisional Accountants cadre. Moreover retrenched clerks who hailed from the Surma Valley had to be given preference.

25.—The vacancy has not yet been filled up permanently, but it is kept earmarked for a duly qualified Muslim candidate according to the orders of the Government of India.

26 & 27.—As stated before appointments are made to the cadre of Accountants and Accounts clerks by the Comptroller, Assam, but the matter is engaging the consideration of Government.

Improvement to the Baniyachong-Ajmiriganj Road

Maulavi DEWAN ALI RAJA asked:

28. Do Government propose to take action for the improvement of the Baniyachong-Ajmiriganj Road considering the number of population in the locality and the number of travellers by the said road?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

28.—Government have no such proposal before them as the road was not recommended for inclusion in our road development programme, either by the Habiganj Local Board, or Deputy Commissioner, or Commissioner or the Executive Engineer when they were asked which roads should be taken up for improvement.

Restoration of the pension of Dr. H. K. Das

Mr. NABA KUMAR DUTTA asked:

29. Will Government be pleased to state—
(a) If any undertaking was given by Dr. H. K. Das in order to recover his pension?
(b) If so, will Government be pleased to lay on the table, a copy of the said undertaking?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

29.(a)—Yes.
(b)—Government are not prepared to lay a copy of the undertaking on the table, since the terms are not a matter of public concern.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that Dr. H. K. Das in the letter, which is taken by the Government as an undertaking from him, has stated nothing more than the fact that he believed in the creed of non-violence and he took part only in the Civil Disobedience movement on which ground as admitted by the Government the pension could not have been withdrawn by the Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend has tabled a series of questions on these matters and I am prepared to reply to his question when I answer those questions.

Excise Commissioner of Assam and the Settlement of excise shops

Mr. NABA KUMAR DUTTA asked:

30. Will Government be pleased to state—

(a) If it is a fact that the post of the Excise Commissioner in Assam has always been filled up permanently by men from other Departments and not from the Excise Department?

(b) If so, will Government be pleased to state why Excise Superintendents are not promoted to the post of the Excise Commissioner?

31. Will Government be pleased to state how many Excise shops were settled with the natives of the province and how many with others, in the various districts of Assam Valley in the last settlement?

The Hon'ble Maulavi MUNAWWAR ALI replied:

30.(a)—The post is temporary and has been substantively held by officers of the Indian Civil Service and officers promoted to hold a listed post in the Indian Civil Service cadre.

(b)—The idea when the post was created was to fill it from the reserve of 7 per cent. in the cadre of Indian Civil Service Officers. In making appointments Government consider the claims of all persons *prima facie* suitable.

Mr. NABA KUMAR DUTTA: Do Government think that Excise Superintendents are not competent enough to hold the post of Excise Commissioner?

The Hon'ble Maulavi MUNAWWAR ALI: That question has not been considered by the Government.

Mr. FAKHRUDDIN ALI AHMED: Has any one from the cadre of the Superintendent of Excise in the past been appointed as Commissioner of Excise?

The Hon'ble Maulavi MUNAWWAR ALI: No, Sir.

Mr. FAKHRUDDIN ALI AHMED: Do Government say that during all these years they could not find even a single person from among the Superintendents of Excise who could be found competent to hold the post of the Commissioner of Excise?

The Hon'ble Maulavi MUNAWWAR ALI: That has not been the opinion of the Government.

Mr. FAKHRUDDIN ALI AHMED: What then stood in the way of the Government for not promoting some of those Superintendents of Excise?

The Hon'ble Maulavi MUNAWWAR ALI: They got their time scale as usual, but they stopped at the top.

Mr. FAKHRUDDIN ALI AHMED: Is it due to fact that the Government found them unfit for a superior post?

The Hon'ble Maulavi MUNAWWAR ALI: That is a hypothetical question, any answer to which will affect the future decision of the Government.

Mr. FAKHRUDDIN ALI AHMED: Is there any one in the present cadre of the Excise Superintendents who can be called competent to hold the post of Excise Commissioner?

The Hon'ble Maulavi MUNAWWAR ALI: The question has not come up before the Government.

Mr. FAKHRUDDIN ALI AHMED: Has the Hon'ble Minister studied records of all the officials in this cadre?

The Hon'ble Maulavi MUNAWWAR ALI: This question never arose, Sir.

The Hon'ble Maulavi MUNAWWAR ALI replied:

31.—The information is furnished below:—

Name of Sub-division	1938-39								
	COUNTRY SPIRIT			GANJA			OPIUM		
	Number settled with Other than natives or domiciled	Domiciled	Natives of the province	Number settled with Other than natives or domiciled	Domiciled	Natives of the province	Number settled with Other than natives or domiciled	Domiciled	Natives of the province
Dhubri	7	4	10	7	4	11	1	..	3
Goalpara	2	1	2	3	1	3	..	1	1
Gauhati	1	..	10	..	1	22	1	1	25
Barpeta	2	..	2	..	..	6	..	..	3
Tezpur	7	1	10	3	2	7	1	2	13
Mangaldai	6	..	5	1	..	6	3	..	13
Nowgong	2	2	10	..	..	6	3	3	34
Jorhat	..	6	5	..	2	12	..	3	21
Golaghat	1	2	15	..	1	12	1	1	21
Sibsagar	3	3	8	..	2	13	..	2	30
Dibrugarh	9	2	15	1	2	15	2	4	27
North Lakhimpur	..	..	6	..	..	3	..	1	17
Garó Hills	2	..	1	..	..	1	..	..	..

Srijut BELI RAM DAS: In reply to question No. 31 it is stated, Sir, that the people 'other than natives or domiciled' were given settlement of Excise shops. May I know whether there were no candidates from the natives of Assam or from those domiciled in Assam for these shops?

The Hon'ble Maulavi MUNAWWAR ALI: There were candidates, but there were many factors which had to be considered.

Srijut BELI RAM DAS: What are these factors?

The Hon'ble Maulavi MUNAWWAR ALI: Solvency, business instinct, and business morality.

Srijut BELI RAM DAS: Are Government aware that some settlements of shops have been cancelled only because these men were not domiciled?

The Hon'ble Maulavi MUNAWWAR ALI: Which shops, Sir?

Srijut BELI RAM DAS: Shops in Dibrugarh.

The Hon'ble Maulavi MUNAWWAR ALI: No.

Srijut BELI RAM DAS: Will the Hon'ble Minister enquire?

