

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 11 a.m. on Saturday, the 10th September, 1938.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred questions Nos.182-185 standing in the name of Maulavi Abdur Rahman were not called and answered as the questioner was absent.)

Realisation of interest by Co-operative Banks

Srijut PURNA CHANDRA SARMA asked :

*186. Will Government be pleased to state—

(a) If any of the Co-operative Societies in the province have realised more interest than the principal of loans or if any Bank has requested the Registrar to pass decrees for more interest than the principal ?

(b) If so, will Government be pleased to state if the Banks have actually realised such interests and if the Registrar has actually allowed the same ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

186.(a)—Yes. If the principal remains unpaid for a large number of years such cases are possible.

(b)—Some banks may have actually realized such interest if the loan remained unpaid for a very long time. When an award is asked from the Registrar of Co-operative Societies, he does not generally give award for an amount of outstanding interest exceeding the outstanding principal.

Srijut PURNA CHANDRA SARMA : Has any such case been brought to the notice of Government where interest has been realised in excess of the principal ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : As the Assam Money Lenders' (Amendment) Bill has not yet been passed, the calculation of total interest from the first day of the loan is not being taken into account.

Srijut PURNA CHANDRA SARMA : Was not the principle of the Bill accepted ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : As I said, unless the Bill is passed, the Act does not come into operation.

Srijut PURNA CHANDRA SARMA : Has not the principle of the Bill been accepted by the Government ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : It has been accepted by this House.

Srijut PURNA CHANDRA SARMA : Is not Government aware that in Nowgong the Co-operative Town Bank has sent to Government some cases in which the interest realised is in excess of the principal ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : So far as my information goes, one case has been instituted—I need not be very specific—in which Rs.750 was taken as loan in 1928 and only Rs.40 was paid as principal and Rs. 224 as interest.

(Starred questions Nos. 187-191 standing in the name of Khan Sahib Maulavi Mudabbir Hussain Chaudhuri were not called and answered as the questioner was absent)

Principal of the Earle Law College

Maulavi FAKHRUDDIN ALI AHMED asked :

*192. (i) Is it a fact that consequent on the appointment of Mr. S. K. Datta to the Principalship of the Earle Law College, the post of a lecturer in the Earle Law College fell vacant ?

(ii) If so, will Government be pleased to state—

(a) Whether the said vacancy has since been filled up ?

(b) If so, when ?

(c) Who has been appointed in the said vacancy ?

(d) By whom and under what authority the vacancy was filled up ?

(e) Whether the Public Service Commission was consulted in filling up the vacancy ?

(f) Whether since filling up the vacancy the matter has been referred to the Public Service Commission ?

(g) Whether the Public Service Commission have made their recommendations ?

(h) Whether the Public Service Commission gave their first preference to the person who has since filled up the vacancy ?

(i) If not, for what reasons have the recommendation of the Public Service Commission been set aside ?

(j) Whether in dealing with this matter Government have violated any of the rules or regulations ?

(k) If so, for what reasons ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

192.(i)—Yes.

(ii)(a)—Yes.

(b)—On the 3rd January, 1938 as a temporary measure and finally on the 11th August 1938.

(c)—Maulavi Wajed Ali, B.L., on both the occasions.

(d), (e) and (f)—By Government. Under the Assam Public Service Commission Regulation 33 on the first occasion and finally after consultation with the Assam Public Service Commission.

(g)—Yes.

(h)—No.

(i)—Government do not propose in the interest of the person concerned to disclose the reasons publicly, but will be prepared to communicate them to the hon. member confidentially if he so desires.

(j)—None.

(k)—Does not arise.

Mr. FAKHRUDDIN ALI AHMED : Sir, is it a fact that under the Public Service Commission Rules appointments on a temporary basis cannot be given for more than three months ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes.

Mr. FAKHRUDDIN ALI AHMED : Then what is the reason, Sir, that Maulavi Wajed Ali was kept on a temporary basis for more than three months without the permission of the Public Service Commission ?

The Hon'ble Maulavi MUNAWWAR ALI : The reasons are given in answer to question 192(i).

Mr. FAKHRUDDIN ALI AHMED : How can the Hon'ble Minister say that no rules have been violated in this connection ?

The Hon'ble Maulavi MUNAWWAR ALI : No rules have been violated.

Mr. FAKHRUDDIN ALI AHMED : Is it not a fact that rules of the Public Service Commission say that appointments on a temporary basis cannot be held for more than three months ?

The Hon'ble Maulavi MUNAWWAR ALI : That is not so.

Mr. FAKHRUDDIN ALI AHMED : Did not the Hon'ble Minister a short while ago admit that there was such a rule ?

The Hon'ble Maulavi MUNAWWAR ALI : But it can be extended.

Mr. FAKHRUDDIN ALI AHMED : Under what rule can it be extended ?

The Hon'ble Maulavi MUNAWWAR ALI : Under the same rule referred to in (d), (e) and (f).

Mr. FAKHRUDDIN ALI AHMED : Is it not a fact that under the University rules governing the Law College administration at least one of the posts of Lecturer should go to a Barrister ?

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

Mr. FAKHRUDDIN ALI AHMED : Is the Hon'ble Minister quite sure of the rule ?

The Hon'ble Maulavi MUNAWWAR ALI : I am sure of this so far as this appointment is concerned. There was no Barrister candidate for Assistant Lecturership.

Mr. FAKHRUDDIN ALI AHMED : Did the Hon'ble Minister mean to say that it was stated in the advertisement that no Barrister candidate would be eligible for lecturership ?

The Hon'ble Maulavi MUNAWWAR ALI : That is not so.

Mr. FAKHRUDDIN ALI AHMED : May I challenge the statement of the Hon'ble Minister to the effect that there is no such rule ?

The Hon'ble Maulavi MUNAWWAR ALI : It is open to the hon. member to challenge and justify.

Mr. FAKHRUDDIN ALI AHMED : May I ask the Hon'ble Minister to look into the rules himself and ascertain ?

The Hon'ble Maulavi MUNAWWAR ALI : Will he kindly refer to the rules ?

Mr. FAKHRUDDIN ALI AHMED : Will the Hon'ble Minister please state why the main recommendation of the Public Service Commission was not accepted ?

The Hon'ble Maulavi MUNAWWAR ALI : The recommendation of the Public Service Commission was accepted.

Mr. FAKHRUDDIN ALI AHMED : Was the first preference given to Maulavi Wajed Ali ?

The Hon'ble Maulavi MUNAWWAR ALI : He got the second preference.

Mr. FAKHRUDDIN ALI AHMED : How can therefore the Hon'ble Minister say that the recommendation of the Public Service Commission was accepted ?

The Hon'ble Maulavi MUNAWWAR ALI: The Public Service Commission recommend some names.

Mr. FAKHRUDDIN ALI AHMED: Is it not a matter of convention that the first preference should be taken into consideration?

The Hon'ble Maulavi MUNAWWAR ALI: Ordinarily that is done.

Mr. FAKHRUDDIN ALI AHMED: Under what circumstances was that convention broken?

The Hon'ble Maulavi MUNAWWAR ALI: The circumstances have been stated very fully and very indicatively in reply to question No.192(ii).

Mr. FAKHRUDDIN ALI AHMED: What stands in the way of the Hon'ble Minister to state these reasons before this House?

The Hon'ble Maulavi MUNAWWAR ALI: In order not to injure a young man.

Mr. FAKHRUDDIN ALI AHMED: What justification has the Hon'ble Minister got for not relating the facts before the House?

The Hon'ble Maulavi MUNAWWAR ALI: These facts are of a confidential nature and I was fully justified in taking the course I did take.

Mr. FAKHRUDDIN ALI AHMED: Whether these facts were brought to the notice of the Hon'ble Minister on enquiry or whether an anonymous letter was sent by some one?

The Hon'ble Maulavi MUNAWWAR ALI: These were raised in the Secretariat and I am grateful to the Secretariat for having pointed these out.

Mr. FAKHRUDDIN ALI AHMED: Was the Hon'ble Minister satisfied that these facts were correct?

The Hon'ble Maulavi MUNAWWAR ALI: I was fully satisfied.

Promotion of Sub-Assistant Surgeons to the Selection Grade

Mr. FAKHRUDDIN ALI AHMED asked:

*193. Will Government be pleased to state—

- The principle and the basis on which Sub-Assistant Surgeons of the Assam Medical Service (Junior) are promoted to the Selection Grade?
- The number and the names of Sub-Assistant Surgeons who have been promoted to the Selection Grade since March, 1937?
- Whether such promotions have been made on grounds of seniority or on other grounds?
- Whether in making these promotions, some senior Sub-Assistant Surgeons have been passed over in preference to Junior incumbents?
- The names of the Senior Sub-Assistant Surgeons who have been passed over and the reasons for doing so?

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

193. (a)—Efficiency as well as seniority are taken into consideration in promotions to this grade.

(b)—Nine as named below—

- Dr. Suryya Narayan Ghosal.
- Dr. Upendra Chandra Palit.
- Dr. Rebati Raman De Chaudhury.
- Dr. Surendra Lal Roy.
- Dr. Helix Charan Roy.
- Dr. Khosa.

7. Dr. Tezendra Kishore Das Gupta.

8. Dr. Prasanta Kumar Guha.

9. Dr. Benoy Kumar Datta.

(c)—Seniority as well as efficiency.

(d)—Yes.

(e)—The following seven Sub-Assistant Surgeons have been passed over as their relative merits were considered inferior to the merits of those promoted to the selection grade—

1. Dr. Surendra Nath Ghosal.

2. Dr. Jogendra Narayan Das.

3. Dr. Md. Faizulla Khanikar.

4. Dr. Daliluddin Ahmad.

5. Dr. Atuleswar Das Gupta.

6. Dr. Jasoda Lal Basu.

7. Dr. Sitansu Mohan Roy.

Mr. FAKHRUDDIN ALI AHMED: Sir, is it not a fact that some of the Doctors who have been passed over in preference to the junior Doctors were better qualified than those who have been given promotion?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, these promotions have been made by the Head of the Department. We were not consulted in regard to this matter. I came to know about this only when I received these questions.

Mr. FAKHRUDDIN ALI AHMED: Then, does the Hon'ble Minister admit that some injustice has been done to some of the senior Doctors who have not been promoted?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not admit that, Sir.

Mr. FAKHRUDDIN ALI AHMED: Then what does the Hon'ble Minister mean by stating that this matter was brought to his notice only when this question was received by him?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I mean that I got the names of these Doctors when the question was put to me for answer. I did not have any time to enter into this question. Moreover, the question of merit and seniority were decided by the Head of the Department.

Mr. FAKHRUDDIN ALI AHMED: Is it not the duty of the Hon'ble Minister to give us the information which we seek from him?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I did not get any more information than this from the Head of the Department. There was no time for it.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister please state whether some of the senior Doctors who have not been promoted were less qualified than those who have been promoted?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already given reply to this. The Doctors have been passed over as their relative merits were considered inferior to those promoted.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister take it from me that at least one of those Doctors Maulavi Khanikar is more qualified than those Doctors who have been given promotion?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not know that. It is a question of opinion. The Head of the Department has got an intimate knowledge of that.

The Hon'ble the SPEAKER: I think, all the difficulties will be removed if the Hon'ble Minister explains what he means by "merits" or "demerits" of officers.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The merits of the officers are known from their work, and from the remarks of the superior officers.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister please state what bad remark is there in the service record of Maulavi Khanikar?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I don't think, Sir, it is right for me to reply to this question.

The Hon'ble the SPEAKER: Yes, I think, any remark in the service record of an officer should not be disclosed.

Mr. FAKHRUDDIN ALI AHMED: I want to know whether there is any bad remark at all.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That also I cannot say.

Mr. FAKHRUDDIN ALI AHMED: Are not these remarks conveyed to the officers concerned?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I don't think it is necessary unless it is required.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that officers are kept informed from time to time about the work which they do?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Some time they are kept informed about it.

Mr. FAKHRUDDIN ALI AHMED: Shall I be wrong in stating that as far as Dr. Khanikar is concerned, he has discharged his duty very efficiently and there is nothing on record standing in the way of his promotion?

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

Maulavi ABDUR RAHMAN: May we know why the junior Sub-Assistant Surgeons got preference to the senior ones in matters of promotion?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: These promotions were made by the Inspector-General of Civil Hospitals and the Government have no information about all this.

Maulavi ABDUR RAHMAN: Is it a fact that the high officials give their consent on the office notes?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is always not a fact, Sir. The remarks of the superior officers are taken into consideration by the authority concerned.

Maulavi ABDUR RAHMAN: Can Government deny that in many cases injustice has been done because the officials acted according to the office notes?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: So far as I can think, justice cannot be denied to the officers. Promotion is made by the Head of the Department on the remarks made by the superior officers.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister please state whether any complaint has been received from any officer that justice has been denied to him?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No complaint has been received by Government.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister please take into consideration all these cases which I have brought to his notice and see that the grievances of these Doctors who have been passed over, i based on justice, will be removed?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, in order to comply with the request of my hon. friend, I will look into these cases and see whether any injustice has been done.

Srijut PURNA CHANDRA SARMA: Sir, is it a fact that the junior people have been promoted in supersession of the senior people?

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

Maulavi ABDUR RAHMAN: May I know whether the Hon'ble Minister has received any representation from the Sub-Assistant Surgeon of Habiganj regarding the fact that his case is being ignored though he has got better claim?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I don't think that I have got any such representation.

Srijut PURNA CHANDRA SARMA: Is it not a fact that in case of promotion efficiency alone is taken into consideration and not seniority?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already replied to this that both efficiency and seniority are taken into consideration.

Srijut PURNA CHANDRA SARMA: Has any person been promoted on the ground of seniority?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It may be Sir. I cannot say now how those people have been promoted.

Maulavi ABDUR RAHMAN: May we know whether the Hon'ble Minister is prepared to hold an inquiry into that matter?

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

Maulavi ABDUR RAHMAN: No, Sir. I want to know whether the Hon'ble Minister will hold an inquiry whether the case of the Sub-Assistant Surgeon of Habiganj has been ignored.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already replied that. I will look into that.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is there any right of appeal against such supersession?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I think there is a right of appeal.

Results of the High Madrassa Examination

Maulavi MABARAK ALI asked:

*194. Will Government be pleased to state why there is no provision for scholarship for meritorious students on the results of the High Madrassa Examination?

*195. Do Government propose to make provision for the same immediately?

The Hon'ble Maulavi MUNAWWAR ALI replied:

194.—Because of financial stringency.

195.—The matter is under consideration.

Representation of communities in the public services

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*196. Will Government be pleased to state—

(a) The total number of posts in the ministerial Branch (excluding menials) in the Assam Civil Secretariat, the Assam Public Works Department Secretariat and in each of the offices of the Heads of Departments separately?

(b) The total number of Muhammadans employed in the above offices separately?

(c) The number of Assamese Muhammadans (natives of Assam Valley) in each of the above offices separately ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

196.(a)—(c)—The information is given below :—

| Names of offices | Total number of posts | Total number of Muhammadans employed | Number of Assamese Muhammadans employed | Remarks |
|---|-----------------------|---|---|---|
| 1. Assam Secretariat— Civil .. and Public Works Department. | 118 } =151 33 } | 27 permanent } 4 officiating } =31 9 permanent } 1 officiating } =10 41 | 5 } =9 4 } | There are also five purely temporary posts in the Civil Secretariat against which two Assam Valley and one Surma Valley Muhammadans are employed. |
| 2. Inspector-General of Police. | 23 | 3 permanent 1 temporary | 1 | |
| 3. Secretary, Assam Legislative Council, Legal Remembrancer, etc. | 8 | 2 | 1 | |
| 4. Director of Industries and Registrar, Co-operative Societies, Assam. | 20 | 6 | 4 | |
| 5. Director of Agriculture. | 16 | 6 | 4 | |
| 6. Conservator of Forests. | 15 | 4 permanent 1 officiating | 2 | |
| 7. Director of Public Instruction. | 32* | 10† | 5† | * Includes 2 temporary posts. † Includes 2 temporary. |
| 8. Director of Land Records, etc. | 12 | 3 | 1 | |
| 9. Inspector-General of Civil Hospitals. | 25 | 6 | 2 | |
| 10. Director of Public Health. | 14 | 5 | 1 | |
| 11. Commissioner of Excise and Registrar, Joint Stock Companies. | 13 3* | 4 2 | Nil 1 | * Includes 1 temporary post. |

Remarks made against one of the Hon'ble Ministers

Babu RABINDRA NATH ADITYA asked :

*197. (a) Is it a fact that Babu Birendra Nath Chowdhury, Head Clerk of the Commissioner's Office, Assam Valley Division, made certain remarks a few days back against the Hon'ble the Revenue Minister ?

(b) If so, what are those remarks ?

*198. Will Government be pleased to state—

(a) Whether those remarks were made in public or in private talks ?

(b) If made in private talks, will Government be pleased to state how could the Hon'ble Minister concerned come to know of them ?

*199. Will Government be pleased to state—

(a) Whether any enquiry has been made to ascertain the truth of the allegations against the clerk concerned ?

(b) If so, who made the enquiry and what is the finding ?

*200 Will Government be pleased to state whether the clerk has been compelled to retire in consequence of his alleged remarks against the Hon'ble Revenue Minister ?

197--200. The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, I am giving a consolidated reply to all these questions.

"Government have always declined to discuss the merits of the officers on the floor of the House, and consider that it would not be in the interests of public service to make any exception in this case: they are prepared to disclose however, that the Commissioner having heard that the clerk in question had been discussing confidential matters outside the office and making remarks which he considered highly defamatory about the Hon'ble Revenue Minister, instituted an enquiry, as a result of which the clerk resigned rather than face formal proceedings."

The Hon'ble the SPEAKER: There is one convention which I want to introduce in this House. In reply to starred questions reference should not be made to the answers given to the unstarred questions. Of course the answers to the unstarred questions may be reproduced in connection with answers to starred questions.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, we believe that the unstarred question No.492 will be answered on the floor of the House before this starred question is replied. But it appears that both have come on the same day. That is why I have read out the answers which were printed to unstarred questions Nos. 492-497.

The Hon'ble the SPEAKER: When the Chief Minister has reproduced the answers, there is of course no difficulty now.

Babu RABINDRA NATH ADITYA: What were the remarks made by that clerk against the Hon'ble Revenue Minister ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not prepared to mention all these defamatory matters here.

Mr. FAKHRUDDIN ALI AHMED: On whose initiative was the enquiry instituted ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the initiative of the Hon'ble Revenue Minister.

Mr. FAKHRUDDIN ALI AHMED: What reasons actuated the Hon'ble Revenue Minister to institute that enquiry ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: When a Government officer makes defamatory remarks against the existing Government outside his office it is the duty of the Minister to ask the Head

of the Department to keep discipline in the office. Accordingly he reported the matter to the Commissioner.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that the officer concerned denied that he ever made the defamatory remarks which are alleged to have been made by him?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, he denied. But the Commissioner after full enquiry came to the finding that he did make those remarks. Not merely that, he was found to divulge to outsiders very confidential matters of Government.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Chief Minister be pleased to state on what basis did the Commissioner come to the conclusion that the clerk concerned had made those remarks?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am satisfied with the finding arrived at by the Commissioner. He said that he had made enquiries from very reliable people and came to the conclusion that the clerk concerned was guilty not only of divulging confidential matters, but also of making highly defamatory remarks against the Hon'ble Revenue Minister.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that the enquiry was confined only to those persons who had approached the Hon'ble Revenue Minister and informed him about the private conversation?

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

Mr. BAIDYANATH MOOKERJEE: Who intimated those remarks to the Hon'ble Revenue Minister?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not prepared to disclose those names.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Chief Minister be pleased to state on what basis did the Commissioner or the Government come to the conclusion that the clerk concerned was guilty of these charges?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Commissioner after making full enquiry came to the definite conclusion that this clerk was guilty of disclosing confidential official matters outside, and that he was also guilty of making defamatory statements against a member of the Cabinet. Thereafter, the Commissioner was going to draw formal proceedings, but at that stage the clerk voluntarily resigned rather than face the formal proceedings.

Mr. FAKHRUDDIN ALI AHMED: What did this full enquiry consist of?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got nothing more to add.

Mr. FAKHRUDDIN ALI AHMED: Are we not entitled to know on what basis this enquiry was conducted and what were the grounds for Government to come to the decision that the clerk was really guilty of these charges?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: According to the Commissioner, the clerk voluntarily resigned. The Commissioner gave us this report that he made full enquiry in this matter and he was convinced that the clerk was guilty and he had also given us the names of the persons whom he examined.

Mr. FAKHRUDDIN ALI AHMED: Did the clerk concerned make any confession of his guilt before the Commissioner?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, so far as one portion of the matter is concerned, viz., speaking with outsiders about confidential matters.

Mr. BAIDYANATH MOOKERJEE: Then why a choice was given to the clerk concerned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No choice was given. According to the Commissioner's report the resignation was voluntary.

Mr. FAKHRUDDIN ALI AHMED: Is it not fair that when such serious charges are brought against an officer, he should be given complete freedom and full facilities in the matter of enquiry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He was given complete freedom.

Mr. FAKHRUDDIN ALI AHMED: Were the witnesses, who were examined by the Commissioner against the clerk, allowed to be cross-examined by the clerk?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Formal proceedings were not drawn up, but I have got no reason to believe that the clerk concerned was not present at the time of enquiry.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that Government have failed in their duty in not bringing a proper trial for the charges made against the clerk?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government did not fail in any of their duties, when according to the Commissioner the clerk voluntarily resigned.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is there any system of espionage to watch over the private talks of Government officials and report them to the Hon'ble Minister?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend may infer anything he likes. But when a Government official is foolish to discuss openly and in public, in the presence of both Government officials and non-officials of repute, this matter is bound to come to the notice of the higher authorities.

Mr. FAKHRUDDIN ALI AHMED: Since the matter is of great public importance, will the Hon'ble Chief Minister give an undertaking that he will institute a proper enquiry into this matter?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. The clerk concerned has got the right of appeal. If he appeals, there may be occasion for an enquiry.

Mr. FAKHRUDDIN ALI AHMED: Shall I be wrong if I say that the clerk had no choice in the matter and that he was forced to submit an application for leave and resignation?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Let him appeal on this ground that he was forced to resign. Then I will make proper enquiry.

Unstarred questions and answers.

(To which answers were laid on the table)

Appointment of Muslim Marriage Registrar, Silchar and the name 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?

* * Unstarred question No.37 along with its reply was placed on members' tables on the 9th September 1938, but supplementary questions were not finished on that day.

- (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 ?
38. Do Government propose to take steps to remove the present incumbent and appoint a duly qualified man in his place ?
39. Will Government be pleased to state—
 (a) Who is the final appointing authority of Muslim Marriage Registrar ?
 (b) The names of the present members of the 'Kazi' Committee, Assam ?
 (c) When this Committee was last constituted ?
40. Do Government propose to reconstitute the Committee ?

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 MABARAK ALI: The question is "will Government be pleased to state the educational qualifications required in the notice calling for applications for the vacancy". The reply is "the qualifications required were that a candidate must have passed the Assam Senior Madrasa final examination or possessed a certificate signed by 3 Muhammadan gentlemen of respectability to the effect that he is well up in the Arabic language and the Moslem laws of marriage and divorce", but the candidate who was appointed although well up in Moslem laws of marriage and divorce does not seem to be well up in the Arabic language. How does the Hon'ble Minister reconcile this statement ?

The Hon'ble Babu AKSHAY KUMAR DAS: The Principal of the Sylhet Murarichand College, the Persian and Arabic Professor of the Cotton College, Gauhati, Khan Bahadur Muhammad Mashraf, and Mr. Ikram Rasul, (members of the Kazi Committee) decided that the candidate was fully qualified and the Government appointed him on their recommendation.

Maulavi ABDUR RAHMAN: The question is whether he was well versed in the Arabic language. Did they decide that point ?

The Hon'ble Babu AKSHAY KUMAR DAS: Yes they decided that.

The Hon'ble the SPEAKER: Where did the hon. member get the information that the candidate was not well versed in the Arabic language ?

Maulavi ABDUR RAHMAN: From the answer.

The Hon'ble Babu AKSHAY KUMAR DAS: The hon. member will find from the answer to question 37 (c) that the qualifications were that a candidate must have possessed a certificate signed by 3 Muhammadan gentlemen of respectability to the effect that he is well up in the Arabic language and the Moslem laws of marriage and divorce.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister read out one of the certificates of this particular candidate to show that he is well up in the Arabic language ?

The Hon'ble Babu AKSHAY KUMAR DAS: I read as many as 19 certificates.

Mr. BAIDYANATH MOOKERJEE: He has read out the names of some persons only ; but he has not read out even one line from the text of the certificates.

The Hon'ble Babu AKSHAY KUMAR DAS: This question was discussed yesterday and we thought that the question had been disposed of, so I have not got the file with me.

Mr. BAIDYANATH MOOKERJEE: Who gave him this understanding, Sir ?

The Hon'ble Babu AKSHAY KUMAR DAS: I have nothing to add.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That was my impression as well, Sir. Every day after the questions were mark out the questions disposed of, and I marked yesterday that we had done up to page 15. Any way I will give this assurance to my hon. friends that I will personally read all the certificates, and if I find that this candidate does not know the Moslem laws of marriage and divorce and is not well up in Arabic I will refer the matter again to the Committee.

The Hon'ble Babu AKSHAY KUMAR DAS replied :

- 38.—Does not arise.
 39. (a)—Government.
 (b)—

PRESIDENT

1. Inspector General of Registration, Assam, *ex-officio*.

MEMBERS

2. The Persian and Arabic Professor of the Cotton College, Gauhati, *ex-officio*.
 3. Khan Bahadur Abdullah Abu Saiyid, M.A., Principal of the Murarichand College, Sylhet.
 4. Khan Bahadur Muhammad Mashraf, Sylhet.
 5. Maulavi Arjan Ali Majumdar, B.L., Cachar.
 6. Mr. Ikram Rasul, Honorary Magistrate, Gauhati.
 (c)—With effect from the 19th November 1936.

Maulavi MABARAK ALI: May I know whether Khan Bahadur Muhammad Mashraff, Maulavi Arjan Ali and Mr. Ikram Rasul were members of the committee previously?

The Hon'ble Babu AKSHAY KUMAR DAS: The names are there in the reply. The new committee was reconstituted from the 19th November 1936 and they are members since then, and their office will continue for 3 years.

Maulavi MABARAK ALI: Were they in the Committee before?

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

Maulavi ABDUR RAHMAN: Is it a fact that the same members continue in the committee?

The Hon'ble Babu AKSHAY KUMAR DAS: Might be, I do not know.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So far as Mr. Ikram Rasul is concerned three years back he was a Government servant in the Excise Department so he could not have been in the Committee before.

The Hon'ble Babu AKSHAY KUMAR DAS replied:

40.—No. The members of the present Committee shall hold office for a term of three years as provided in the rule.

Representation of the public of Dimapur to the Inspector of Schools, Assam Valley Circle, for a Middle English School

Srijut KHORSING TERANG asked:

41. Will Government be pleased to state whether—

(a) The Inspector of Schools, Assam Valley Circle, visited the local schools at Dimapur on 19th May 1938?

(b) Whether the public of Dimapur represented their grievances before him regarding the need of a Middle English School at Dimapur?

(c) If so, what is his report and whether he has submitted his recommendation to Government?

The Hon'ble Maulavi MUNAWWAR ALI replied:

41. (a)—Yes.

(b)—Yes; for a Middle School either Middle Vernacular or Middle English School.

(c)—The Inspector of Schools has submitted recommendation for the establishment of a Government Middle Vernacular School at Dimapur with optional English classes.

Srijut KHORSING TERANG: Inspector মহোদয়ে গভৰ্ণমেণ্টৰ ওচৰত যি বিপোর্ট submit কৰিছে সেই বিপোর্ট মতে কিয়া ব্যবস্থা কৰিছে নে?

The Hon'ble Maulavi MUNAWWAR ALI: মই ব্যবস্থা কৰিব খুজিছোঁ।

Srijut KHORSING TERANG: যদি ব্যবস্থা কৰিব খুজিছে কেতিয়াতকৈ হব।

The Hon'ble Maulavi MUNAWWAR ALI: মই অহা বছৰত ভাৰতীয় ব্যবস্থা কৰিব খুজিছোঁ।

Mauzadars in Assam

Srijut RAJENDRA NATH BARUA asked:

42. Will Government be pleased to state—

(a) The number of Mauzadars in Assam?

(b) How many of them paid final *kists* before 31st May, 1937 for the year 1936-37?

(c) Whether the post of the Mauzadar is transferable?

(d) If so, do Government propose to consider the desirability of transferring the Mauzadars who have continuously for several years, acquitted themselves creditably in collection of Government dues to bigger mauzas, if they so desire?

(e) The names of the Mauzadars who paid their final *kists* continuously before 31st May, for the last ten years?

43. Is it a fact that the Land Revenue of the waste lands which have come to be settled with Limited Tea Companies after 1927-28 is paid direct to the Treasury by the Managers and that the commission is not derived by the Mauzadars concerned?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

42. (a) & (b)—The hon. member is referred to the reply in the question 451 asked by Srijut Gauri Kanta Talukdar in the Budget Session of 1937.

(c) No. A Mauzadar must reside in his own mauza and preference is given to a local man. Mauzadars are only transferred in exceptional circumstances.

(d)—Does not arise.

(e)—The information is not available in the Secretariat and it does not appear to be a matter of public interest to call for the preparation of such a list.

Srijut RAJENDRA NATH BARUA:* May I know what is the criterion of transfer in exceptional circumstances of the Mauzadars? Whether it is due to creditable collection or on any other grounds?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* One of the factors I think is creditable service.

Srijut RAJENDRA NATH BARUA:* Do I understand that the Mauzadars who collect revenue creditably are promoted or transferred to bigger mauzas?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* Provided there are vacancies. If the bigger mauzas are already being efficiently managed the question does not arise.

The Hon'ble ROHINI KUMAR CHAUDHURI replied:

43.—Yes.

Srijut RAJENDRA NATH BARUA:* May I know the reason why commission is not given to Mauzadars for land settled after 1927-28?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* The reason is quite obvious. The Mauzadars do not collect revenue in respect of these lands. So they are not given commission.

Srijut RAJENDRA NATH BARUA:* But before 1927-28 those waste lands which were settled with tea companies the Mauzadars are still getting commission for them. My point is what is the difference.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* The practice was afterwards changed in order to effect more economy.

Mr. NABA KUMAR DUTTA:* It is a fact that there are some Mauzadars who still collect revenue on waste lands?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* Yes.

Srijut RAJENDRA NATH BARUA:* Does not the Government consider that it is a hardship to Mauzadars that they do not get commission on these lands?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* This question was formally discussed in this House, and the Government, after enquiry, came to the conclusion that there was no hardship.

Srijut RAJENDRA NATH BARUA:* Will the Hon'ble Minister take it from me that there was a representation from the Mauzadars on the subject?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* I can quite believe that, Sir.

Srijut RAJENDRA NATH BARUA:* Will the Hon'ble Minister consider that representation in this matter?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* When better time comes this can be considered.

Constituencies of the Lower House of the Backward Tribal (Plains) and the Backward Areas (Hills)

Srijut RAJENDRA NATH BARUA asked :

44. Will Government be pleased to state—
- The details of the Constituencies of the Lower House of the Backward Tribal (Plains) and the Backward Areas (Hills)?
 - Whether these Constituencies are fixed or rotatory?
 - Whether there will be change in the Labour Constituencies in the next General Election and what will be the areas of the Labour Constituencies?
 - What District constitutes the Indian Christian Constituency and what will be the next Indian Christian Constituency?
 - What municipal areas will constitute the next Constituency for the Women's seat?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

44. (a) to (e)—The information asked for will be found in Part IX of and the Ninth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, a copy of which is placed on the library table.

*Speech not corrected.

Reduction in size of the Buralikson Grazing Reserve and the area of Leblebi grazing and fuel reserve

Srijut RAJENDRA NATH BARUA asked :

45. Are Government aware that the Buralikson Grazing Reserve in the Rungamatty mauza of Golaghat has been reduced in size by giving certain plots out of it to the Bunwaripur Tea Estate Limited?

46. Is it a fact that the *raiya*s objected by their petitions to the Deputy Commissioner, dated the 30th March 1934, 5th April 1934 and 9th January 1938 to the settlement of the said plots to the said concern?

47. Do Government propose to issue orders stopping the settling of the grazing lands to the said Tea concern in view of the fact that the *raiya*s have no other suitable grazing land near their villages?

48. Is it a fact that the two other grazing reserves Rungamatty Bonbagicha grazing and Rungamatty grazing have increased in size by addition of private lands of the said Tea concern in exchange for Buralikson grazing lands?