The Hon'ble Maulavi MUNAWWAR ALI: Without an instance it will not be possible to enquire, Sir.

Number of deaths from *kala-azar* in Sibsagar and Nowgong

Mr. NABA KUMAR DUTTA asked:

32. Will Government be pleased to state—

(a) The number of deaths from *kala-azar* in the last 3 years in the districts of Sibsagar and Nowgong?

(b) The number of persons attacked in these districts in the last 3 years?

(c) The steps taken by Government to prevent this disease?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

	1935	1936	1937
32. (a)—Nowgong	52	121	196
Sibsagar	101	99	126

(b)—The number of persons attacked is not available as the onset of the disease is insidious and definite diagnosable signs appear after 4 to 6 months of the infection. The number of persons brought under treatment is given below:—

	1935	1936	1937
Nowgong	1651	1471	2317
Sibsagar	938	864	1396

(c)—Survey, treatment by injection in various centres and propaganda with the aid of Magic lanterns. Unfortunately the mode of propagation of the disease has not yet been discovered. Government are therefore concentrating all efforts on cure.

Srijut PURNA CHANDRA SARMA: Is it a fact that for want of sufficient number of dispensaries in the district of Nowgong *kala-azar* there has not been able to be combated properly?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is very difficult to answer that question, Sir, because our public Health Sub-Assistant Surgeons are surveying the district and are treating these diseases in out-centres in different places. I do not think it is on account of want of doctors or dispensaries that *kala-azar* is increasing.

Srijut PURNA CHANDRA SARMA: Are Government aware that there are as many as, or more *kala-azar* patients than shown in the figures or those who are under the surveillance of Public Health Department?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have got my figures Sir, from the head of the Public Health Department. I am not aware of the number, that may have escaped the notice of the doctors, but there may be many.

Srijut RAJENDRA NATH BARUA: Have Government taken any steps to bring under treatment those patients who are bed-ridden?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes.

Srijut RAJENDRA NATH BARUA: May I know whether it has been done at Golaghat?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, Sir.

Srijut RAJENDRA NATH BARUA: Is it the case, Sir?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We have opened rooms in Golaghat in the hospital compound which is meant for a welfare centre and we are asking that the *kala-azar* patients be brought to that hospital.

Srijut BHUBAN CHANDRA GOGOI: Will Government be pleased to say, during the last 16 months on how many occasions propaganda with the aid of magic lanterns were held in the Sibsagar Sub-division?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have no information at present. Unless I make an enquiry I cannot tell how many times the Sub-Assistant Surgeons went round to give lectures with magic lanterns.

Srijut BHUBAN CHANDRA GOGOI: Will the Hon'ble Minister take it from me that for the last 16 months we have not had a single magic lantern demonstration regarding *kala-azar* propaganda?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It may be possible that the doctor did not go to Sibsagar town. He might have gone to some other place.

Srijut BHUBAN CHANDRA GOGOI: Will the Hon'ble Minister be pleased to say whether the magic lantern is in order?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Whether it is in order or not I cannot say, Sir.

Srijut BHUBAN CHANDRA GOGOI: Will the Hon'ble Minister take it from me that for the last 16 months the magic lantern was not in order?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I cannot reply unless I get a report from the local officers. I have not heard a report like that.

Srijut BHUBAN CHANDRA GOGOI: May I enquire how the Hon'ble Minister said that propagation with the aid of magic lanterns has been carried on in the subdivisions?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The orders of Government to the officers are that in their spare time they should go round and give lectures with magic lanterns in different places. Probably during this time the officers are very busy because of survey work in regard to *kala-azar* and epidemics in other places.

Srijut BHUBAN CHANDRA GOGOI: Am I then to understand that it is only in paper?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is the order of the Government that they should go during spare time. We have very few Assistant Surgeons and it may therefore be that they have not been able to do what they want to do.

Srijut BHUBAN CHANDRA GOGOI: Are Government aware that from one of the most *kala-azar* affected areas in the Sibsagar subdivision, viz., Bokota, the doctor on special duty there has been taken away?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have no information about that.

Srijut PURNA CHANDRA SARMA: Are Government aware that this propaganda with magic lanterns is no more in vogue?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am not aware of that.

Srijut PURNA CHANDRA SARMA: Can Government tell us if any such thing is being carried on in any part of the province now?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is being carried on, I think.

Srijut PURNA CHANDRA SARMA: Where, Sir?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Somewhere in the province. If the hon. member wants to know the places I can ask for a report.

Srijut PURNA CHANDRA SARMA: Will the Hon'ble Minister take it from me that in the district of Nowgong it has never been done in the last five years?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have no reason to think so.

Srijut PURNA CHANDRA SARMA: Will Government enquire if such propaganda has been done in the district of Nowgong for the last 4 or 5 years?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I will make an enquiry.

Number of contractors of the Public Works Department in 1937-38 in the Dibrugarh Subdivision

Mr. NABA KUMAR DUTTA asked:

33. Will Government be pleased to state—
 (a) The total number of contractors who have been given works in 1937-38 by the Public Works Department in the Dibrugarh subdivision?
 (b) How many of the said contractors are Hindus and how many are Muhammadans?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

33. (a)—Fifty-eight.
 (b)—Thirty-two Hindus, twenty-two Muhammadans and four others.

Re Sub-Registry Office at Jaldhup

Maulavi MABARAK ALI asked:

34. Will Government be pleased to state—
 (a) When the Sub-Registry office at Jaldhup was established?
 (b) For how long it was named as Jaldhup Rural Sub-Registry office?
 (c) The time when it was shifted to Beanibazar and it was named as Beanibazar Sub-Registry office?

The Hon'ble Babu AKSHAY KUMAR DAS replied:

34. (a)—With effect from the 1st September 1896.
 (b) The question does not arise as the name was not changed even after the office was shifted to Beanibazar.
 (c)—The office was shifted on the 24th September 1930.

Nomination of Muhammadans to the Indian Civil Service and other services

Maulavi MABARAK ALI asked:

35. (a)—Are Government aware of the fact that the Government of India, Home Department, Resolution dated July 1934, provided for the nomination of Muhammadans to the Indian Civil Service and other services?

(b) If so, are Government aware of the fact that during these years, not a single Muhammadan from the province of Assam has been included in the list of nominated Indian Civil Service and Finance Service Officers?

(c) If the answer to question 35 (b) is in the affirmative, do Government propose to move the Secretary of State for India on the subject through the Government of India?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

35. (a)—Yes. The Government of India have reserved for Muslims a certain percentage of vacancies in the Indian Civil Service and other services under their administrative control. Recruitment to the Indian Civil Service and the Central and Subordinate services under the Government of India is not made on a provincial basis and the question of provincial representation is not a factor to reckon with in making appointments by nomination in the Indian Civil Service. The questions are, therefore, not primarily a concern of the Provincial Government and they can take no steps by way of suggesting names for nomination to the Indian Civil Service, unless specifically requested in that behalf by the Federal Public Service Commission.

(b)—Yes.

(c)—No, for reasons stated in reply (a).

Maulavi MABARAK ALI: Is there any bar on the part of this Government to move the Secretary of State for India for nominating a Muhammadan in the Indian Civil Service from this province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have given a very detailed reply and from that reply it will be apparent that unless we are asked by the higher authorities we are not to send any nomination. If my hon. friend will read my lengthy reply he will find it.

Maulavi MABARAK ALI: I do not suggest that names should be suggested. What I suggest is this: Cannot this Government move the Secretary of State for India to nominate a Muhammadan?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The suggestion will be considered.

Ferry charges of the school children of the Karimganj subdivision**Maulavi MABARAK ALI** asked :

36. Will Government be pleased to state—
- (a) Whether the amount of ferry charges of annas 8 paid by the school children of the Karimganj subdivision include those of crossing the ferry for such purposes as games, sports and other functions generally held in the school in the evening and on Sundays ?
- (b) If the answer is in the negative, do Government propose to consider the desirability of modifying the rules and allow boys to cross the ferry for the above purposes as often as the school authority may determine from time to time ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

36. (a)—Yes, provided the school boy or girl goes to and from school.
(b)—Does not arise.

Appointment of Muslim Marriage Registrar, Silchar and the names of the "Kazi" Committee, Assam**Maulavi MUZARROF ALI LASKAR** asked :

37. Will Government be pleased to state—
- (a) The name of the person who has been appointed Muslim Marriage Registrar in the vacancy caused by the retirement of Maulavi Abdur Rahman, Marriage Registrar, Silchar ?
- (b) The educational qualifications of the new incumbent ?
- (c) The educational qualifications required, in the notice calling for applications for the vacancy ?
- (d) Whether the one appointed had the requisite qualifications ?
- (e) The names of other persons who were also the applicants for the post ?
- (f) Whether there were any qualified candidates amongst them ?
- (g) The reasons for appointing an unqualified man in preference to qualified candidates ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

37. (a)—Maulavi Md. Ahmed Ullah Chaudhury.
(b)—Well up in laws of Moslem marriage and divorce.
(c)—The qualifications required were that a candidate must have passed the Assam Senior Madrasa Final Examination or possessed a

certificate signed by three Muhammadan gentlemen of respectability to the effect that he is well up in the Arabic language and the Moslem laws of marriage and divorce.

(d)—Yes.

(e)—Names of other candidates are—

- (i) Maulavi Irshad Ali Chaudhuri.
(ii) Maulavi Manir Uddin Ahmed.
(iii) Maulavi Baha Uddin.
(iv) Maulavi Abdul Aziz Laskar.
(v) Maulavi Obaid Ullah .
(vi) Maulavi Mushraf Ali.
(vii) Maulavi Abdul Bari.
(viii) Maulavi Abdul Matin Laskar.

(f)—Yes.

(g)—This does not arise. The selected candidate is duly qualified.

Maulavi NAMWAR ALI BARBHUIYA : What is the academical qualification of the present incumbent ? Has he any certificate of passing any Madrasa examination recognised by this Government ?

The Hon'ble Babu AKSHAY KUMAR DAS : No, Sir.

Maulavi NAMWAR ALI BARBHUIYA : Are Government aware that he never attended any Madrasa or any educational institution of that kind ?

The Hon'ble Babu AKSHAY KUMAR DAS : He has no such academical qualification, but he has three certificates from three well-known Muhammadan gentlemen of respectability.

Maulavi NAMWAR ALI BARBHUIYA : Are Government aware that this gentleman has no certificate about his knowing Arabic ?

The Hon'ble Babu AKSHAY KUMAR DAS : He has 20 certificates.

Maulavi NAMWAR ALI BARBHUIYA : Are Government aware if these gentlemen who have granted him certificates themselves know Arabic ?

The Hon'ble Babu AKSHAY KUMAR DAS : Yes the Committee recommended his name.

Mr. BAIDYANATH MOOKERJEE : In reply to (c) it is stated "the qualifications required were that a candidate must have passed the Assam Senior Madrasa Final Examination or possessed a certificate signed by three Muhammadan gentlemen of respectability to the effect that he is well up in the Arabic language and the Moslem laws of marriage and divorce". So far as Moslem laws of marriage and divorce are concerned who certified him ?

The Hon'ble Babu AKSHAY KUMAR DAS: Three Muhammadan gentlemen.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister kindly mention the names?

The Hon'ble Babu AKSHAY KUMAR DAS: Maulavi Muhisin Ali, Janjerali, District Cachar, Maulavi Jahur Uddin, Maulavi Abdul Rahman, Maulavi Fazle Elahi, Maulavi Abdur Rahim, Maulavi Ansar Ali, Maulavi Muhammad Ameer Uddin, Maulavi Ramjan Ali, Maulavi Muhammad Rahmaddin, Maulavi Muhammad Abdul Aziz and so on.

Maulavi NAMWAR ALI BARBHUIYA: Are Government ready to enquire whether the present incumbent is capable of explaining a single passage from Koran?

The Hon'ble Babu AKSHAY KUMAR DAS: That question does not arise. As there is no petition against him, Government can take it that he is fit for the post and can read passage from Koran.

Maulavi NAMWAR ALI BARBHUIYA: Was there no other qualified candidate available from amongst the candidates shown in the list?

The Hon'ble Babu AKSHAY KUMAR DAS: Yes.

Maulavi NAMWAR ALI BARBHUIYA: May I know what was the academical qualification of each of these candidates?

The Hon'ble Babu AKSHAY KUMAR DAS: I will require notice of that question.