49. Do Government propose to enquire that lands purported to be given in exchange (*Dag* No. 318) contain Tea nurseries of the said Tea concern, and as a result no lands are relinquished to form grazing reserve for the villagers?

50. Is it a fact that of the Bonbagicha grazing reserve about 15 *bighas* of land in *Dag* Nos. 178 and 120 have been occupied by the Badlipar Tea Company, Limited, where tea has been planted?

51. Will Government be pleased to state the result of the enquiry of the Subdivisional Officer and Deputy Commissioner who are said to have locally enquired about this on the 27th July 1934?

52. (a) Is it a fact that a *pucca* boundary pillar of the Bonbagicha grazing was removed by the said Badlipar Tea Company?

(b) If so, what steps were taken?

(c) If not, why not?

53. Will Government be pleased to state the total original area of the Leblebi grazing and fuel reserves and what is the area of the same now?

54. Is it a fact that the fuel reserve portion was opened to the public for settlement and some *raiya*s applied for settlement and after the opening of certain plots for cultivation, the Badlipar Tea Company applied and got settlement of about 200 *bighas* of land in preference to the *raiya*s?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

45.—Yes. An area of only about 17 *bighas* of the Buralikson grazing reserve was settled with the Banwaripur Tea Estate in exchange for an equivalent area of periodic land belonging to the garden. The villagers concerned were consulted. They filed a written consent to the exchange. The Subdivisional Officer also made a local enquiry on 6th October 1937 in the presence of many villagers. All of them agreed to the exchange.

46.—Yes.

47.—As the exchange has already been effected with the written consent of the villagers, the question of stopping the settlement does not arise.

48.—Yes.

49.—The statement in the question is reported to be quite baseless. As the land is lying waste no enquiry is called for.

50. & 51.—The Badlipar Tea Company, Limited, encroached upon an area of 5 *bighas* and 15 *lessas* covered by *dag* No.178. An area of 10 *bighas* 3 *kathas* and 14 *lessas* in *dag* No.120 reported to be a cow path was occupied by growing tea and putting fencing. A local enquiry was made when a relay of the village map by the Traverse Party was ordered. The relaying has been done and the result is now being awaited by the Deputy Commissioner.

Srijut RAJENDRA NATH BARUA :* I find, Sir, that Government admit that there is encroachment by the Badlipar Tea Company Limited. May I know, when there is a great demand from the *raiya*ts for the removal of the encroachment, why it has not been done and a relay party has been ordered?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I think, Sir, the answer is quite complete. "That Badlipar Tea Company Limited encroached upon an area of 5 *bighas* and 15 *lessas* covered by *dag* No.178. An area of 10 *bighas* 3 *kathas* and 14 *lessas* in *dag* No.120 reported to be a cow path was occupied by growing tea and putting fencing. A local enquiry was made when a relay of the village map by the Traverse Party was ordered. The relaying has been done and the result is now being awaited by the Deputy Commissioner". Action will be taken now.

Srijut RAJENDRA NATH BARUA :* Do I understand that it is a very long time, I think it was in 1934 and now it is four years past and yet no action has been taken by Government?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* Now that the relay is complete, I think there will be no time wasted over it.

Srijut RAJENDRA NATH BARUA :* Do Government admit that it is an encroachment by the Tea Company?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* It will appear to be so.

Srijut SARVESWAR BARUA : Are Government prepared to remove the encroachment even after such a length of time?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* We are awaiting the report of the Deputy Commissioner.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

52. (a)—(c)—As it could not be determined definitely as to who removed the boundary pillar, no action could be taken.

53. & 54.—The total area of the Leblebi grazing reserve is 180 *bighas* from the time of its constitution. There was also a fuel reserve in the same village having an area of about 288 *bighas* which was subsequently cancelled and thrown open for settlement in 1932. Out of this, an area of about 205 *bighas* was settled with the Badlipar Tea Company for ordinary cultivation by the coolies of the garden, leaving the remaining area for the benefit of the *raiya*ts.

Srijut RAJENDRA NATH BARUA :* Was the fuel reserve open for the benefit of the *raiya*ts or the Tea Company in question?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* The fuel reserve is generally for the benefit of the *raiya*ts and in this particular case, I think that no exception has been made.

Srijut RAJENDRA NATH BARUA : May I ask one point, Sir? Is it not a fact that plots of land opened by the *raiya*ts were subsequently settled with that Tea Company?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I want notice of that question, Sir.

*Speech not corrected.

Srijut SARVESWAR BARUA :* The question is already there, *vide* question No.54. "Is it a fact.....after the opening of certain plots for cultivation, the Badlipar Tea Company, applied and got settlement of about 200 *bighas* of land in preference to the *raiya*ts?" It is already there and I do not see why the Government want notice now?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* The answer is also there.

Srijut SARVESWAR BARUA :* Do Government admit that after the opening of certain plots for cultivation the company encroached upon it or applied for that land?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The answer is there. The hon. member may read the last three lines and he will find the answer to his question.

Srijut SARVESWAR BARUA : It is not admitted here that these *raiya*ts had opened certain plots for cultivation. It has not been admitted.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* Certain portion was opened and some left for the benefit of the *raiya*ts.

Srijut SARVESWAR BARUA :* Is it a fact that the portion opened for the *raiya*ts for cultivation has been settled with the Tea Estate?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I do not think so Sir. Some portion has been settled with the coolies. They must have been opened. And the rest has been left for the benefit of the *raiya*ts.

Srijut RAJENDRA NATH BARUA : Will Government consider if a petition is made by these people who first opened that village?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* This is a question of settlement of plot and if any party is aggrieved by the decision of the Commissioner he may appeal to the Revenue Tribunal.

Srijut RAJENDRA NATH BARUA : It is a very old business as old as from 1934?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The hon. member is a lawyer and knows it better that the Revenue Tribunal has the power of review.

Funds for the repairs to the Ghanashyam Barua Road at Borpathar

Srijut RAJENDRA NATH BARUA asked :

55. Will Government be pleased to state—

(a) Whether recommendations from the Commissioner, Assam Valley Division to provide funds for the repairs to the Ghanashyam Barua Road at Borpathar have been received?

(b) If so, do Government propose to take steps so that works may be begun from the next cold weather?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

55. (a)—Yes.

(b)—Government have already issued orders to spend Rs.2,000 on the road during the current financial year.

Forest Officers in the Garo Hills

Maulana ABDUL HAMID KHAN asked :

56. Will Government be pleased to state—

(a) The total number of Forest Officers in the Garo Hills?

(b) The number of Hindu, Muhammadan and Garo Officers separately?

*Speech not corrected.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

56. (a)—30.

(b)—Hindus—15 (including one non-domiciled Bengali and one of a scheduled caste).

Muhammadans—4

Garos—10

The remaining officer is an Anglo-Indian.

Re giving immediate effect to the Debt Conciliation Act, 1936, and deterioration of lands of the Dhubri South Bank areas, etc.

Maulana ABDUL HAMID KHAN asked :

57. Do Government propose to give immediate effect to the Debt Conciliation Act, 1936, in the Goalpara district, in view of the indebtedness of its inhabitants ?

58. Are Government aware that the lands of the Dhubri South Bank areas have greatly deteriorated by the earthquake of 1930 (1337 B. S.) ?

59. Are Government aware that an estrangement of feelings exist between the Zemindars and Jotedars on one hand and the cultivating raiyats on the other, over the question of Local rates and reduction of rent due to deficit of lands in their holdings ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

57.—The hon. member is referred to the reply given at this session of the Assembly to a similar question asked by Babu Karuna Sindhu Roy about establishment of more Boards in all districts.

58.—It was reported by the Deputy Commissioner eight years ago that the fertility of the soil in some parts of the district had been impaired by reason of sand being thrown up during the earthquake, but no particular area was specified and no complaints have since been received.

Maulavi MUHAMMAD AMJAD ALI :* With regard to No.58, did Government think it their duty to ascertain their view specified ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* Does he want that the area should be ascertained ?

Maulavi MUHAMMAD AMJAD ALI : Yes.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I shall see that this is done.

Maulavi MUHAMMAD AMJAD ALI : With regard to the answer that "no complaints have since been received", what sorts of complaints are meant ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* No individual has complained that the fertility of the soil has been impaired and that he wants some sort of relief.

Maulavi MUHAMMAD AMJAD ALI :* If they make such complaints what action do Government propose to take ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : That will depend upon the merits of the complaint.

*Speech not corrected.

Maulavi MUHAMMAD AMJAD ALI :* I do not want an evasive answer. If such complaints are received, I want to know definitely what action he proposes to take ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I am not prepared to say anything until I see the petitions and complaints.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

59.—Government have received certain complaints against Zemindars and Jotedars alleging unfair exactions from the raiyats and have referred the petitioners to the provisions of the Goalpara Tenancy Act, under which they may apply to the Civil Court. They are also proposing to bring a Bill to amend the Goalpara Tenancy Act.

Maulavi MUHAMMAD AMJAD ALI :* With regard to Question 59, "unfair exactions" may I know the nature of the unfair exactions that have been made ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I do not remember the whole catalogue of these unfair exactions of which allegations have been made. If the hon. Member wants the information, I can supply him later on.

Maulavi MUHAMMAD AMJAD ALI :* Does he admit that there were some unfair exactions ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I do not admit that. But we admit that some such complaints were made.

Maulavi MUHAMMAD AMJAD ALI :* If these allegations are correct will the Hon'ble Minister enquire into it ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* If they feel aggrieved they can go before a Civil Court which can grant redress.

Maulavi MUHAMMAD AMJAD ALI :* If it is found to be criminal, will the Hon'ble Minister make it penal in the Goalpara Tenancy Act ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* If they are all of a criminal nature the Criminal Courts will take cognisance.

Maulavi MUHAMMAD AMJAD ALI :* I want to know the attitude of Government, whether they are prepared to make it penal in the proposed Act ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* The Bill has already been referred to the Select Committee and the hon. member can put forward that suggestion in the Committee.

Maulavi MUHAMMAD AMJAD ALI :* I want to know if this Government has any information that the Bengal Government has made this penal ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* Yes. **Maulavi MUHAMMAD AMJAD ALI** :* May I then know why they have not incorporated it in their Bill ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :* I am not following the Bengal Act blindfold.

Maulavi MUHAMMAD AMJAD ALI :* Are Government prepared to admit that they are behind hand ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Certainly not.

*Speech not corrected.

Maulavi GHYASUDDIN AHMED: Is it not a fact that local rates are regulated by the Assam Local Rates Regulation?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:* Local rates are regulated by the Local Rates Regulation.

Maulavi GHYASUDDIN AHMED: What is the procedure when illegal exactions are made?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If any illegal exaction has been made the relevant provision of the Goalpara Tenancy Act can be availed of.

Maulavi MUHAMMAD AMJAD ALI: If the Hon'ble Minister means section 95 of the Goalpara Tenancy Act, it does not give us any provision under which to apply to the Civil Court.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If it does not, that section will have to be amended.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Minister prepared to put in that section to make it criminally liable?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I cannot say that now. I cannot anticipate the decision of the Select Committee.

The Hon'ble the SPEAKER: I may point out to the hon. member that when the motion for reference to Select Committee was made, the hon. members did not start any discussion. If they had done so, all these questions would have been discussed at that time. That would have been the most appropriate time. Now that the Bill has been referred to the Select Committee, I should say, it is not fair to ask these questions now.

Expenditure of Dhubri, Gauhati, Nowgong and Tezpur Local Boards

Maulana ABDUL HAMID KHAN asked :

60. Will Government be pleased to lay on the table a statement showing the expenditure under the following heads of the Local Boards of Dhubri, Gauhati, Nowgong and Tezpur separately for the year 1936-37?

- (1) Establishment cost.
- (2) Communications.
- (3) Education.
- (4) Sanitation.

61. Will Government be pleased to state the expenditure on the following heads of the Dhubri Local Board, for the Dhubri South Bank areas, for the year 1936-37, the figures being shown separately for each thana?

- (1) Education.
- (2) Sanitation.
- (3) Communications.

62. Are Government aware that the carters of the Dhubri South Bank are subject to economic hardship owing to the imposition of the cart tax of Rs.8-8 per cart?

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

60.—The hon. member's attention is invited to columns 17, 38, 42, 96-99 of Statement III attached to the Resolution on the Working of Local Boards in Assam during 1936-37, a copy of which is available in the Assembly Library.

61.—The information is furnished below :—

- (1)—Rupees 25,353.
- (2)—Rupees 5,553 (water-supply).
- (3)—Rupees 2,977.

62.—Government understand that the carters have not been subjected to any hardship as the tax is levied on professional carts only.

Ferry arrangements between Dhubri and Fakirganj

Maulana ABDUL HAMID KHAN asked :

63. Will Government be pleased to state whether Government are aware that the ferry arrangements between Dhubri and Fakirganj is extremely unsatisfactory and causing much trouble to the public?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

63.—Except a complaint received on 9th March 1938 from Parlad-hary asking for replacement of boat ferry by steam ferry no other complaint has been received. The boat ferry was replaced by steam ferry from 13th April 1938 and is running satisfactorily.

New roads taken over by Road Board within the Dhubri South Bank areas

Maulana ABDUL HAMID KHAN asked :

64. Will Government be pleased to state the amount spent for works under the Public Works Department in the Dhubri South Bank areas for the year 1936-37?

65. Will Government be pleased to state—

(a) the number of the proposed new roads with their measurements and location, taken over by the Road Board within the Dhubri South Bank areas?

(b) When their work will begin?

66. Are Government aware that people have been put to inconvenience owing to the absence of bridges on the Public Works Department road between Fakirganj and Mankachar?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

| | | | |
|--------------------|-----|-----|-------------------------------|
| 64.—Original Works | ... | ... | Nil. |
| Maintenance | ... | ... | Rs. 9,300 (in round figures). |

65. (a)—Two roads have been selected for improvement and included in the Communications Board programme,

(1)—Constructing a road between Lakhipur and Mankachar via Phulbari and Singrimari—50 miles ... Rs. 8,00,000.

(2)—Improving the existing road and constructing a portion of the road between Fakirganj and Phulbari—7 miles... Rs. 1,00,000.

(b)—As the order of priority is laid down by the Communications Board and these roads have not found place in Class I projects, it will take a few years before the work of these roads is taken up, provided Government of India make adequate grants from the Road Fund.

66.—Government are prepared to accept the hon. member's statement.

Primary Education Act

Maulana ABDUL HAMID KHAN asked :

67. Do Government propose to give immediate effect to the Primary Education Act, in the Goalpara District, in view of the illiteracy of the people of the District ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

67.—Under the Act the initiative lies with the local authorities concerned.

Total number of Agricultural demonstrators in the Province

Maulana ABDUL HAMID KHAN asked :

68. Will Government be pleased to state—
(a) The total number of the agricultural demonstrators in the Province ?
(b) How many of them are Muhammadans ?
(c) How many of them are immigrant Muhammadans ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

68. (a)—The total number was 80 on 1st April 1938.
(b)—Twenty-six.
(c)—None.

Maulavi Syed ABDUR ROUF: Are Government prepared to appoint some immigrants to these posts ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: When vacancies occur, Government will take their cases into consideration.

Maulavi MUHAMMAD AMJAD ALI: May I know whether special consideration will be given to them ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Their cases will be considered sympathetically.

Mortality of cows within the Dhubri South Bank areas

Maulana ABDUL HAMID KHAN asked :

69. Are Government aware that owing to the mortality of cows within the Dhubri South Bank areas, cultivators have been put to economic hardship and in consequence many acres of land have been left uncultivated ?

70. Are Government aware that only one Veterinary Assistant has been placed in charge of the Dhubri South Bank areas where percentage of cow mortality is the greatest in the province ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

69.—There had been epidemics of cattle disease with mortality and it was possible that some land might have been left uncultivated in consequence.

70.—Yes, but it will not be correct to say that percentage of cattle mortality is the highest here.

Number of clerks in the office of the Deputy Commissioner, Dhubri

Maulana ABDUL HAMID KHAN asked :

71. Will Government be pleased to state—
(a) The number of clerks in the office of the Deputy Commissioner, Dhubri ?
(b) How many of them belong to the immigrant class ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

71.—
(a)—44.
(b)—1.

Re names of officers and persons who advised the Subdivisional Officer, Sunamganj, in the selection of places for sinking tube-wells

Babu KARUNA SINDHU ROY asked :

72. Will Government be pleased to state—
(a) The names of officers, persons who advised the Subdivisional Officer, Sunamganj Subdivision, in the matter of selection of places for sinking tube-wells ?
(b) Whether it is a fact that most of the places selected in the Sunamganj Thana area, either belong to the Zemindary of Rai Bahadur Amar Nath Roy or adjacent to it ?

73. Do Government propose to enquire and state if there are more needy places where tube-wells are more urgently required in the Sunamganj Thana area ?

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

72. (a)—The Advisory Committee consisted of :—
(1) Rai Sahib Pyari Mohon Das, ex-M.L.C.
(2) Rai Sahib Pabitrath Purkayastha, Zemindar.
(3) Maulavi Munawwar Ali (now Hon'ble Minister, Education).
(4) Chairman, Local Board, Sunamganj.
(5) Babu Sarat Chandra Chakrabarty, Manager, Gauripur Estate.

(b)—Seven out of the fifteen places selected, were so placed.
Babu KARUNA SINDHU ROY: With regard to (a) may I know if all the persons appointed in the Advisory Committee live in the Sunamganj subdivision ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not know, Sir, whether they are all residents of Sunamganj. Some of them are.

Babu KARUNA SINDHU ROY: Are they expected to know the grievances of the people ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, Sir.
Babu KARUNA SINDHU ROY: With reference to answer to (b), may I know why is it that the 7 places selected in the Sunamganj Thana area either belong to the Zemindari of Rai Bahadur Amar Nath Roy or are adjacent to it ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not know the reason, Sir. The Subdivisional Officer together with the committee must have discussed about all the needs of these different places and as a result of that discussion they have selected 7 places. I find nothing on record to show why these places have been selected. But I think there must have been good reasons.

Babu KARUNA SINDHU ROY: Will Government take it from me that there are more places which require tube wells urgently?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Although there may be many places in need of tube well, all places cannot be provided. The difficulty is one of funds.

Maulavi ABDUR RAHMAN: Is it a fact that these recommendations are generally made on the recommendation of the Medical Officer with reference to prevalence of water-borne diseases like cholera, etc., in different places?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Yes, these gentlemen have to consider all these things, I think.

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

73.—Enquiries are being made by the Subdivisional Officer.

Torture to one Abdul Gani Munshi of village Nadha by a Zemindar of Shelboresh

Babu KARUNA SINDHU ROY asked:

74. Is it a fact that one Abdul Gani Munshi of village Nadha, pargana Shelboresh, was tortured by a Zemindar of Shelboresh in last winter?

75. Is it a fact that he represented his case to the Superintendent of Police, Sylhet?

76. Is it a fact that a petition, dated the 23rd November 1937, addressed to me on the subject was forwarded to the Hon'ble Chief Minister, Assam?

77. Will Government be pleased to state—

(a) Whether any enquiry was made by Government in this matter?

(b) If so, what course has been adopted by Government to stop such tortures?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

74.—Government have no information of such an occurrence.

75.—No record of such a representation exists.

76.—No such petition reached the Hon'ble Chief Minister.

Babu KARUNA SINDHU ROY: Will Government believe me when I say that I myself have forwarded the application when I attended the Assembly on the December session last year?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Did the hon. member personally hand it over to me?

Babu KARUNA SINDHU ROY: I sent it through the chaprasi.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not seen it, Sir. I do not know whether the chaprasi mislaid it.

Babu KARUNA SINDHU ROY: Will the Hon'ble Minister make a thorough search?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is about one year, Sir, now. I have so many papers. Anyhow after the session I will look up.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

77. (a)—No.

(b)—Does not arise.

Enquiry about police torture to certain tenants of pargana Bansikunda

Babu KARUNA SINDHU ROY asked:

78. Will Government please state—

(a) Whether Government made any enquiry, as promised in Home Department letter No.C.P.-1770/7747-H., dated the 3rd December 1937 about the police torture of certain tenants of pargana Bansikunda by a Sub-Inspector of Dharampassa thana?

(b) If so, what conclusion has been arrived at by Government about the crime of the officer concerned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

78. (a)—Yes.

(b)—Government have ascertained that there was no torture. As the hon. member has already been informed, all that happened was that three persons were arrested during investigation and released on bail.

Babu KARUNA SINDHU ROY: Will Government be pleased to say by whom the matter was ascertained?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have got a report from the Superintendent of Police, Sylhet District, but I cannot say which particular officer made the enquiry.

Babu KARUNA SINDHU ROY: Was he accompanied by the same officer against whom the complaint was made?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I cannot say that, Sir.

Re admission in Murarichand College

Babu KARUNA SINDHU ROY asked:

79. (a) Is it a fact that Government admit students in the B.A. and B.Sc. classes of the Murarichand College from only those who pass their I.A. and I.Sc. Examinations from that College?

(b) If so, will Government please state whether this procedure was strictly followed in the said College last year 1937?

(c) If not, why not?

80. (a) Is it a fact that one student Angira Kumar Sarma of the Murarichand College, Sylhet, was refused admission last year in the third year class of the same College?

(b) If so, will Government please state why he was not admitted?

81. (a) Is it a fact that students coming from private schools and Colleges are required to produce certificates of good character from gazetted officers at the time of their admission into the Murarichand College, Sylhet?

(b) If so, will Government please state whether there is any Government circular about it?

(c) If not, why such course is adopted in the Murarichand College, Sylhet?

The Hon'ble Maulavi MUNAWWAR ALI replied:

79. (a)—No.

(b) & (c)—Do not arise.

80. (a)—There is no record to show that the student applied for admission last year in the third year class.

(b)—Does not arise.

81. (a)—No.

(b) & (c)—Do not arise.

Babu KARUNA SINDHU ROY: Is it a fact that a year ago such a rule existed?

The Hon'ble Maulavi MUNAWWAR ALI: I am not aware, Sir.

Babu KARUNA SINDHU ROY: When were these new rules promulgated?

The Hon'ble Maulavi MUNAWWAR ALI: The very question of the hon. member shows that if such a rule existed at all it was annulled.

Re dealings of officers of the Gauripur Estate in Sunamganj assisted by police officer of the Dharmapassa thana

Babu KARUNA SINDHU ROY asked:

82. Are Government aware that officers of the Gauripur Estate in Sunamganj in their dealings towards tenants are assisted by police officer, especially by the Sub-Inspector and Inspector, in charge of the Dharmapassa thana and that openly and without any legal reason?

83. Do Government propose to enquire and ascertain if the aforesaid police officials have deposited thousands of rupees in banks in last winter?

84. Are Government aware that the River Police Inspector summoned some tenants of Bansikunda, alleged as culprits, to come to Madhyanagar Kachari of Gauripur Estate on 14th January 1938 from a distance of ten miles in the rainy season?

85. Is it a fact that the aforesaid tenants had to return disappointed not finding the Inspector at Madhyanagar?

86. Will Government please state if any report has been submitted by the Inspector in the case, for which the tenants were summoned?

87. Is it a fact that two constables who came to summon the aforesaid tenants in the above case, dined in the Madhyanagar Kachari of the same estate?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

82.—Government have no such information.

83.—Government have enquired and have ascertained that no deposits were made during last winter by the said officials in any local bank.

84.—On the 14th January 1938, the bazar day of Madhyanagar, the River Police Inspector arranged to examine the witnesses at Madhyanagar in case No.6(12),37, under Sections 143, 379, Indian Penal Code of Dharmapassa Police Station, and summoned them for the purpose; but he could not arrive there on that day, as he was unavoidably detained in connection

with the supervision of investigation of case No.10(12),37, under 304, Indian Penal Code, of Dharmapassa Police Station. On the 17th January 1938, he visited the actual place of occurrence of case No.6(12),37 and supervised the investigation.

The month of January is not in the rainy season.

Maulavi ABDUR RAHMAN:* May I point out that the hon. member who has put the question states that the 14th January 1938 falls within the rainy season?

Babu KARUNA SINDHU ROY:* It was raining then, Sir.

The Hon'ble the SPEAKER: It might be raining then, but it was not the rainy season. (Laughter).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

85.—Yes. The Inspector was unavoidably detained in the investigation of another case. He visited the actual place of occurrence on the 17th January, and supervised the investigation.

86.—The usual papers in connection with the case were submitted to the Superintendent of Police. Charge sheet was sent up and the accused were convicted.

87.—No. Only one constable was deputed, and he did not take food with the officers of the Madhyanagar Kachari. In fact, he is a Muhammadan, and the said officers are all Hindus.

Number of landless tenants in village Balarampur under police station Dharmapassa

Babu KARUNA SINDHU ROY asked:

88. Will Government please state the number of landless tenants in village Balarampur under police station Dharmapassa five years ago and at present?

89. Is it a fact that the persons having large area of *Boro* lands in the aforesaid village and in the villages under the same choukidari circle, in which Balarampur is situated, have been rendered landless due to wrongful extortion by Mahajans?

90. If so, do Government propose to enquire and take steps to redress the grievances of these unfortunate people?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

88.—The number of landless tenants five years ago (*i.e.*, in 1933) is not known.

At present every family has *boro* land for cultivation except 8—10 families who live by fishing.

89.—It may be so. Government have no definite information.

90.—The remedy, if at all, lies in the courts of law. Government do not consider any useful purpose would be served by instituting an inquiry.

Realisation of a cess called Khutgari by the Zemindars of Sunamganj Subdivision

Babu KARUNA SINDHU ROY asked:

91. Is it a fact that the Zemindars of Sunamganj subdivision, specially the officials of the Gauripur Estate, realise a cess called Khutgari from the purchasers, who come on boats from Dacca and Faridpur districts to buy rice from Sunamganj subdivision?

* Speech not corrected.

92. (a) Will Government please state if any price lists have been prepared according to section 52(1) and (2) of the Sylhet Tenancy Act of 1936 ?

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

93. Will Government be pleased to state if any action is being taken according to sections 52(4), 52(5), 52(6) and 52(7) of the Sylhet Tenancy Act of 1936 ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

91.—The hon. member is referred to the reply given to a similar question put by him in this session.

92. (a) & (b) & 93.—The Commissioner reports that no price list has yet been prepared. It is under preparation and a copy will be supplied by the Deputy Commissioner, Sylhet, if it is called for by the hon. member from that officer.

Babu KARUNA SINDHU ROY: Am I entitled to get a reply if I ask from the local officer ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes. The Deputy Commissioner will supply him with a copy if the hon. member asks for it.

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

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I beg to move—

That this Assembly do elect one member from the Surma Valley in place of the Hon'ble Babu Akshay Kumar Das to the Industrial section of the Advisory Board for Development, Assam.

The Hon'ble the SPEAKER: The question is that this Assembly do elect one member from the Surma Valley in place of the Hon'ble Babu Akshay Kumar Das to the Industrial section of the Advisory Board for Development, Assam.

The motion was agreed to.

(After a pause)

The Hon'ble the SPEAKER: Under rules 1 and 2 of the rules regarding the procedure to be followed in holding the election of members to the Public Accounts Committee and other Committees, I hereby fix 2 p.m. to 4 p.m. to-day for holding the election to the Industrial section of the Assam Development Board. Copies of these rules have already been circulated to the hon. members. The voting for the election will be held in the Secretary's Chamber between these hours to-day. Hon. members will please see that the rules are followed in the matter.

Election of members to the Central Text Book Committee

The Hon'ble Maulavi Munawwar Ali: I beg to move—

That this Assembly do proceed to elect five members to the Central Text Book Committee.

The Hon'ble the SPEAKER: The question is that this Assembly do proceed to elect five members to the Central Text Book Committee.

The motion was agreed to.

(After a pause)

The Hon'ble the SPEAKER: Under the rules, I hereby fix 12th September, Monday, as the date and 2 p.m. to 4 p.m. as the hours for holding the election of members to the Central Text Book Committee. The voting will be done in the Secretary's Chamber, within these hours as prescribed by these rules.

Hon'ble Speaker's statement regarding privileges Committee

The Hon'ble the SPEAKER: The hon. members will just begin to consider the Draft Rules of the House to be brought into operation under sub-section (1) of section 84 of the Constitution Act. Before the hon. members start their deliberations over the amendments to the Draft Rules, I crave their indulgence to place before them certain matters, which have appeared to me very important and pertinent in connection with the Draft Rules to be discussed.

The existing Rules of the Assembly lay down the procedure for regulating the conduct of the main usual kind of business of the House, and the Draft Rules, after they are passed, will replace the existing Rules, and will be in force for regulating the procedure and the conduct of the business of the House. I, therefore, feel called upon to ask the hon. members to consider whether the House should have a certain set of definite Rules, laying down the procedure to regulate the procedure and the conduct of that kind of business, which they may, from time to time, be called upon to deal with, in connection with breaches of the privileges of the House, either by individual members or by outsiders. Hon'ble members will realise that the existing rules and the rules which are going to be their substitute henceforward are inadequate in that respect. I have no doubt that the hon. members are well cognizant that the House, collectively for itself, has some privileges, and that the privileges of individual members, as members of a Chamber of the Legislature, are also the privileges of the House. I need hardly point out that all these privileges are, indeed, essential to the dignity and power of the House as the sovereign Legislature of the province. And I have no doubt that the hon. members would be instinctively jealous to guard them and would place the vindication of the privileges, in cases of their breach, above party considerations and party prejudices. The question, therefore, arises, whether the House should have a definite body of Rules, prescribing the procedure as to how a breach of a privilege is to be brought before the House, and as to how it should be adjudged, censured and even punished. If the hon. members decide to take steps in that direction, they will have to consider the handicaps that have been placed on their power in this respect by section 71 of the Constitution Act, which contains all the provisions relative to the Parliamentary privileges of the members of Provincial Legislatures in India. Although the most valued privileges of the right of freedom of speech, subject to the provisions of the Act and of the Rules and Standing Orders regulating the procedure of the Legislature, of non-liability to any proceeding in any Court in respect of anything said or any vote given in any Committee thereof, and of a similar non-liability in respect of any publication by or under the authority of the Legislature of any report, paper, votes or any proceedings are granted by sub-section (1) of the section, other privileges of a Legislature have not been given any statutory definition. But a sort of recognition has been given to these other privileges by sub-section (2), which provides that these privileges will only be those which were enjoyed by the members of a Legislature under

the old constitution replaced by the present one, until they are defined by an Act of the Legislature, the right to enact which has been given in explicit terms to the Legislatures. The hon. members know that these other privileges whatever they might have been were never defined by any legislation by the old Legislatures. In going to have a definite set of Rules for dealing with breaches of privileges of the House, the hon. members are to consider whether the handicap of the absence of a statutory basis of these other privileges should or should not be removed. It is under a written constitution that the present Legislatures in India have come into existence, and it is really to be considered whether such statutory provisions should be made as would help the growth and development of the various privileges of the Legislatures in India.

Remembering that privileges and immunities are claimed by a Legislature and its members in order that neither the House collectively, nor its members individually, may be obstructed in the performance of their duties, or be brought into contempt, the privileges and immunities must be backed by sanctions to enforce them.

Although the privileges claimed by Legislatures in India are really similar to some of the privileges enjoyed by the Houses of the British Parliament, the sanctions available to them to enforce their privileges are not here available to the Legislatures in India. British Houses of Parliament have the power of self vindication in their own hands, and that power is established by usage and custom and statutes, in full recognition of the necessity of not allowing the sovereign Legislature of the country to sink into contempt and inefficiency. So the Parliament there in the United Kingdom functions also as a High Court of Parliament to punish breaches of their privileges. The recent incident, which is known as Mr. Duncan Sandy's incident, must be fresh in the minds of the hon. members. The incident furnishes an illustration how the members of the British House of Commons sink all their party prejudices in the matter of their privileges and combine to guard them even against the action of the Executive Government constituting a breach of their privileges. The right of the Legislatures in India to declare their privileges as conceded by the Constitution Act is limited by the distinct inhibition that the Legislatures will not be entitled to function as Courts; and so far as the Provincial Legislatures in India are concerned, the inhibition is there in sub-section (3) of section 71, which provides that no Legislature can "confer on a Chamber thereof or on both Chambers sitting together or any committee or officer of the Legislature, the status of a court or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner". So, along with the rules of debates framed in conformity with the provisions of the Constitution Act, a Legislature in India lays down also rules to control the action of its members, providing, amongst other matters that a member behaving in a manner which conflicts with the dignity of the House, or creates disturbance in the House, may be censured, suspended from the service of the House, or be even expelled.