Mr. BAIDYANATH MOOKERJEE: Is Government satisfied that those gentlemen who certified this candidate themselves have the requisite qualification to hold this post?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am replying to that. For the information of the hon. members of this House I am compelled to detail the procedure of appointment of these Marriage Registrars who are only on commission basis. There is a 'Kazi' Committee the constitution of which has been detailed in reply to question No. 39. The President of the Committee is the Inspector-General of Registration *ex-officio* and the members are (1) the Persian and Arabic Professor of the Cotton College, Gauhati, *ex-officio*, (2) Khan Bahadur Abdullah Abu Saiyid, Principal of the Murarichand College, Sylhet, etc., etc. I need only mention these two names. Both of them, as every one knows, are eminent scholars in Arabic and Persian. Khan Bahadur Abdulla Abu Saiyid was formerly the Professor of Arabic and Persian in the Murarichand College and Principal of the Sylhet Government Madrassa. The Board which is constituted by such eminent scholars selected that candidate after going through these certificates. I have not seen the file, but when my Hon'ble Colleague replied he mentioned the name of Maulana Abdul Aziz, as one of the gentlemen who gave this candidate a certificate. If my identity of this name is correct, then, this gentleman was imported from the North-Western Frontier Province to be the head of the Arabic department of the Government Madrassa at Sylhet on account of his exceptional knowledge of Arabic, etc. His certificate ought to carry weight.

Maulavi NAMWAR ALI BARBHUIYA: Were all the candidates called upon to appear before the Kazi Committee personally.

The Hon'ble Babu AKSHAY KUMAR DAS: I am not aware. Perhaps they appeared.

Mr. BAIDYANATH MOOKERJEE: Will Government make an enquiry as to whether all the candidates appeared personally.

The Hon'ble Babu AKSHAY KUMAR DAS: If hon. members desire, Government will enquire.

Request for transacting business of the Assembly up to 5 p.m. on Fridays

Babu KARUNA SINDHU ROY: Sir, will the House reconsider their decision to sit up to 4 p. m., in consideration of the fact that there are many more Bills and resolutions pending before the House. I should like that the House should sit till 5 p. m.

Srijut SARVESWAR BARUA: He means to say that on Fridays we can sit up to 5 p. m.

The Hon'ble the SPEAKER: I think it has already been decided that we should sit up to 4 p. m.

Voices from the Congress Bench—Specially on Fridays.

The Hon'ble the SPEAKER: When the question is raised that the House should sit up to 5 p.m., on Fridays, I think I should take the sense of the House.

(After the sense of the House was taken).

The Hon'ble the SPEAKER: So, I think, the majority are of opinion that we should not sit up to 5 p. m.

Re USE OF UNPARLIAMENTARY WORDS IN DEBATES

Enquiry as to what action will be taken if objection is taken when a member uses unparliamentary words or behaves in an unparliamentary manner

Srijut HALADHAR BHUYAN: সভাপতি ডাক্তারীয়া, মই এটা বিষয়ে আপোনাৰ পৰা ক'লিং বা অপিনিয়ন বিচাৰিছো। কেতিয়াবা ইয়াত দেখা যায় যে কোনো ওয়াৰ্ড কি বা বিমার্ক যোতয়া ব্যবহাৰ কৰা যায় তেতিয়া আন-পাৰ্লিয়ামেণ্টাৰী বুলি অবজেকশ্বন (আপত্তি) কৰা হয়। কিয় যদি কোনো মন্বাবে আন-পাৰ্লিয়ামেণ্টাৰী বিমার্ক ব্যবহাৰ কৰা আৰু মেম্বাৰ যদি পাৰ্লিয়ামেণ্টাৰী আইন মতে কাম নকৰে কেতিয়া তেওঁ সেই শব্দ বা বিমার্কত অবজেকশ্বন (আপত্তি) কৰা পিক-বনে? আৰু আমি বৃটিশ পাৰ্লিয়ামেণ্টৰ কন্ভেনশ্বন আমাৰ ইয়াত ফলো কৰিব খোজো। বৃটিশ পাৰ্লিয়ামেণ্ট জাতীয় শাসনৰ এটা পৰিষদ। সেই পৰিষদৰ প্ৰত্যেক মেম্বাৰ নিজৰ জাতিৰ স্বাৰ্থৰ বিৰুদ্ধে কেতিয়াও যাব নোৱাৰে। স্বৰ্শা তাতো বেলেগ বেলেগ পাৰ্টি আছে অপিনিয়ন (মতামত) আছে কিন্তু নেশ্বন বা জাতিৰ স্বাৰ্থৰ বিৰুদ্ধে কোনো মেম্বাৰ কেতিয়াও নেযায়। বাজেটৰ এটা কথা লিক কৰাত জাতীয় প্ৰতিষ্ঠানত একেই অৰ্থাৎ আঘাত কৰিব পাৰে বুলি ল'ড'মোডেনক বিজাইন দিব লগিয়া হৈছিল। আৰু এয়াৰ ফোৰ্ছিং গোপনীয় কথা বাহিৰ কৰাত মিঃ ডানকান ছেণ্ডিছক মিণিষ্টাৰী কোৰ্টলৈ চমন কৰা হৈছিল।

The Hon'ble the SPEAKER: I want to know what exactly is the point of the hon. member. It is better for the hon. member to state it in English.

Srijut HALADHAR BHUYAN: মই এইটো কৈছো যে ইংলীত আমলোকে বি বিলাক মেম্বাৰ আছে—বি কোনো party বই হওক কি ব্যক্তিগত বা পাৰ্টি সম্বন্ধিত বই হওক আমি যদি জাতিব স্বার্থৰ 'বক' কাম কৰোঁ তেন্তে সেইটো parliamentary হব নে ?

The Hon'ble the SPEAKER: Will the hon. member explain very clearly in English what really the point is, because I am not fully acquainted with the Assamese language.

Srijut HALADHAR BHUYAN: Sir, I mean to say that certain words and remarks which drop from the mouths of certain member are objected to as being unparliamentary. If the member who objects to these, does not behave like a member of Parliament in the true spirit of the term, should we observe Parliamentary etiquettes in their case also? Can we use certain unparliamentary words in that case?

The Hon'ble the SPEAKER: Of course if any unparliamentary words are used by any hon. member and if the attention of the Chair is drawn to it, or if the Chair notices that unparliamentary words are being so used, the member using such words is at once asked to withdraw the words. If any unparliamentary word used by a member escapes the notice of the Chair and if no objection to the use of the words is raised, no other hon. member can retaliate the use of such unparliamentary words by using another unparliamentary word. If an hon. member uses unparliamentary language and if being asked to withdraw what he has said, he does not withdraw then of course there is a course open to the House and he can be dealt with according to rules of the House on that behalf.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The point raised by the hon. member in his vernacular speech refer to a different point. He says, when any hon. member uses an unparliamentary language and if exception is taken to it, the Chair may ask him to withdraw. What the hon. member wants to know is, what will happen, if supposing any member behaves in an unparliamentary manner, or commits an action that is against national interest. In England anything that is prejudicial to the national interest is heavily penalised, e. g., for leakage of certain secret of the Budget, a Chancellor of the Exchequer had to resign and for breaking some secret regarding armament, Mr. Sandys M. P., was hauled up before Court Martial. The hon. member says, if any member behaves in such a way, what remedy is there for the House.

The Hon'ble the SPEAKER: These are undoubtedly breaches of the privilege of the House and there are remedies against such breaches. On the question of privilege, I am going to make a full statement to-morrow after question time.

The Goalpara Tenancy (Amendment) Bill, 1938 by Srijut Jogendra Chandra Nath (discussion continued from the 8th September, 1938).

Maulana ABDUL HAMID KHAN: Sir, গোয়ালপাড়া প্রজাসভা আইন সংশোধনের জন্য মাননীয় রেভিনিউ মিনিষ্টাৰ বৰ্তমানে যে বিল উপস্থিত কৰিযাছেন তাহাতে হিন্দু, মুসলমান, শিখ খৃষ্টান প্রভৃতি নানা জাতি ও ধৰ্মাবলম্বী প্রজাদের ধৰ্ম প্রতিষ্ঠান নিৰ্মাণের জন্য বা হিন্দুদের মন্দির প্রতিষ্ঠার জন্য, মুসলমান দর মসজিদ প্রতিষ্ঠার জন্য, খৃষ্টানদের গীৰ্জা স্থাপনের জন্য বিনা খাজানায় মাটি পাট্টবার কোন অধিকার প্রজাদের দেওয়া হয় নাই। কোন মুসলমান প্রজা যদি ধৰ্ম কাজ সম্পাদনের জন্য মসজিদ নিৰ্মাণ করে ঐ মসজিদে তাহার লাভ বলতে কিছুই থাকিতে পারে না—কিছু সেখানে কেন খাজানা দিতে হইবে সেটা আমি বুঝি না। হিন্দু প্রজা যেখানে মন্দির তৈয়ারী করে সেখানে কেন খাজানা দিতে হইবে তাহা আমি অবগত নহি। খৃষ্টান প্রজা যদি গীৰ্জা নিৰ্মাণ করে (ধৰ্ম কাজের জন্য ব্যবহার জন্য অথবা ভাগ কৰিবার জন্য নহ) তাহা হইলে কেন মাটির খাজানা দিতে হইবে? আমি আশা কৰি যে বৰ্তমান amendment বিল বিভিন্ন ধৰ্মাবলম্বী লোকের ধৰ্ম মন্দির নিৰ্মাণের জন্য মাটির সম্পূর্ণ খাজানা রেহাই দেওয়া হইবে—নিষ্কর জমি দেওয়া হইবে—মন্দির, মসজিদ, গীৰ্জা নিৰ্মাণের জন্য মাটি বিনা খাজানায় প্রজাকে দিতে হইবে। স্কুল ও হস্পিটাল নিৰ্মাণ যেখানে হইবে সেই মাটির খাজানা লাগিবেনা। বড়ই দুঃখের বিষয় এই যে মাননীয় রেভিনিউ মিনিষ্টাৰ প্রজাৰ ধৰ্ম কাজের জন্য কোনই সুবিধা দান কৰিবেনা নাই। আমরা বিলে এই দাবী কৰিযাছি। অতএব প্রজাকে স্বাধন ভাবে ধৰ্ম পালন কৰিবার সুবিধা দেওয়া হউক এবং সেইজন্য তাহাঙ্গণিক নিষ্কর জমি দেওয়া হউক। এই কয়েকটি কথা বলিয়া আমি আমার ত্রিযুক্ত বন্ধু যোগেন নাথের বিল সমর্থন কৰিগাম

Srijut RUPNATH BRAHMA: Sir, I rise to support whole-heartedly the Bill which has been sponsored by my hon. friend, regarding the amendment of the Goalpara Tenancy Act. There are also some other Bills of this nature before the House before the last Session of the Assembly we also sent Bills of almost similar nature, but those Bills could not be placed before the House as His Excellency, did not accord sanction to them. When we went to see His Excellency, we were told that Government would make some amendment to the present Act and the Government has brought a Bill in this session. There are two Bills now before the House. Sir, if we go through the provision of the present Goalpara Tenancy Act we will find that these provisions have failed to meet the real demands and grievances of the raiyats. It has only settled the unsettled state of things, in certain Zemindari Estates in Goalpara. The chapter on the certificate procedure is giving much harassment to the tenants in our district and this whole chapter should be repealed. This chapter on the certificate procedure has been repealed in Bengal and similar thing can be done here also in Assam. There are some customary rights enjoyed by the people to take dead *sal* posts and other necessary things for the household purposes from the time immemorial, but by the present Act these customary rights have been curtailed. The rights of easement and rights to trees as have been stated by the hon. mover in his Bill should find

place in the Act. Sir, with these few words, I support that the present Bill be referred to a Select Committee and be considered along with Government Bill.

Mr. JOBANG D. MARAK: Sir, I like to say a few words.