It is clear then that, under the limitations provided by the Act, a Legislature cannot have effective remedies for self vindication of its privileges against outside attacks, and all that a Chamber of a Legislature can do now is to table a motion and pass a vote of censure or condemnation on such attacks, which, it is easily perceived, cannot be as effective as sanctions that are available to British Parliament to enforce the privileges. So far as the British Parliament is concerned, it is established beyond question that causes of commitment for breaches of privileges and contempt

cannot be enquired into by Courts of law; but their adjudication is a conviction and their commitment, in consequence, execution. But here in India, if any effective remedy is to be devised for punishing contempt of the House caused by a breach of its privilege by an outsider, it is the Courts which should be authorised in that behalf.

Therefore, in going to formulate rules regarding privileges and in undertaking legislations in respect of privileges, the considerations arising out of the limitations imposed upon the powers of a Legislature will have to be taken note of. In a legislation to define privileges, it will have to be considered how and what sanctions can be devised for the privileges to be enforced within the limitations in that respect provided by the Act, and also what more privileges it is necessary for a Legislature to acquire for itself collectively and for its members individually. Of the privileges and immunities, besides those already existing, that are necessary to be acquired for a Legislature in order to carry on its functions without any interference or disturbance, some may be very well imagined—e.g., freedom of a member of Legislature from arrest and imprisonment for debts or any matter during a session of the Legislature and for some time before the beginning of the sessions or for some time after prorogation or dissolution of the same, exemption of a member to serve as a juror or assessor, as provided in the Criminal Procedure Code, exemption of Ministers, Speakers and Presidents from appearance as witnesses before a Court, and so on.

I would, however, like to ask the hon. members not to draw the inference that I am urging upon them the necessity of any immediate action in the direction of undertaking a legislation in respect of the privileges of the House. In some of the Legislatures in India, the necessity of such a legislation is being talked of. The desirability of an all-India uniformity for such a legislation being realised. There is no legislation as yet on the legislative anvil in any of the provinces. But I feel it my duty to indicate to the hon. members that if any Bill is shaped in any of the provinces on the basis of an all-India uniformity, I may call upon the House to undertake such a legislation in the interests of the dignity of the House. In the Ceylon State Council under article 73 of the Ceylon (State Council) Order in Council, which is similar to sub-section (2) of section 71 of the Government of India Act, the Leader of the House has already tabled a Bill to define privileges and immunities of members and to prescribe remedies for breaches thereof.

The Hon. members will realise that it is in connection with breaches of the privileges of a Legislature by outsiders that real difficulties are felt and the necessity of a legislation comes in. Yet the House must possess a machinery of its own to bring before it, and to adjudge, a breach of privilege. No doubt the Speaker or the President of a Legislature, as the custodian of its rights and privileges is conceded inherent power to adjudge whether a certain action of any person does really constitute a breach of any of its privileges. Yet, the Parliamentary procedure of having some breaches of privileges considered and to some extent adjudged by a Committee of the House, before obtaining the verdict of the House and of its presiding authority, is well established in the mother of Parliaments and elsewhere.

While talking of the Privileges Committee, it will be well to visualise what are the privileges and in what possible ways breaches of privileges may occur. An exhaustive enumeration of the Parliamentary privileges of a Legislature in India is not here necessary. Yet a few examples of breaches

of privileges which the Legislatures in India must claim to possess and define and develop are given below :—

- (1) Abuse of the freedom of speech by a member within the House is a breach of privilege of the House. In what possible ways the freedom of speech can be abused can be very well imagined. To regulate the debate on the floor of the House in a manner consistent with the high dignity of a Legislature, rules are framed and in rules of this House there is rule 12 in Part II. Expression or use of words in speeches within the House, which offends the rules of decorum is a breach of privilege of the House and is ruled out as unparliamentary.
- (2) Disrespect to any member of the House, as such by a non-member. This will include assault, insult, obstruction or menace to any member in his coming to or going from the Legislature, or assault to any member on account of his votes or speeches or upon the conduct or behaviour in the Legislature in connection with any matter coming up before it.
- (3) False or scandalous charges or imputations or libellous charges against a member touching his conduct as a member in the House is a breach of the privilege of the House.
- (4) Reflections on the character or conduct of the President or Speaker or any accusation of partiality in the discharge of his duties is also a breach of the privilege of the House.
- (5) Disrespect to the House collectively, whether committed by a Member or any other person constitutes a breach of the privilege of the House. This is no doubt the original and fundamental form of breach of privileges and almost all breaches can be reduced to it. Special instances of it are libels on the House at large and upon the President or the Speaker and upon Select Committees.
- (6) It is a breach of privilege that publications of questions, resolutions and motions should take place in newspapers before they are admitted. It is a breach of privilege to ask question treating newspaper report to be true. Questions, no doubt, with reference to newspaper publications are allowed, only when they clearly put forward the points arising out of the newspaper publication on which answers are wanted.
- (7) It is a breach of privilege to give publicity to the report of the Select Committee of a Bill until it is officially published under the rules or until it has been actually presented to the House—and therefore, until introduced or published for introduction, papers relating to a Bill are treated as confidential.
- (8) It is a breach of privilege to refer to anything that happens in a Select Committee, save and except that which appears in the report of the Select Committee.
- (9) Inaccurate publication of a report of the proceedings and debates of a House and misrepresentation thereof constitute a breach of privilege. It is to be noted here that the implication of the provision of sub section (1) of section 71, is that in respect of a publication of any proceeding of a Chamber of a Legislature which is not by the Chamber itself or under its authority, the ordinary law of the land, if there is anything libellous or defamatory in the publication, would be applicable and the jurisdiction

of the Courts of Law would not be barred unless there are circumstances which under the ordinary law would afford protection. It is therefore for the safety of the members and also of newspaper that questions, resolutions and motions should not be published before they are admitted by the President or the Speaker.

The hon. members can very well imagine many other possible ways in which breaches of the various privileges of a Legislature can be committed. It is not an uncommon experience to come across glaring breaches of the privileges of Legislatures in India from outsiders, specially by writings in newspapers. Hon. members will consider if such writings are or are not indulged in mostly with a sense of impunity by reason of the fact that a Legislature in India possesses no effective power to deal with such breaches of Parliamentary privileges. Reports of the proceedings of various Legislatures in India from the time they came to be established under the Montague-Chelmsford Reforms furnish instances of how some such breaches of privileges of a Legislature were dealt with. How President Patel of the Central Legislative Assembly dealt with some newspapers for disparaging writings against him is well known. In the old Legislative Council of the United Provinces, a local journal criticised the disallowance of a resolution by the President, Hon'ble Mr. Keane, and charged him with having disallowed it under the pressure from Government. The Council passed a unanimous motion amounting to a censure of the journal concerned which secured the desired effect of an unqualified apology from the journal. In Madras, the old Legislative Council dealt with a similar attack on the President in a similar way. Here in this province also the proceedings of the predecessor of this House disclose instances of how some publications in the Press were condemned. The hon. members will recollect that on the 1st of September 1937, at the instance of Mr. Baidyanath Mookerjee, they were called upon to give expression of strong disapproval against some writings and inaccurate reports on the part of some newspapers. Since then, several instances of publication of comments against the Chair in some of the newspapers of the province have come to my notice. In all these comments, imputation of partiality to the Chair due to personal bias has been most clearly expressed without any examination of the grounds on which the decisions of the Chair commented upon were based. Very recently a newspaper of this province, while criticising a certain rule framed for the Assembly Department, regulating the admission of newspaper representatives to the Press gallery during a session has gone so far as to suggest to its readers that the framing of the rule was due to the base mindedness of the Speaker. That particular rule which has been criticised speaks of fixing an order of preference in which newspaper representatives are to be allotted seats specially on a contingency of there being more applicants for admission in the gallery than the number of seats allotted for them; the newspaper taking exception to giving preference to English Dailies, News Agencies and English Weeklies as offered criticism in Assamese which rendered into English is as follows :—

“Base-mindedness of the Speaker of the Assembly.

We would not be surprised to see this sort of action indicating base-mindedness done by the Saadulla Cabinet, but we are disappointed to see such action on the part of the Congress Speaker who is a great nationalist. He knows it fully well that the spirit of Congress and nationality is to strengthen the foundation of national customs and national languages. He also knows it well that there is no English Daily or Vernacular Daily in the province. Even there is no bi-weekly English paper in this province. There is only one bi-weekly Assamese paper. Besides

this, the weeklies in the languages of the province are the medium of public opinion. Under these circumstances not to speak of the dailies in regional languages, even the bi-weekly Assamiya did not get a place before the English weeklies at the judgment of Basanta Babu. How is this?" (*cries of shame, shame.*)

The hon. members will realise that whatever soundness there may be in the argument of the paper in the aforesaid extract, the only conclusion to which the paper has asked its readers to arrive at namely that the rule has proceeded from the base-mindedness of the Chair, is clearly unjustified. I need hardly point out that press representatives are allowed to the press gallery to report the proceedings of the House not for the purpose of giving them facilities for developing the languages in which they would report, but for a different object. It is the Dailies and News Agencies through the medium of which the proceedings of the House are day to day communicated as speedily as possible and as elaborately as they can to the public, eagerly expectant to know the doings of their representatives on the floor of the House. I need hardly ask the hon. members to consider how the weeklies, bi-weeklies and monthlies stand in their preference and in the preference of Government even when as speedy communication of their statements and communiques on public matters is intended. In order to achieve the objective of securing speedy communication of the proceedings of the Assembly to the public at large, it has been thought desirable to give the Dailies and News Agencies first preference in reporting the proceedings of the Assembly. Again the proceedings of the House are mainly conducted in English under a statutory provision and there is less chance of inaccurate reporting of the proceedings of the House by the English weeklies than even by bi-weeklies and weeklies in regional languages of the province. Viewed from this standpoint, the service that is done by Dailies of Bengal and by News Agencies to the reading public of the province is undoubtedly such that, if they are given the first preference in the matter of reporting the proceedings of the Assembly on the contingency of there being more applicants for seats in the Press gallery than the number of seats there, can the conclusion that the Speaker possessed of a base-mind has framed the rule be considered to be at all justified? The standpoint which prompted the framing of the rule in question has been totally missed by the paper and it has characterised the conduct of the Chair in a manner which does not show on its part the least amount of due care and caution and has become *per se* defamatory.

Another newspaper of the province has taken exception to the rule in question on the ground that preference to the Dailies of Bengal and News Agencies has meant preference to some men of Surma Valley, because the representatives of those papers are inhabitants of Sylhet. I need hardly say what the hon. members should think of this sort of criticism.

I will not quote other extracts from other newspapers which have from time to time criticised actions of the Chair, but I can inform the House that in those criticisms also the only reasons that the newspapers assigned for the actions they criticised is that the occupant of the Chair comes from a particular part of the province clearly attributing an unworthy bias in favour of the interests of the part of the province to which he belongs. I have no doubt that hon. members will realise what a serious breach of privilege of the House is constituted by this sort of writing in the newspapers of the province. In these instances the newspapers did not address themselves to a criticism of the grounds on which the action of the Chair was based. I will not say anything as to how these criticisms should be viewed from the standpoint of journalism and I will ask the House to ignore them so far as they affect me personally, but from the standpoint of the interest

of the House, these criticisms undoubtedly show a tendency which cannot be viewed with equanimity if proper regard for its dignity is to be inculcated on the generality of the public to whom the newspapers owe a duty to impart the right kind of political education, always remembering that "healthy, well-informed and balanced criticism is the ozone of public life," as Mahatma Gandhi said on a memorable occasion. In the United Kingdom an average man or woman, not to speak of the average members of Parliament is instinctively conscious of the inviolability of the rights and privileges of a member of the Parliament and of the Parliament itself and feels bound to respect them as an indispensable condition of civil and political liberty. Here in India we are now rapidly approaching the era of Parliamentary government and being conscious of the necessity of developing in the generality of the public a proper sense of regard for the privileges of the sovereign Legislature of this province, I cannot but invite the attention of the hon. members of the House to the state of things I have detailed and to ask them to exercise their healthy influence for checking such a tendency to develop further.

This House has no doubt invested the Chair with some power even with the limitations of the Government of India Act, as I have detailed before to deal with such breaches of the privileges of the House in a certain manner. It is always disagreeable to the Chair to exercise its power against newspapers; and it is more so to me on account of the fact that I am not a believer in the disciplinary actions that are within my power to adopt, in view of the fact that the country is yet new to the Parliamentary institutions established and must take sometime to develop fine sensibility about the inviolability of Parliamentary privileges. But in discharge of my duty to protect the dignity of the House I shall never, in future falter in exercising my power to take disciplinary action if breaches of privileges of the House come to my notice. Again all the newspapers do not send their representatives for reporting the proceedings of the House and when an offending newspaper has no representative in the Press gallery of the House to report the proceedings, the paper does not come within the reach of the Chair. The only remedy against that paper is a resolution passed by the House condemning its action. That may also fail in its object.

Before I leave this matter, I should intimate to the House how anxious I have always been to afford all facilities to the newspapers for reporting the proceedings of the House. Although we have made rules to regulate the admission of press representatives, the Assembly Department have under definite instructions from me given liberal interpretation to these rules so as not to deprive representative of any paper from getting facilities which it is in their power to afford. Any grievance in any matter which concerns the press instead of being agitated in the columns of the newspapers can be brought to my notice in other ways. How I wish that this is realised by the newspapers who undertake to report the proceedings of the House? The question of inaccurate, distorted and perverted versions of the proceedings of a legislature and of improper criticisms levelled against the President or the Speaker has arisen in some other provinces also. I have seen also reports of Presidents and Speakers in other Legislatures recording their strong disapproval of undesirable writings and inaccurate reporting of the proceedings of their respective Legislatures. Any inaccurate reporting of any proceedings of the House unwittingly or inadvertently done is no doubt pardonable; but when any important part of any proceedings of the House is wilfully withheld from publication, the House will undoubtedly have a legitimate grievance against the paper responsible for such reporting. I do not know whether the hon. members noticed that no report of the

discussion held on the 1st September, 1937, over the conduct of some newspapers at the instance of Mr Baidyanath Mookerjee was sent to the Calcutta press. The hon. members will perceive that the publication of the proceedings of the House on that matter in the press was very desirable—having regard to the point of view from which the discussion was held on the floor of the House. It was really a failure of an obvious duty to the House on the part of those representatives of the press, whose duty it was to report to the daily newspapers.

From what I have stated above, the hon. members will realise that unless the privileges of the House are definitely settled by legislation and the remedies against breaches of these privileges are definitely prescribed by such legislation, the House is almost powerless against attacks by outsiders. And I have given my views before as to how and when a legislation is to be undertaken. But in the meantime, if the hon. members so agree, they may have a Privileges Committee of the House and devise for the time being an intermediate procedure till legislation is undertaken as to how breaches of privileges are to be brought before the House and dealt with. Of course, breaches of privileges committed in presence of the Chair or by persons on whom the Chair can take disciplinary action under the rules and regulations, the Chair will be quite competent to deal with.

Before I conclude, I would like to reproduce below the opinion of Lord Ellenborough C. J. in the case of *Brodell vs. Abbot* (14 East 152) which beautifully puts the necessity of the power to Legislature for the maintenance of its dignity.

"If there were no precedents upon the subject, no legislative recognition, no practice or opinions in the Courts of Law recognising such an authority, it would still be essentially necessary to the Houses of Parliament to have it; indeed, they would sink into utter contempt and inefficiency without it. Could it be expected that they should stand high in the estimation and reverence of the people, if whenever they were insulted, they were obliged to await the comparatively slow proceedings of the ordinary Courts of Law for their redress? That the Speaker, with his mace, should be under the necessity of going before a grand jury to prefer a Bill of indictment for the insult offered to the House? They certainly must have the power of self-vindication in their hands: and if there be any authority in the recorded precedents of Parliament, any force in the recognition of the Legislature, and in the decisions of the Courts of Law, they have such a power". (*Loud cheers from all sections of the House.*)

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI*: On a point of information, Sir. Are the members allowed to deliver written speeches?

The Hon'ble the SPEAKER: Sometimes I have allowed hon. members to deliver written speeches. The hon. member will consider that my statement is not a speech in connection with a debate. Now, it is a well recognised practice that when any important statements are to be made they must be written statements so that every word to be uttered may be carefully weighed and the implications of words may be made fully explicit. That is the reason why such important statements are read out and not delivered.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI*: I did not mean your statement, Sir. I was asking whether the members are allowed to deliver written speeches?

The Hon'ble the SPEAKER: With regard to that, I gave a ruling in the last Session. The members may come prepared with notes of their speeches, or even they may come prepared with written speeches, but they should so deliver as to make it appear to the House that they delivered *ex ore*,

*Speech not corrected.

i.e., out of the mouth. He may refer to his writings but should deliver his speech in such a way as to give an impression to the House that he was really delivering his speech from the mouth.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI*: Is it not an unwritten convention of this House that the hon. members may deliver written speeches?