The Hon'ble the SPEAKER: No, I will call the hon. member afterwards. Now let the Hon'ble Minister give a reply.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir. I cannot begin my reply to this House better than giving complement to the hon. mover of this Bill for the very temperate way in which he has put the case for the tenants before the House. I wish I could say also about my hon. friend Maulavi Md. Amjad Ali. He has raised certain objections and made sweeping remarks which, I think, were rather belated. If he had advanced his arguments when the Government Bill was introduced there would have been some justification for his speech, but it appears that he was not fully prepared at that time. Now, Sir, my hon. friend said that Government Bill was only a half-hearted measure. If by that expression he means that all the Zemindari rights should be extinguished at once and that the Zemindar class should be vanquished altogether, then he is perfectly justified in using that expression, but if the House thinks that in this matter we should try to meet each other's point of view and try to have an adjustment between the Zemindars and the tenants then we should certainly proceed very cautiously. Sir, at the very outset I may inform the House that I do not at all belong to the landlord class. I have not even half or quarter of as much land as my hon. friend possesses. Therefore, Sir, I nor any other member of this Cabinet have any motive of protecting what is called the vested interest of the landlord. Sir, as there have been so many Bills on this subject and as the introduction of these Bills has been prompted by the recent legislation in Bengal, I would like to take little time of the House to explain the effects of the various provisions of the amending Bills that are going to be introduced and the effects of the legislation in Bengal. It is well-known to the hon. members of this House that the Act made in 1869 applied to Sylhet as well as to Goalpara as it applied to Bengal. In Bengal it was amended in 1885 and again in 1928. The Goalpara Tenancy Act was placed on the Statue at the time when the Act of 1928 was amended and when the condition in Goalpara was more or less to the same level as in Bengal. As regards Sylhet, I shall make my remarks afterwards, but those who speak for landlords in Goalpara will also take the view so far as the district is concerned that the amendment is being rather hasty. Those who speak for the tenants obviously take a different view and several private members have sought to introduce the amending Bills. The action taken in Bengal is having inevitable repercussions on the public minds of this province nor can one forget that due to the general depression of the economic condition of agriculture has rapid deterioration. Government, therefore, think that some relief to the agricultural population is urgent and they have sought to give this relief more or less on the same line as had been done in Bengal. Hon. members of the House are no doubt aware that the Government of Bengal has left wider issues arising from the permanent settlement of Bengal has left wider issues arising Act about the measures that call for urgent relief. They are amending the Act briefly the benefit which the Act of Bengal has conferred upon the tenants there and compare them with what we have done and what the private members intend to do.

Srijut KRISHNA NATH SARMAH: Are Government opposing the Bill?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: No Sir. I am not opposing this Bill. I am only discussing the principle of the Bill.

Maulavi ABDUR RAHMAN: On a point of order, Sir. I think the Hon'ble Minister is not relevant in so far as he is speaking on the Bill which he himself introduced. The question before the House is to discuss about the merits and demerits of the Bill which has been brought by my hon. friend Srijut Jogendra Chandra Nath. I want to know whether it is relevant for him to go back to his own Bill which has been finally decided?

The Hon'ble the SPEAKER: The Hon'ble Minister is entitled to show the comparative merits and demerits of the Government Bill and the hon. Srijut Jogendra Chandra Nath's Bill.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, criticisms have been levelled against the Government Bill that it has not taken into account the relief measures which are urgently needed by the tenants. To meet those criticisms I have got to say something about the Government Bill.

Now, Sir, the object of the hon. member's Bill as well as the Bengal Act is to abolish the landlord's transfer fee completely. In this matter, Sir, the Government Bill is certainly lagging behind. Government Bill has not abolished the landlord's transfer fee altogether, but has reduced it considerably and according to its provisions it cannot exceed one year's rent of a particular tenant. This, Sir, it must be admitted, is a sort of insignia of admission of landlord's title. After all the land originally belonged to the landlord and in course of years various legislation has been introduced with the consequence that the absolute rights of the landlord are being curtailed gradually.

Maulavi MUHAMMAD AMJAD ALI: On a point of information, Sir. What does the Hon'ble Minister mean by saying that lands originally belonged to the Zeminders?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I mean that the originally the Zeminder was the absolute owner of the land; he could sell it, transfer it to whomever he liked; he could allow people to live in his land either as tenant or without paying any rent, as he liked; he could eject people from his land at any time and at his will; he could enhance rent at any time, and up to any amount, and so forth. All such powers belonged to the Zeminder originally.

Maulavi MUHAMMAD AMJAD ALI: I want to know how that right came into being.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It is going back to the history of landlordism. That will be a long history; whether it came as a gift from the King, or a result of Feudal System, I am not prepared to go into these historical details now.

I said, Sir, there was a time and not very long ago when the Zeminder exercised full proprietary rights as I enumerated before. These rights they exercised at one time and I say all the legislation that has been passed since the advent of British rule has been directed towards curtailing those rights and giving greater rights to the class known as tenants. Now that, that power of legislation has come to the hands of the people it is but natural to expect that there will be a tendency to curtail the rights of the Zeminders still further. Sir, I for one, do not wish to arrest that tendency, but at the same time I wish that justice should be done to other parties who did exercise those rights before and whose children have lived up in the expectation of exercising some sort of rights over their properties.

Srijut KRISHNA NATH SARMAH: Is it not better to discuss these things in the Select Committee, rather than to oppose this Bill now?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Now, Sir, what I was going to say is that landlord's transfer fee was given as a sort of recognition to the landlords of Bengal in exchange for the free right of transfer given to the occupancy *raiyats* only in the year 1928. The provisions of the recent Amendment Act of Bengal were discussed in the Bengal legislature and the provision for the abolition of the landlord's transfer fee was attacked as being expropriatory and against the terms arrived at in 1928. Sir, although in Bengal, the Bengal Tenancy Act—the first Tenancy Relief Act, if I may call it—was enacted as long as 1885, the right of free exercise of transfer by the occupancy *raiyats* was given only in the year 1928 as a measure of compromise. The terms of that compromise were, on the one hand, that the transfer would be allowed freely, but on the other hand, the tenants will give something to the landlords as landlord's fee.

Now, Sir, as I have stated in the Statement of Objects and Reasons, the whole object of Government in putting forward their Bill on the subject is that they want to give some relief, the relief which the tenants immediately need. Government consider that the landlord's transfer fee fixed in the Goalpara Tenancy Act cannot have been excessive at the time when that Bill was prepared. But now considering the economic depression that has descended on the country that rate of fee is rather excessive. The effect of that reduction is that it will have no relation to the consideration money. Now, will it exceed the annual rent paid for the whole or part transferred thereof? The private Bill wants complete abolition of the landlord's fee. I am only stating the reasons why Government retains my amount of landlord's fee. It will be for the Select Committee to decide in the first instance whether they should abolish the landlord's fee altogether or to retain some portion of it. That is one point.

Next, Sir, the Bengal law has completely abolished landlord's right of pre-emption when occupancy holdings are sold. The occupancy *raiya* can now sell his holding to any person he likes and thereby obtain better price. I may mention here that so far as Goalpara is concerned, there is no right of pre-emption at all and therefore we are not concerned with that question. At the time of framing the Goalpara Tenancy Act there was no provision for payment of premium. Of course in Sylhet there is provision for premium, but I am not at present concerned with that.

Now, the new Bengal law has reduced the rate of interest on arrears of rent from $12\frac{1}{2}$ per cent to $6\frac{1}{4}$ per cent. The Bill of the hon. mover seeks to reduce it to $3\frac{1}{8}$ per cent. The present rate is $12\frac{1}{2}$ per cent. and the Government Bill seeks to reduce it by half, *i.e.*, $6\frac{1}{4}$ per cent. Here, again, Sir, the Select Committee will decide in the first instance whether the rate which we have put forward in the Government Bill is not more suitable than the rate given in the Private Member's Bill.

In Bengal, the new law has suspended for 10 years the enhancement of the rates of rent. Even if any decree or order has been passed on or after the twenty-seventh day of August 1937, and before the date of the commencement of this Act, that will be inoperative from the date of the commencement of this Act and that will also be inoperative from the date of such decree or order until the expiry of ten years. Further enhancement of rent by a contract entered into between a landlord and a tenant will be inoperative during the period of ten years. Now, Sir, that is also in the private Member's Bill. Bengal has suspended enhancement of rent indiscriminately; we in our Bill have suspended enhancement of rent for all classes of land. Our Bill has defined the word "enhancement". We have also excluded certain provisions of the Goalpara Tenancy Act.

Mr. F. W. HOCKENHULL: For how long?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: For ten years.

Now, in Bengal the new law gives the under-*raiyats* rights of transfer and surrender hitherto only enjoyed by occupancy *raiyats*. In the private member's Bill there is a clause for permission to surrender a part of the holding. Now, Sir, that I believe would be very vehemently objected to by the landlords. To allow the surrender of a portion of the holding, places the landlord at a great disadvantage, because a tenant may keep the best part of the land for himself and surrender the worst part, perhaps in a corner, which would not be useful to the landlord and which he would not be able to let out to any tenant. So we have not amended the present Act so as to permit partial surrender of a holding.

In Bengal the new law has provided that if any *raiyat* or under-*raiyat* has given his land in usufructuary mortgage, whether before or after 1938, he will be able to get the land back after 15 years at most, the principal of his debt as well as the interest being taken to have been automatically cleared off. The private member's Bill is silent about it. At the time of preparing the Government Bill we gave our anxious consideration to this provision, but having taken note of the amendment which has been passed by this House in the Assam Money Lenders' Act we have not made further provision in the Government Bill. We are now waiting to see whether the Assam Money Lenders' (Amendment) Bill will be passed in the Upper House in the same form as it was passed in this House. If it is passed in the same form this omission will be remedied.

Now, there is another provision—a very important provision—in the Bengal Act, which I must confess has entirely escaped my notice, and I think also the notice of the private member. It is this: before the present Bengal Act was passed, landlords had to sue for 4 years' arrears of rent at a time. Under the Act which they have now passed they can, in order to give relief to the tenants, sue for one or more year's arrears of rent only and thereafter he cannot sue again before another 9 months. This will save many tenants from the burden of heavy decrees for four years' arrears of rent. This I think is a very beneficial measure and would do good both to the landlord and the tenant. There are some poor landlords who cannot afford to file a suit for four years' arrears of rent all at once, but if they could only file a suit for that year's arrears which is going to be barred, it will be a great relief to them, and the next suit cannot be brought before 9 months. I would asked the hon. members who would sit in the Select Committee to remember this provision of the Bengal Act when they meet.

The most important point is that in the Bengal law they have abolished a private Zeminder's right to realise rents through certificate procedure. That is also the intention of the private member's Bill. In this connection I may mention to the House that so far as Goalpara is concerned, no private Zemindar has up to now, resorted to certificate procedure, although the Goalpara Tenancy Act has been in force for the last 10 years.....

Maulavi MUHAMMAD AMJAD ALI: May I inform the Hon'ble Minister that in the Bijni and Machpara Wards Estates certificate procedure has been applied?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Even if this Bill is passed in the form in which the hon. mover has framed it, I do not think that we can stop the adoption of certificate procedure in a Court of Wards Estate as the Court of Wards Estates can use the certificate procedure independently of the provisions of the Goalpara Tenancy Act under the Bengal Court of Wards Act and under the Public Demands Recovery Act, and I am quite correct when I say that no private Zemindar

has up to now had resorted to the certificate procedure. In this connection I may point out to the House what happened when this Bill was in its passage in the Bengal Legislative Council. This provision for the abolition of the certificate procedure was very strenuously objected to by the landholder members of the Bengal Council, and on that occasion the Hon'ble Premier of Bengal said that he had purposely inserted this liberal provision in the Bill as he expected that the tenants would do their duties towards their landlords, and at the same time he expressed his intention that if at any time he found the tenants were remiss in the performance of their duties towards the landlords, in spite of the fact that such concessions were granted, he would lose no time in restoring the same certificate procedure to the Statute. If hon. members of this House who speak on behalf of the tenants and who exercise any control over the tenantry think, they can give that sort of undertaking to this House, most probably the Government would agree to the abolition of the certificate procedure.

Now I come to the hon. member's Bill. The hon. member in charge of this Bill has summarised the leading provisions in his Statement of Object and Reasons.

The first is the abolition of the landlord's transfer fee. I have already dealt with that.

The second is fixing the maximum rate of rent in cases of under-raiyats. Here Sir, I am not very clear what my hon. friend the Maulana Sahib mentioned yesterday about the reduction of the existing rates. I do not understand the provision of fixing the maximum rate in case of under-raiyats. I think what he has fixed is twice the rate; but whether it should be retrospective or whether it is intended for future tenantry only is not quite clear to me either from the speech of the hon. mover or the speech of the other members who spoke later.

The third point is reducing the rate of interest on arrears of rent. I have already dealt with it.

The next point is the abolition of premiums on excess land. This is a very important matter. It has been found particularly in cases of private zemindar's estates where there is lack of supervision and control and where a proper staff is not maintained, that a large area of land at different times are found to be in occupation of tenants for several years. They are sometimes detected and sometimes they are not detected. When they are detected, of course, the case is of concealed occupation, for they like concealed cultivation in temporary settled areas. Would it not be fair to take some sort of compensation in addition to the three years' rent proposed in this Bill? If of course there is some unintentional occupation and occupation of excess land through ignorance, it may be different. But where a large tract of land is found to be in occupation of tenants in excess of his *jama*, would it not be fair to award some sort of compensation to the landlord who has been deprived of its use for years?

The next item is making provision for partial abandonment of holding. I have already touched on that point and I have stated the objections against it.