The Hon'ble the SPEAKER: Certainly there is such a practice in this House. It is perfectly plain from what I have said that speeches should be delivered *ex ore*; but I made some exceptions in some cases; as for instance, during the discussion of the Budget I allowed some members to read out their speeches because in budget discussion they are to discuss many points relating to the administration. But even then I told them that the speeches should be delivered and not made to appear as read.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI*: Is it not a breach of the right and privilege of the members?

The Hon'ble the SPEAKER: That is really no breach of privilege unless it is very clearly and definitely established that we have created a convention that no written speeches should be delivered on the floor of the House.

Khan Bahadur Maulavi KERAMAT ALI: Who is to appoint the Committee suggested by you in your statement? Is it by you or by Government?

The Hon'ble the SPEAKER: In other Legislatures I have seen the Leader of the House moved a resolution asking the House to form a Committee of Privileges. But there may be rules in our Rules prescribing the procedure for appointment of a Privileges Committee.

Rai Bahadur PROMODE CHANDRA DUTT: Sir, I am certain the whole House is grateful to you for bringing to its notice a matter affecting its own dignity. As you have said, we also notice in the newspapers from time to time things which are not very complimentary either to you or to the members of this House. Newspapers have the freedom of expressing their opinion in any way they like; they are quite at liberty to criticise us, your statement and your conduct too. But at the same time when they transcend the limit of decency I think the House should have power to deal with them in some way or other. You have referred to certain cases; I am sorry, Sir, I was not aware of any of these; I think many of the members were not aware of them. Otherwise we would certainly have come up with proposals for taking due notice of them in this House. I think your suggestion of a Privileges Committee is very sound and I hope the Hon'ble Leader of the House will take steps to that effect. Let us define what our privileges are, and let us see that we provide means by which we can punish a breach of privilege.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Sir, before the Draft Rules are taken into consideration, I want to bring a motion regarding formation of a Privileges Committee for the consideration of the House.

The Hon'ble the SPEAKER: There was a definite suggestion made by the hon. Rai Bahadur P. C. Dutt. It would be far better for the Leader of the House to put forward such a proposal.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am glad that you have taken this opportunity of referring about the privileges of the members individually and collectively in this House as also the rights outside. This question has been agitating in the minds of the legislators of the neighbouring province and I had thought that we should have some sort of legislation. But legislation will take time and therefore, I am taking the cue from your speech that it is time we should

*Speech not corrected.

put forward a resolution before the House for having a Privileges Committee early. In this connection, I will consult the leaders of all the parties in this House as soon as convenient and I hope that before we break up this Session I will be able to place such a resolution for the consideration of the House.

Mr. ARUN KUMAR CHANDA: Sir, speaking on behalf of the Congress Party in the absence of my leader, I desire to associate myself with the remarks which have been made by the Hon'ble Leader of the House. So far as this side of the House is concerned, Sir, we yield to none in holding the Chair as sacrosanct and in maintaining the dignity of the House at all costs. It is very deeply to be deplored that there have been newspapers which have abused the facilities extended to them, but we hope that after the constitution of the Committee of Privileges the situation will materially alter and it will be the unanimous desire of all parties in this House to develop Parliamentary privileges, which have so greatly enhanced the reputation and dignity of the British Parliament. We should all combine to see that there are no breaches of the privileges of the House committed in any quarters and in the matter of upholding the privileges and dignity of the House we would like to assure you, Sir, that we shall always steadfastly stand by the Chair.

Consideration of the Draft Assembly Rules

The Hon'ble the SPEAKER: Now I shall take up the consideration of the draft rules of the Assembly. Babu Kamini Kumar Sen to move his amendment.

RULE 1

Babu KAMINI KUMAR SEN: I beg to move, Sir, that after the definition of the term "Minister" the following definition be inserted:—"Leader of the House" means such member of the Council of Ministers as the Government may appoint as the Leader of the Assembly". The words "Leader of the House" occurs three times in the Rules, particularly in Rule No. 17, but there is no definition of the term "Leader of the House". So I think a definition is necessary, and I hope the Hon'ble House will accept my amendment.

The Hon'ble the SPEAKER: The motion moved is, that after the definition of the term "Minister" the following definition be inserted:—"Leader of the House means such member of the Council of Ministers as the Government may appoint as the Leader of the Assembly".

Srijut SARVESWAR BARUA: Before we proceed to consider this question, I want to know whether it is for the Government to appoint a Leader of the House?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. The usual procedure in such cases is that the head of the Council of Ministers or the Leader of the Council of Ministers who alone remains in the Cabinet with the confidence of the majority of the House is the Leader of the House. Government does not appoint him in so many words. The Chief Minister who leads the Council of Ministers and enjoys the considered majority of the House functions as the Leader of the House.

Srijut SARVESWAR BARUA: Then, that is a convention?

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

Babu RABINDRA NATH ADITYA: In the absence of the Chief Minister who leads?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In the temporary absence of the Leader of the House it is for the latter to nominate who will function as such from among the Council of Ministers.

The Hon'ble the SPEAKER: With regard to this amendment the point raised by Babu Kamini Kumar Sen is that in the body of our Rules the hon. members will find that there are some references to "Leader of the House", and if the rules are to be made self-contained, there should be a definition of the term "Leader of the House", but from what the Hon'ble Chief Minister has said, it appears that no appointment as such is made and the Chief Minister is called the Leader of the House. I do not know if this amendment can be accepted in view of what the Hon'ble Chief Minister has said.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If we are going to have a definite rule then there should be some further amendment proposed by Mr. Sen to provide for the contingency which was mentioned by my friend Mr. Rabindra Nath Aditya, *i.e.*, who will function as the "Leader of the House" in the absence of the Chief Minister?

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: I think it can be included in this, because whenever they appoint a Leader of the House they can also provide that in the absence of the Leader a particular member of the Cabinet shall act as such.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That will not help us when we have got the two Houses sitting simultaneously both the persons may be absent in the Upper House. So it will be best to have only a particular person and give him power to nominate.

Babu KAMINI KUMAR SEN: I have no objection to such an amendment.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: The whole question is whether any Leader of the House is appointed. It is merely a convention to call the head of the Cabinet as Leader of the House. Since no leader is appointed at present the phrase "as the Government may appoint" becomes meaningless. So we cannot take the amendment as it is.

Mr. F. W. HOCKENHULL*: With regard to this question, Sir, do not you think that this is one of the things better left to convention? In the Central Assembly the senior Minister is not always the Leader of the House. There it has been found convenient from time to time for the Minister whose portfolio was under discussion to function as Leader of the House, and during the course of one month six Ministers in turn have performed that duty. I think this is one of the conventions which should grow up, and we may leave it to the Government to decide who is to be the Leader of the House.

The Hon'ble the SPEAKER: I quite appreciate what the hon. Mr. Hockenhull has said; but he will see that in the Standing Orders and Rules of the Central Assembly there is no reference to the Leader of the House. In our Rules which we are now going to consider there are some references to the "Leader of the House". The point is that if the Rules are to be made self-contained there should be a definition of the term "the Leader of the House". We have defined the word Minister. A Minister is appointed by Government, and it is a well-known fact. Then why should we have a definition of the term Minister? We require a definition of the term Minister because there are references in the Rules to Ministers. Similarly we require a definition of the term "Leader of the House".

*Speech not corrected.

Mr. F. W. HOCKENHULL*: Could we not leave the definition to be elastic? We can say that "the Leader of the House will be the person deputed to that duty by the Council of Ministers".

The Hon'ble the SPEAKER: Very well, that can be provided in the Rule.

Miss MAVIS DUNN: May I suggest: "such Member of the Council of Ministers or the nominee of the Government as may be appointed by the Government".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We can keep it like that, that is "Leader of the House" means such member of the Council of Ministers as the Government may appoint as the Leader of the Assembly. After that we may add somewhat like this: "and in his temporary absence anyone nominated by him to perform that function".

Mr. F. W. HOCKENHULL: After the word 'House' may we not add 'for the time being'. That would meet all our difficulties.

That would give the impression that the Leader of the House may not always be the same person. The Leader of the House would then mean such Member as may be appointed for the time being.

Babu KAMINI KUMAR SEN: That would not obviate the difficulty I have mentioned. The Leader of the House for the time being means such Member of the Council of Ministers as the Government may appoint. And then we must have some kind of rule to let the House know if there is any change in the Leader of the House at any particular time.

The Hon'ble the SPEAKER: That may be done. But how should this rule now stand?

Rai Bahadur PROMODE CHANDRA DUTT: The expression "Leader of the House" does not find a place anywhere, but it is only a courteous form in which the First Member of the Cabinet is referred to. As such there can be no question of Government appointing a Leader of the House. For a definition we may say that the Leader of the House is the mouth-piece of the Government present in the House. He will be the Chief Minister and in his absence such person as he may nominate.

The Hon'ble the SPEAKER: It seems that this amendment as it appears in the order paper should be further amended in the light of the discussions.

Rai Bahadur PROMODE CHANDRA DUTT: Everybody would be agreeable to that, Sir.

The Hon'ble the SPEAKER: The hon. member Mr. Sen may move it in that way.

Babu KAMINI KUMAR SEN: I think what the Hon'ble Chief Minister has said would serve all purposes. We must be definite about the identity of the Leader of the House. Rule No. 17 says that "the Speaker in consultation with the Leader of the House.....". The Speaker should know who the Leader of the House is. Nothing should be left indefinite. I accept the amendment proposed by the Hon'ble Chief Minister.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: That does not affect the question of appointment.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, if a Leader has to be appointed, I think that appointment should be made by the House itself (*laughter*) and the Government have no right in the matter of appointing the Leader of the House. All other officers such as the Speaker and the Deputy Speaker are appointed by the House and so the Leader of the House also should be appointed by the House.

* Speech not corrected.

The Hon'ble the SPEAKER: As a matter of fact in the British Parliament the Leader of the Opposition is appointed by the Speaker at the first session of the Parliament after each general election. If there are two parties having equal numerical strength in the House it becomes a very difficult matter for the Speaker to decide as to who should be the Leader of the Opposition. The Leader of the Opposition gets a salary from Government.

Babu RABINDRA NATH ADITYA: Here Sir, if the Leader of the House is changed will it be necessary for him to announce that "I have been appointed as Leader of the House"?

Rai Bahadur PROMODE CHANDRA DUTT: Sir, the expression Chief Minister is now very well-known. May we not say that "the Chief Minister will be the Leader of the House"; and in his absence his nominee?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am just drafting an amendment on those lines.

Babu RABINDRA NATH ADITYA: Then again there is another difficulty. What is the meaning of the term "Government"? It is not defined.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know whether this draft will be acceptable to the House. "Leader of the House means such member of the Ministry who has been asked by the Governor to form the Cabinet or his nominee". I do not know if this will meet Mr. Hockenhull's point. Even in his presence the Leader may nominate anyone to be the Leader of the House. If this is acceptable, the amendment may be adopted.

Babu KAMINI KUMAR SEN: The word 'Chief Minister' would be better Sir, as that term is already defined.

The Hon'ble the SPEAKER: Yes because the term "Chief Minister" is already defined in the Salaries Act and that expression has been adopted from the business rules framed by the Governor.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then it will be like this: "..... the Chief Minister or his nominee".

Srijut KRISHNANATH SARMA: Will it be necessary to appoint a Deputy Leader of the House also?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There will be no such necessity if the power of nomination is given to the House.

Rai Bahadur PROMODE CHANDRA DUTT: The necessity for having a Leader of the House arises from the fact that Members of the House should know to whom they may be able to speak so as to know the Government programme and other matters. He is simply a mouth-piece of the Government.

The Hon'ble the SPEAKER: With regard to this rule another difficulty may arise. Now the present Chief Minister is a member of this House. What would be the position if in future there is a Chief Minister who is not a member of this House, but a member of the other House?

Babu KAMINI KUMAR SEN: Then he must necessarily be absent and somebody must be nominated.

The Hon'ble the SPEAKER: The Chief Minister may be present of course, but he will not have any vote. In that case, should we call him the Leader of the House?

Rai Bahadur PROMODE CHANDRA DUTT: It should be any person who is nominated.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA*: He should be given power to nominate in his absence. In case the Chief Minister comes from the other House, he may be present without a vote.

The Hon'ble the SPEAKER: My point is whether a Minister who is not a member of the House can be the Leader of the House. That is a point that has been raised elsewhere also.

Srijut KRISHNA NATH SARMA: May I know whether the Leader of this House will be the Leader of the other House also?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If I were in the other House I would have replied.

Adjournment

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

After adjournment

The Assembly re-assembled after lunch at 2 p. m.

The Hon'ble the SPEAKER: We are dealing with the amendment of Mr. Kamini Kumar Sen, but what strikes me is this: Definition of the term "Leader of the House" is not necessary on account of the provision we have made in Rule 17 which is to this effect—"The Speaker in consultation with the Leader of the House, after considering the state of business of the Assembly, shall allot so many days as may in his opinion be possible, compatibly with the public interests for private members' business and may allot different days for the disposal of different class of such business and so on.....". So it appears to me that if we change this rule there will be no necessity of having a definition. I think, if we introduce the words "Chief Minister" in Rule 17 there will not be any necessity of defining term "The Leader of the House". The term "Chief Minister" is also not defined in the rule, but it will not create any difficulty because that is defined in the Ministers' Salaries Act.

Babu KAMINI KUMAR SEN: If the words "Leader of the House" are deleted.....

Mr. F. W. HOCKENHULL: That will be substituted by the words "Chief Minister".

Babu KAMINI KUMAR SEN: Then I agree to this. The suggestion for substituting the term "Leader of the House" in Rule 17 by the term "Chief Minister" was then agreed to by the Assembly.

Babu KAMINI KUMAR SEN: I beg to move that for Rule 3(1), the following be substituted:—

"3(1). The Assembly shall ordinarily sit from 11 a. m. to 4 p. m. on all week days excepting Wednesday, and on Friday it shall sit from 2 p. m. to 4 p. m.

Provided that the Speaker may in his discretion grant recess on some other day or dispense with it altogether.

Provided further that the Assembly will sit up to 4-30 p. m. on such day or days when the Speaker desires and intimates beforehand to make any statement to the House regarding any particular matter after the business of the House is finished at 4 p. m."

I think, I need not say much in support of this amendment, because it has been ascertained on different occasions that the sense of the House is that the House should ordinarily sit up to 4 p. m. and after 4 p.m. it seems that prayer time intervenes and much dislocation of the business occurs if we continue after 4 p.m. So I suggest that this amendment may be taken in.

*Speech not corrected.

The Hon'ble the SPEAKER: The motion moved is that for rule 3(1), the following be substituted:—

"3(1). The Assembly shall ordinarily sit from 11 a. m. to 4 p. m. on all week days excepting Wednesday, and on Friday it shall sit from 2 p. m. to 4 p. m.

Provided that the Speaker may in his discretion grant recess on some other day or dispense with it altogether.

Provided further that the Assembly will sit up to 4-30 p. m. on such day or days when the Speaker desires and intimates beforehand to make any statement to the House regarding any particular matter after the business of the House is finished at 4 p. m."

Srijut RAJENDRA NATH BARUA: Mr. Speaker, Sir, I rise to oppose this amendment on the following grounds:—

The amendment seeks to take away the privileges of this House to sit up to late hours when any important matter requires solution in a certain session. Besides it seeks to fetter the wide discretion of the Hon'ble Speaker. I would like that the present draft rule may remain as it is. We find also that the old rules did not fix any time limit.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir. I have also got a similar motion in my name *i.e.*, No. 2(2) which is to this effect: "The Assembly shall ordinarily sit from 11 a. m. to 4 p. m. on all week days excepting Saturday, and on Friday it shall sit from 2 p. m. to 4 p. m." The difference between my amendment and that of Mr. Sen is only in the case of the day of recess. In his case it is Wednesday and in my case it is Saturday. that is the only difference.

The Hon'ble the SPEAKER: Very well, the hon. member will move his amendment. If that amendment is carried then the other amendment need not be pressed.

Mr. BAIDYANATH MOOKERJEE: Sir, I beg to move that for rule 3(1) the following be substituted—

"3(1). The Assembly shall ordinarily sit from 11 a. m. to 4 p. m. on all week days excepting Saturday, and on Friday it shall sit from 2 p. m. to 4 p. m."

Rai Bahadur PROMODE CHANDRA DUTT: My hon. friend Mr. Rajendranath Barua's objection will be met by amending it this way:

"The Assembly shall ordinarily sit from 11 a. m. to 4 p. m. on all week days excepting Wednesday, and on Friday it shall sit from 2 p. m. to 4 p. m.

Provided that the Speaker may in his discretion grant recess on some other day or dispense with it altogether or extend the working hours to beyond 4 p. m." and leave out the second proviso altogether.

Srijut SARVESWAR BARUA*: Mr. Speaker, Sir. We do not see any necessity for limiting the discretion now left to the Speaker for continuing the work of the Assembly to any hours that the exigency may require. It is not at all necessary to put a time limit. In the old rule also, as has been pointed out by my hon. friend Mr. Rajendranath Barua, no limit has been put as to the hours till which the Assembly is to sit. In the Central Assembly also we do not find any such limit put as to the hour till which the Assembly is to sit. We find in rule 3 that the meeting of the Assembly shall commence from 11 a. m. but there is no mention of the hour till which the Assembly is to sit ordinarily every day. Therefore we do not see any necessity for limiting the period till which our Assembly will ordinarily sit. The Speaker, whenever he finds the necessity, can continue the work till such hours as may be found necessary. As such I do not find any necessity for limiting the discretion of the Speaker.

*Speech not corrected.

Babu KAMINI KUMAR SEN: May I submit, Sir, that I admit there is nothing in the existing Rules as to how long it will ordinarily sit. It has been the convention that the Assembly will continue up to 5 p. m. If it does not provide a time limit, the House will have to be intimated every day how long it will sit on a particular day. I do not see any difficulty if any time limit is fixed. I think the amendment suggested by the Rai Bahadur will meet the situation.

Mr. F. W. HOCKENHULL: I wish to refer to one point, Sir. Is it required that there should be a continuous session from 10 to 4? If we are going to limit the time we ought to make provision for that.

The Hon'ble the SPEAKER: I think there should be a provision made to the effect that the time for lunch will be between such and such hours. I may point out to the House that in conformity with the spirit of section 84 of the Constitution Act, the Speaker should have a voice in the matter of framing rules of procedure of the House. With regard to limiting the time till 4 p. m., I may remind the House that our general experience is that after 4 p. m., very little business is transacted by the House. There are interruptions on account of adjournments from prayers from the Moslem members of the House.

Maulavi ABDUR RAHMAN: As we are proceeding, we find that as regards the business of the House very little is done on account of shortness of time. If we look to the interests of business, we should allow ourselves to sit a bit late. From our experience, I am convinced that we have not till to-day been able to do any appreciable work. During the present meetings we had three days for discussion regarding private members' Bills, but very little work could be done. So my opinion in this respect is that at least time should be prolonged up to 4-30 p. m. In the discretion of the Hon'ble Speaker the time may be curtailed. It has been suggested by Mr. Sen that on Fridays we can sit up to 4 p. m. I also like to say that on Fridays, time should be extended upto 4-30 p. m. Otherwise after the question hour, we can only have one hour at our disposal for discussion of other important matters.

As regards the amendment of Mr. Mookerjee suggesting that instead of Wednesday, the recess should be on Saturday, I could not follow that, because if any recess is to be enjoyed, I think it is better to enjoy it in the middle of the week. So I do not agree with Mr. Mookerjee's amendment.

Srijut GAURI KANTA TALUKDAR: Sir, I am of opinion that time up to which the Assembly should sit need not be defined. It should be left to the discretion of the Hon'ble Speaker as has been done so long. At the beginning of each session he will take the general sense of the House and fix the time accordingly. There may be special occasions on which the time may be required to be prolonged. The proposal of Mr. Sen is to fix the time up to 4 p. m. and there will be practically no discretion left to the Hon'ble Speaker. As regards mid-day recess also there is no definite time fixed by the Rules and it is left to the Hon'ble Speaker to decide. The hour upto which the House should sit may, therefore, be left to the discretion of the Hon'ble Speaker. As regards changing the day of recess from Wednesday to Saturday, I think, what Mr. Rahman says is quite reasonable. If we require a recess, we require it in the middle of the week. Of course it may be convenient to some of our hon. friends if Saturdays be the day of recess instead of Wednesday. That will give us two days' holidays with Sunday. But that will mar the purpose for which recess is granted. On these considerations the rules as they are should in my opinion, stand.

Rai Bahadur PROMODE CHANDRA DUTT: I may point out that our experience in this House has been during this session as well as in the past that the hon. members want to limit the sitting till 4 p. m.

The Hon'ble the SPEAKER: Of course it has been left to the discretion of the Speaker to fix a time. For myself I should say that I would not like it because every time he will be called upon to extend the time. The Speaker will feel himself to be in an awkward position as to how to use his discretion. I think this should not be done. There should be something fixed, whether it be 5 p. m. or 4-30 p. m. or 4 p. m. It will do if the Assembly ordinarily sits from 11 a. m. to 4-30 p. m., but it may be provided that if the Speaker at any time want to make a statement on any matter the last half hour will be devoted to that.

Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, even in winter days during the last December session we used to sit till 4-30. In that view of the fact we will be agreeable to have the rule altered accordingly and fix the time at 4-30. If on certain occasions it is found necessary for us to curtail the time it may be left to the discretion of the Speaker as has just now been suggested. Some times it will be necessary to extend the time when a debate is going on; in that case also it may be left to the discretion of the Speaker to extend it. The present amendment does not provide that.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I make a submission, Sir? We the Government members have got no objection to sit till 4-30 or 5 p. m. whatever may be fixed by the hon. members of the House, but I would like to point out two or three factors which must be considered before we come to a decision. In the morning the rule prescribes that we should come at 11 a. m. and although there is no definite rule we adjourn for lunch at 1 p. m. Thus we get two hours in the morning. In the afternoon we sit again at 2 p. m. and if we continue till 4, we get the same period of two hours. Ordinarily it may be found that these four hours' work in a day is not sufficient to finish the agenda of work that has been tabled for the House, but if the different parties can regulate the number of speeches from their party before hand, I think, we can achieve a great deal (*Hear! hear!*). To me, Sir, it appears that each party is producing quite a number of speakers on each matter and that is not conducive to the disposal of work very quickly.

As regards 'Asar' prayer of the Muslims it can be said from 4 to 5 p. m. in the winter months and in Summer and Autumn months, from 4-30 to 5-30 p. m. The difficulty will be that the Muhamn adans will have to break at least 15 minutes earlier, i. e., 4-15 in order to perform their ablution, etc., and then say their prayer. Half an hour shall have to be given as you had to give them last time for performance of this religious duty. Apart from that, it has been experienced by everyone that towards the afternoon this place becomes very stuffy and I generally feel a sort of headache at that time. I don't know whether any other hon. members have suffered like that. As a matter of fact I have been requesting the Secretary to open the lobby doors so that a draft of air may pass through the Hall. When the heating system is in operation, everyone has found that it becomes so hot that sometimes the steam has got to be let off by one of the servants. It is, therefore, I think, desirable to reserve two hours in the morning and also two hours in the afternoon for clearing our business and if there be any extraordinary important business the discretion should be left with the Chair to extend the time. I think, this ought to meet all the points that have been raised by my hon. friends.

The Hon'ble the SPEAKER: Then, I think, a definite rule should be drafted now.

Mr. W. F. HOCKENHULL: There should also be provision for lunch.

The Hon'ble the SPEAKER: Yes, that will have to be provided.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think, the following rule to this effect may serve the purpose. I presume, all will agree to have Wednesday the day of recess in place of Saturday.

"The Assembly shall ordinarily sit from 11 a. m. to 1 p. m. and from 2 to 4 p. m. on all week days excepting Wednesday and on Friday it will sit from 2 p. m. to 4 p. m.

Provided that the Hon'ble Speaker may in his discretion according to exigencies of the business either break early or extend the period of sitting till 5 p.m."

If we say that we should sit till 5 then even if we have no work, we shall have to sit up to 5 p. m. for nothing.

The Hon'ble the SPEAKER: We may also sit after 5 p. m.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then it will read—"The Assembly shall sit from 11 a. m., to 1 p. m., and again from 2 p. m. to 4 p. m. on all weeks days except Wednesday and on Friday it will sit from 2 p. m. to 4 p. m.

Provided that the Speaker may in his discretion according to exigencies of business either adjourn earlier or extend the hour" Mr. Hockenhull has suggested that it should be 'adjourn' in place of 'break'.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir. I would request the Hon'ble House to reconsider the question. Having regard to the fact that sessions of the Assembly are far and few in number and that the number of days allotted for Private Members' Business is very limited, with four hours' work in a day, we will not be able to do any substantial service to the country. So, I earnestly request the Hon'ble Leader of the House as well as the hon. members of the House to be prepared to work for more than four hours a day. I repeat again that if we sit only for four hours a day, we will not be able to make any progress whatsoever in doing the various kinds of business for which we come here. So the House should consider about this and extend the time at least up to 4-30 p. m. If the House agrees we may also sit from 10-30 a. m. Any way we should work more than four hours a day.

The Hon'ble the SPEAKER: It may be compensated by getting more days for work than what we are getting.

Babu KAMINI KUMAR SEN: I think, the Hon'ble Chief Minister should request His Excellency the Governor to give us more days for work than what we are now getting.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already said that I shall agree to whatever decision the House may arrive at, but some consideration should be given to the Hon'ble Speaker as well as the Leader of the House because it is the duty of the Speaker to listen to all the points of the debate so that nothing unparliamentary may be uttered or occurs. Similarly it is the duty of the Leader of the House to sit at his place all the time so that nothing may go against the dignity of the House and no imputation against the Government go unchallenged. These are matters which the hon. members ought to take into consideration.

Moreover it is found that towards evening, generally after 4, the debates become a little bit dull unless there is something in the nature of extraordinary sensational matter. It is simply due to the fact that no efficient work can be done when the brain is fagged, and I think every hon. member who comes to this House does utilise all his brain power for the good of the country, either from the point of view of opposition or from the point of view of Government. I hope the hon. members will take this matter into consideration.

Srijut GAURI KANTA TALUKDAR: Do we understand that the Hon'ble Leader of the House will give us in other sessions an increased number of days?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will consider that, but nothing whatever can be done by extending time if the whole volume of work of which notice is being given every session is to be taken up. If I remember aright, there were as many as 36 private Bills, about 450 resolutions and over 2,500 questions. If notice on this gigantic scale is given, no amount of time—even if I extend the Session for five or six weeks will help us.

Srijut GAURI KANTA TALUKDAR: Most of the resolutions are of the same nature. So the mere number of resolutions should not frighten the Hon'ble Leader of the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Even then, the number of substantive resolutions will be over 300, if not 400.

The Hon'ble the SPEAKER: Now the point in Mr. Mookerjee's amendment should be taken up, whether the recess should be on Wednesdays or on Saturdays.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I hope my hon. friend Mr. Mookerjee will excuse me if I explain what is behind his motion. I am explaining this not in a criticizing spirit, but I am only placing both sides of the question before the House.

Generally a recess is taken in the middle of labour so that there may be some rest and with this idea the recess has so long been fixed for Wednesdays. It has certainly got its advantages. We give rest to our brain in the middle of our labours and on that day we think what we are going to do for the next few days. It also gives an opportunity to the hon. members to discuss and decide about the line of action to be taken on vital matters coming later on. So much in favour of recess on Wednesdays.

But the points that are against Wednesdays being fixed as recess, are firstly, we start work on Monday after a holiday on Sunday and it cannot be said that in the salubrious climate of Shillong we get so tired after working for two days that we cannot work on Wednesday. Secondly most of our members who are either professional men or gentlemen with some kind of business find it difficult to remain absent from their places of vocation for about two to three weeks at a stretch. If Saturday is fixed as a recess day then those hon. members who live near about Shillong will be able to go down to their respective place of business, attend to it either the whole of Sunday and come up on Monday morning or they can attend for half day on Saturday and half day on Sunday and come back the same evening. It will be of great help to the professional people if after working 4½ days in the week (we sit for half day on Fridays) they get two consecutive holidays to attend to their normal work and that will not in any way decrease the efficiency of the work either in the House or in their place of vocation. I think these are the two view points as regards Mr. Mookerjee's amendment. It is up to the hon. members to make up their mind. So far as Government is concerned we are amenable to either days being observed as recess day, because as most of the hon. members know we are servants for 24 hours. Whether we work here or not, the Secretariat will send file after file for us, and we have to work whether it is a recess day or not.

The Hon'ble the SPEAKER: Does the hon. Mr. Mookerjee press his amendment?

Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

The Hon'ble the SPEAKER: Now the amendment which has been suggested by the Hon'ble Chief Minister runs thus:—

“The Assembly shall ordinarily sit from 11 a. m. to 1 p. m. and from 2 p. m. to 4. p. m. on all week days except Wednesday and on Friday it shall sit from 2 p. m. to 4 p. m.

Provided that the Speaker may, in his discretion, according to the exigencies of the business, adjourn earlier or extend the hour”.

Babu KAMINI KUMAR SEN: I accept the amendment, Sir.

The Hon'ble the SPEAKER: Then, I think the other proviso need not remain. It automatically goes out.

I shall put Mr. Mookerjee's amendment first. If that is carried then this amendment will have to be altered.

Srijut DEBESWAR SARMAH: Mr. Speaker, Sir, may I make a submission regarding time and recess? I appeal to the hon. members of the House not to cut down the working hours on week days, and also not to press for recess. My reasons briefly are these. I would not flout the discretion of the Chair, but if time limit is to be fixed we have to take several things into consideration.

During this year only about 11 or 12 hours (I am subject to correction) in the last occasion and six and half days on this occasion, *i.e.*, about eight days in all have been allotted to non-official business. Now in the usual course of things Government ought to come forward with definite Bills, resolutions and other legislative proposals but unfortunately for this Assembly the members not belonging to the Government group have to bring in a lot of things being disappointed with Government's lack of interest in these subjects. It may be argued in this way—let the days of the Assembly be extended. But there is another difficulty in this respect because the more days are given for the session the greater will be the expenditure because the members are paid at the rate of Rs.5 per diem and there are other sundry expenses also. Why they should not work for five hours a day? They are the peoples' representatives here. We not only get Rs.5 per day but we get a salary also of Rs.100 a month. So we ought to see that the poor rate-payers are not further taxed. I hope and trust that hon. members will not find it taxing to work for five hours a day. In our private professions we work for more than five hours a day.

As regards recess, I do not see the necessity of a recess. We do not work on Sundays and that is enough for rest. So I appeal to the members of the House, considering the amount of money that is being spent, that they should not ask for any recess.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As regards Mr. Mookerjee's motion, I think, it will be better if an agreement is arrived at as to the hours for which the House should sit, and after that the question of recess can be decided.

As no agreement was arrived at, the amendment of Mr. Baidyanath Mookerjee that “the Assembly shall ordinarily sit from 11 a.m. to 4 p.m. on all week days excepting Saturday, and on Friday it shall sit from 2 p.m. to 4 p.m.” was then put and a division taken with the following result:—

Ayes—3

1. Mr. Baidyanath Mookerjee.
2. Mr. Naba Kumar Dutta.
3. Maulavi Mabarak Ali.

Noes—38

- | | |
|--|---------------------------------------|
| 1. Kumar Ajit Narayan Dev. | 22. Srijut Mahi Chandra Bora. |
| 2. Mr. Arun Kumar Chanda. | 23. Srijut Omeo Kumar Das. |
| 3. Srijut Beliram Das. | 24. Rai Bahadur Promode Chandra Dutt. |
| 4. Srijut Bepin Chandra Medhi. | 25. Srijut Purandar Sarma. |
| 5. Srijut Lhuban Chandra Gogoi. | 26. Srijut Purna Chandra Sarma. |
| 6. Babu Bipin Behari Das. | 27. Srijut Rajani Kanta Barooah. |
| 7. Srijut Bishnu Ram Medhi. | 28. Srijut Rajendra Nath Barua. |
| 8. Babu Dakshina Ranjan Gupta Chaudhuri. | 29. Srijut Sankar Chandra Barua. |
| 9. Srijut Debeswar Sarmah. | 30. Srijut Sarveswar Barua. |
| 10. Srijut Ghanashyam Das. | 31. Babu Shibendra Chandra Biswas. |
| 11. Srijut Gaurikanta Talukdar. | 32. Srijut Siddhi Nath Sarma. |
| 12. Srijut Gopinath Bardoloi. | 33. Maulavi Abdur Rahman. |
| 13. Srijut Haladhar Bhuyan. | 34. Maulavi Muhammad Amiruddin. |
| 14. Srijut Jadav Prasad Chaliha. | 35. Maulavi Muhammad Amjad Ali. |
| 15. Babu Kamini Kumar Sen. | 36. Mr. Fakhruddin Ali Ahmed. |
| 16. Babu Karuna Sindhu Roy. | 37. Maulavi Jahanuddin Ahmed. |
| 17. Srijut Krishna Nath Sarmah. | 38. Srijut Bideshi Pan Tanti. |
| 18. Babu Rabindra Nath Aditya. | |
| 19. Srijut Lakshesvar Borooah. | |
| 20. Babu Lalit Mohon Kar. | |
| 21. Srijut Mahadev Sarma. | |

(After the division.)