Next is giving the occupancy tenants as against their landlords full dominion over all trees including *sal* and *sisu*. We have made some modifications of this in the Government Bill. *Sa* and *sisu* trees are valuable trees and these trees grow by themselves. But our amendment aims at giving the tenants full dominion over these trees provided they are grown by the tenants themselves. And in case of 20 years' occupation it will be presumed that these trees were grown by the particular tenant. I think we have fairly

met the wishes of the tenants in this matter. And the grant of absolute and full domain over these trees would not be fair to the landlord.

The seventh point is granting of easementary rights to settled raiyats of Bijni and Mechpara Estates.

In this connection let me read to the House what these mean. I refer to clause 16 in which a new section—section 85-A is proposed to be added.

“85-A.—The settled raiyats of a village belonging to Bijni and Mechpara estates shall enjoy the following easementary rights:—

- (a) right to collect fuel from zemindari waste lands and forests;
- (b) right to take dead *sal* posts, that can be carried on the shoulder by a single person, for houses from zemindari forests;”

If a family has got several adult persons and each single adult takes a dead *sal* post and there is no time limit given and therefore if he takes every time, then that will mean the practical denudation of any forest of a Zemindar.

Then with regard to (g), “right to take pieces of earth known as ‘hira-mati’ for manufacturing earthenwares,” I know that there has been a demand for a very long time from tenants for the use of these rights and several questions have been asked by my hon. friend Mr. Amjad Ali drawing attention of the House to the exact nature how it is done. These have been recognised as legal by the law courts and even after litigation....

Maulavi MUHAMMAD AMJAD ALI: I challenge that statement, Sir.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: They have never been held illegal by any law court. I think that one case is still pending in the High Court on this. I say that this is zemindary right. That is what the hon. mover said yesterday. Now, Sir, this I think, can be fairly adjusted between the landlords and tenants. Because if you are to take out all that entirely, and we adopt that clause, it will mean that it will not be a half-hearted measure.

Maulavi MUHAMMAD AMJAD ALI: I mean 85 (g)—right to take pieces of earth known as *hira mati* for manufacturing earthen wares.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: From where?

Maulavi MUHAMMAD AMJAD ALI: From zemindary lands. In a *mahal*, Sir, people are taxed for taking mother earth. Will the Hon'ble Minister take cognisance of it?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am not quite oblivious to the grievances of the tenants in this matter. But at the same time I say, in order to prevent the wholesale cutting down of forests, fields, etc., or exploiting the zemindar's properties, what if a small amount is levied in return for that, just to recognise the landlord's title and just to prevent a denudation of this sort of properties.

Maulavi MUHAMMAD AMJAD ALI: I am speaking of earth alone.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am speaking of the provisions of the whole clause. I must not be understood to oppose any particular clause. I am only pointing out the consequences of the clause if passed into law.

Suspension of provision relating to enhancement of rent—this provides for suspension for a period of 15 years. The Government Bill also provides for it only in the cases of certain classes of tenants. This of course every one will agree to.

As regards repeal of certificate procedure for realising rent, I have already dealt with it.

So, Sir, on the whole, comparing these two Bills together, as a measure of compromise and as a measure of adjustment between the landlords and tenants and at the same time as a permissive measure, I do not think, Sir, that it would be fair to criticize the Government Bill as a half-hearted measure

There are one or two points, Sir, which I have noted for reply and which I may reply now. My hon. friends who spoke before me criticized me for not drawing up the Government Bill after meeting local leaders and that this Bill displayed a total ignorance of the needs of the raiyat. Now, after I have explained the full implications of the Government Bill, I think the hon. members who have expressed that opinion will revise it.

I may mention here that we have spent some time over the preparation of this Bill. We had deputed a special officer, Mr. Desai, who is an expert in tenancy matters. He had gone to Dhubri and he had invited the landlords and tenants to a conference and tried to understand each other's point of view. There was a regular discussion and he had submitted a report and the decisions that were arrived at in the conference of the landlords and tenants have resulted in this Bill.

Maulavi MUHAMMAD AMJAD ALI: May I enquire how many hour he spent over it?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The work is not judged in all cases by the amount of hours spent. But the fact remains Sir, that we had a regular enquiry made before he set out for Dhubri and at Dhubri he met the representatives of the landlords and tenants. He also proceeded to Sylhet, where he had a bitter result. Here he says that the landlords and tenants seemed both very jealous of their own rights and neither would yield. So it is not true to say that we are in total ignorance of the needs of the raiyats. We are in full cognisance of the needs of raiyats. If all the Zemindary rights are abolished and if all the raiyats become proprietors, I personally will have no objection.

But the question is whether it would be fair and just on the part of this august House to lend its support to such a wish?

Then another hon. member criticised us by saying that the Government Bill gives nothing. I have pointed out how in certain provisions both the Government and the Private Bills are unanimous, and even then to say that the Government Bill gives nothing is rather unfair.

My hon. friend said also that clause 9 of the Government Bill takes away the existing rights. That point was not quite clear to me. What are the existing rights? I wish my hon. friend had amplified it so that I could understand it.

Maulavi MUHAMMAD AMJAD ALI: Is it in my speech, Sir?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It was probably in the speech of Maulavi Jahanuddin Ahmed.

As regards the provision for the reduction of rent, hon. members will find that in the new Act.

There were some remarks made by my hon. friend Maulana Abdul Hamid Khan. We all liked his speech and appreciated it, and I personally felt flattered when he said that at one time I was a great lover of the tenants and now I have become a lover of the Zemindars. All that I can say is that there is no recent change in that way, but he was rather unkind when he said that no Zemindar visited his place when it was in floods. We have not got landholders' representatives in this House, but if we may call

Mr. Santosh Kumar Barua one such, hon. members will remember that we three, including Maulana Sahib, visited the place.

Now as regards another point that was raised that interest on arrears of rent and damages have to be paid, about which there is a provision in the Goalpara Tenancy Act, if hon. members want that to be considered, it will be taken into serious consideration. No provision is made for the exemption of land used for religious purposes, that is to say for the building of churches, mosques, *maths* and other institutions. I do not know of any instance where.....

(Here the clock struck 4 p.m.)

The Hon'ble the SPEAKER: What time the Hon'ble Minister will require?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I want some more time because this is a very important matter.

The Hon'ble the SPEAKER: The House stands adjourned to 11 a.m., to-morrow.

Adjournment

The Assembly was then adjourned till 11 a.m., on Saturday, the 10th September 1938.

SHILLONG:

The 4th November 1938.

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