The Hon'ble the SPEAKER: The result of the voting is—

Ayes—3 and

Noes—38.

The amendment is lost.

The hon. member Mr. Fakhruddin Ali Ahmed was going to say something. He may make his submission.

Mr. FAKHRUDDIN ALI AHMED *: Our suggestion is that we should sit till 4-30 p.m. on all week days and have a half holiday both on Fridays and Saturdays.

Srijut GOPINATH BARDOLOI: That will accommodate every party.

Mr. FAKHRUDDIN ALI AHMED: On Fridays we can sit in the afternoon and on Saturdays in the morning.

The Hon'ble the SPEAKER: I may now ask the hon. member Mr. Sen whether he will accept that amendment.

Babu KAMINI KUMAR SEN: I cannot, Sir.

The Hon'ble the SPEAKER: I will allow the hon. member to table his amendment.

Mr. FAKHRUDDIN ALI AHMED*: I beg to move that "the Assembly shall sit ordinarily from 11 a.m. to 1 p.m. and from 2 p.m. to 4-30 p.m. on all week days excepting Friday when it shall sit from 2 p.m. to 4-30 p.m. and on Saturday it shall sit from 11 a.m. to 1 p.m." This really means that we are dividing the recess day into two half days.

Mr. F. W. HOCKENHULL *: There are two new points raised in the amendment: one is the extension of the hour and the other is the restriction of the recess. Otherwise we are really on the same ground as Mr. Sen's amendment. And if these two points were settled independently I think we shall very readily arrive as to the House's conclusion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA *: So far as the Government is concerned we have got no objection to sit till 4-30 p.m. normally, provided if it is an 'Asar' prayer time on a particular day the House will sit till 4-15 p.m. only. (Srijut Gopinath Bardoloi: No objection.) As regards the recess we shall obey the mandate of the House on whatever day it is given.

Maulavi ABDUR RAHMAN *: Can I make a further amendment, Sir.

The Hon'ble the SPEAKER: Of course I am giving ample latitude in this matter, of moving amendments. I quite see that this is a matter of great importance. Although there is a time limit for moving amendments, in this particular case I am waiving the rules in that behalf. But the hon. member will consider whether any useful purpose will be served by tabling the amendment.

Maulavi ABDUR RAHMAN: I am simply requesting, Sir, and it is for the House to agree or not.

*Speech not corrected.

The hon. Mr. Fakhruddin Ali Ahmed has suggested that the recess should be half day on Friday and half day on Saturday. If any recess is to be enjoyed, let it be a full day. So I would suggest that the whole of Friday should be set apart as a recess day. This would lead to facility of work as pointed out by Mr. Debeswar Sarma.

The Hon'ble the SPEAKER: This is the amendment which Mr. Fakhruddin Ali Ahmed has suggested.

"The Assembly shall ordinarily sit from 11 a.m. to 1 p.m. and from 2 p.m. to 4-30 p.m. on all week days, excepting Friday when it shall sit from 2 p.m. to 4-30 p.m., and on Saturday it shall sit from 11 a.m. to 1 p.m."

This dispenses with the holiday on Wednesday and we get two half days to make one full day.

Babu KAMINI KUMAR SEN: Does it dispense with the discretion of the Chair?

The Hon'ble the SPEAKER: That remains.

I am putting this amendment first. The question is that for Rule 3(1) the amendment I have just now read to the House be substituted.

Maulavi ABDUL AZIZ: I think, Sir, it will be too late to ask us to sit till 4-30 p.m. Moreover in winter days it will get dark before that. So I would suggest that we sit from 11 a.m. to 4 p.m. on all week days except Friday, without a day of recess.

The Hon'ble the SPEAKER: I think the hon. member should not press his point.

The question is that Rule 3 (1) be substituted by the following amendment:—

"The Assembly shall ordinarily sit from 11 a.m. to 1 p.m. and from 2 p.m. to 4-30 p.m., on all week days, excepting Friday when it shall sit from 2 p.m. to 4-30 p.m. and on Saturday it shall sit from 11 a.m. to 1 p.m."

The amendment was then pressed to a division and the House divided with the following result:—

Ayes—33

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|--|---|
| 1. Mr. Arun Kumar Chanda. | 17. Babu Karuna Sindhu Roy. |
| 2. Mr. Baidyanath Mookerjee. | 18. Mr. Kcdarmal Brahmin. |
| 3. Srijut Beliram Das. | 19. Srijut Krishna Nath Sarmah. |
| 4. Srijut Bepin Chandra Medhi. | 20. Babu Rabindra Nath Aditya. |
| 5. Srijut Bhuban Chandra Gogoi. | 21. Srijut Lakshesvar Borooah. |
| 6. Srijut Bishnu Ram Medhi. | 22. Srijut Mahadev Sarmah. |
| 7. Babu Dakshina Ranjan Gupta Chaudhuri. | 23. Srijut Omeo Kumar Das. |
| 8. Srijut Debeswar Sarmah. | 24. Srijut Paramananda Das. |
| 9. Srijut Ghanashyam Das. | 25. Srijut Purna Chandra Sarma. |
| 10. Srijut Gaurikanta Talukdar. | 26. Srijut Rajani Kanta Barooah. |
| 11. Srijut Gopinath Bardoloi. | 27. Srijut Rajendra Nath Barua. |
| 12. Srijut Haladhar Bhuyan. | 28. Srijut Sankar Chandra Barua. |
| 13. Babu Harendra Narayan Chaudhuri. | 29. Srijut Sarveswar Barua. |
| 14. Srijut Jadav Prasad Chaliha. | 30. Babu Shibendra Chandra Biswas. |
| 15. Srijut Jogendra Chandra Nath. | 31. Srijut Sidhhi Nath Sarma. |
| 16. Srijut Jogesh Chandra Gohain | 32. Khan Bahadur Maulavi Saiyidur Rahman. |

33. Srijut Bideshi Pan Tanti.

1. Babu Balaram Sircar.
2. Babu Bipin Behari Das.
3. Srijut Jogendra Narayan Mandal.
4. Babu Kamini Kumar Sen.
5. Babu Lalit Mohan Kar.
6. Dr. Mahendra Nath Saikia.
7. Mr. Naba Kumar Dutta.
8. Rai Bahadur Promode Chandra Dutt.
9. Srijut Purandar Sarma.
10. Srijut Santosh Kumar Barua.
11. Maulavi Abdul Aziz.
12. Maulavi Abdul Bari Chaudhuri.
13. Maulana Abdul Hamid Khan.
14. Maulavi Abdur Rahman.
15. Maulavi Syed Abdur Rouf.
16. Maulavi Dewan Muhammad Ahbab Chaudhury.
17. Maulavi Md. Ali Haidar Khan.
18. Maulavi Muhammad Amiruddin.
19. Maulavi Muhammad Amjad Ali.
20. Maulavi Badaruddin Ahmed.
21. Maulavi Jahanuddin Ahmed.
22. Khan Bahadur Maulavi Keramat Ali.
23. Maulavi Muhammad Maqbul Hussain Chaudhury.
24. Khan Bahadur Maulavi Mahmud Ali.
25. Maulavi Mabarak Ali.
26. Khan Bahadur Maulavi Mufizur Rahman.
27. Maulavi Muzarrof Ali Laskar.
28. Maulavi Namwar Ali Barbhuiya.
29. Maulavi Naziruddin Ahmed.
30. Maulavi Sheikh Osman Ali Sadagar.
31. Col. A. B. Beddow.
32. Mr. A. F. Bendall.
33. Mr. F. W. Blennerhassett.
34. Mr. H. F. Clark.
35. Mr. J. R. Clayton.
36. Mr. W. R. Faull.
37. Mr. F. W. Hockenhull.
38. Mr. D. B. H. Moore.
39. Mr. R. A. Palmer.
40. Mr. Benjamin Chandra Momin.
41. Srijut Bhairab Chandra Das.
42. Srijut Binode Kumar J. Sarwan.
43. Srijut Dhirsingh Deuri.
44. Rev. L. Gatphoh.
45. Mr. C. Goldsmith.
46. Mr. Jobang D. Marak.
47. Srijut Karka Dalay Miri.
48. Srijut Khorsing Terang.
49. Mr. P. Parida.
50. Srijut Rupnath Brahma.

Ayes being 33 and Noes 50, the amendment was lost.

The Hon'ble the SPEAKER: I now come to the amendment of Mr. Sen.

Srijut GOPINATH BARDOLOI: It has been agreed by the Hon'ble Chief Minister that the working hours can be taken up to 4-30 p.m. (Several voices: No. No.)

The Hon'ble the SPEAKER: Yes, I am going to that.

Mr. F. W. HOCKENHULL: May I suggest one thing for the simplification of the problem before the House? Only two points are at issue—(1) whether the House will agree to sit up to 4 or 4-30 p.m. and (2) whether one and half days recess or one day recess in the week should be given. I think, if we can agree as to the hour then the other matter might easily be compromised.

The Hon'ble the SPEAKER: So far as the question of recess is concerned, it was raised, but the amendment is lost. So I would request Mr. Hockenhull not to press this as it will complicate the matter.

Mr. F. W. HOCKENHULL: I am not pressing this.

The Hon'ble the SPEAKER: The question is that for rule 3(1) the following be substituted:—

“3(1). The Assembly shall ordinarily sit from 11 a.m. to 1 p.m. and from 2 p.m. to 4 p.m. on all week days except Wednesday, and on Friday it shall sit from 2 p.m. to 4 p.m.

Provided that the Speaker may in his discretion according to exigencies of the business adjourn earlier or extend the hour”.

Miss MAVIS DUNN: On a point of information, Sir. May I know whether the discretion given to the Chair on the question of recess still stands?

The Hon'ble the SPEAKER: This is being dispensed with.

The motion was agreed to.

Rule 23B

Babu KAMINI KUMAR SEN: I beg, Sir, to move that the following provisos be inserted after sub-rule (2) of rule 23B—

“Provided that questions requiring elaborate statistical information or reports shall not be starred.

Provided further that the Speaker may admit a starred question as an unstarred one according to his discretion.”

The reason for this is obvious. No starred questions requiring elaborate statistical information will be allowed.

The Hon'ble the SPEAKER: The amendment moved is—

That the following provisos be inserted after sub-rule (2) of rule 23B.

“Provided that questions requiring elaborate statistical information or reports shall not be starred.

Provided further that the Speaker may admit a starred question as an unstarred one according to his discretion.”

Mr. F. W. HOCKENHULL: Is that the point whether we shall allow supplementary questions on unstarred questions or not?

The Hon'ble the SPEAKER: That has not yet come before the House. There is another amendment standing in the name of Mr. Karuna Sindhu Roy. There is a rule that no member shall be permitted to put any supplementary question on ordinary unstarred questions. To that rule Babu Karuna Sindhu Roy has given notice of an amendment for deleting the word “No” and substituting the word “members” for the word “member”. That amendment will be taken up in due course.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, we would welcome this amendment, but the difficulty will be, who will decide whether a question requires elaborate statistical information or not? In a particular Department of the Government, if a statement involves the name of ten officers, the statement may be considered to be long one; while another Department may not consider it long. So I say, there may be no uniformity in different Departments of the Government. I generally put a separate statement on the table of the House, if a statement be a lengthy one, which if read out, will take away the time of the House. So, if some clarification is put in this amendment, then I would have absolutely no objection to accept this suggestion.

The Hon'ble the SPEAKER: The Hon'ble the Chief Minister was enquiring who would be the authority to decide whether a question requires elaborate statistical information or not. In such a case the decision of the Speaker would be final.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I am speaking about the difficulty that will arise to the Hon'ble Speaker. I doubt whether the Hon'ble Speaker will be able to visualise what amount of statistical information will be necessary in replying to a question. It will place the Hon'ble Speaker and also the Government member in a difficult position to decide previously whether the statistics involved in replying to a

question will be great or small. That is why I say that some limitation or clarification, as to whether in reply to a question elaborate statistical information will be involved and which should be placed on the table of the House, should be made in this amendment.

Srijut SARVESWAR BARUA: On a point of order, Sir. There is no such limit in the Draft Rules presented before us.

The Hon'ble the SPEAKER: I do not think the Hon'ble Chief Minister has come forward with any amendment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am simply saying that it will ensure to the smooth working if some limitation of the statistical information is made in the amendment. Otherwise it will be difficult for the Hon'ble Speaker to know the amount of statistical information to be brought in; for the Government will not be able to say whether the statistical information required will be big or small as soon as the question is tabled and till the reply is drafted. As I have already pointed out, there is no uniformity in the different departments of Government. So Government wants some guidance as to what amount of statistical information will necessitate Government to place the statement on the table of the House.

Srijut SARVESWAR BARUA: Any way, as regards the limitation of statistical information, that is a new matter altogether. I find that as at present there is no such limit, and as the Hon'ble Chief Minister does not come forward before the House with an amendment, I do not think, we can discuss that matter here.

The Hon'ble the SPEAKER: He is speaking against the motion of Mr. Sen. He says that the rule will not be an workable one.

Srijut SARVESWAR BARUA: Sir, he says that when a very elaborate statistical information is required it should be laid on the table of the House, or it should be converted into an unstarred question. That is what he means. These elaborate statistical informations should be allowed only to unstarred questions. That is an amendment to Mr. Sen's amendment. As regards unstarred questions, there is no such limit at present. If I have understood the Hon'ble Chief Minister aright, he wants to put some restrictions in respect of statistical information in regard to unstarred questions.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is not my point. My point is that a question requiring what amount of elaborate statistical information or report cannot be foretold. Who will decide whether any question requires an elaborate statistical information? Let us take the case of the questions put by Khan Bahadur Maulavi Sayidur Rahman. They enquired what is the total number of Muhammadan establishment in the Secretariat and so on. It may be that the whole question may be replied in one sentence, or, it may be, that a long list is to be printed. Who will decide at the start whether an elaborate statistical information is required in replying to such a question?

Rai Bahadur PROMODE CHANDRA DUTT: With regard to the criticism of the Hon'ble the Chief Minister that it would be difficult for the Hon'ble Speaker to decide whether a question will involve elaborate statistical information or not, I would like to say that there are questions which on the face of them would show that elaborate statistics are involved. In case of doubt you have the discretion and will ordinarily admit them.

The Hon'ble the SPEAKER: I may intervene at this stage, and inform the House that the right of starring a question or unstarred a question is the right of a member. Now if the rule stands in this way, it is intended to be a guide for the member. If the member while putting his

question considers that the answers to that question will require elaborate statistical information then he will have to make that question an unstarred question. After that question comes to the Assembly Department, the Assembly Department will scrutinise and see whether elaborate statistical information are necessary or not, and in that case when the attention of the Speaker will be drawn to that, the Speaker will have a right to unstar a question even though the member stars it. That is the spirit of this amendment. So there is nothing to which Government can take exception. It is not the duty of the Government to star a question or unstar a question. They will get the questions either starred or unstarred. Even if the question involves statistical information that will not create any difficulty for Government. It is for the guidance of the members that this rule is intended.

Mr. F. W. HOCKENHULL: There is another point which, I think, very well deserves consideration. In deciding whether a particular question should be starred or not the fact as to whether supplementary questions may be asked or not is certainly the deciding factor. A starred question may not reasonably contain statistical information if a member wishes to put supplementary question and on the contrary a question which requires statistical information may be unstarred if the member does not require to put any supplementary question. So the difference between the starred and unstarred question, according to my view, is primarily in putting supplementary questions.

Rai Bahadur PROMODE CHANDRA DUTT: In all cases the members have the right to put supplementary questions. It does not matter whether the question is starred or not.

Mr. F. W. HOCKENHULL: That is not Parliamentary practice, Sir.

Babu KAMINI KUMAR SEN: We have not accepted that practice in drafting the rule. We should not give the right to a member to put supplementary question in case of unstarred questions. In that case quite a good number of questions will remain unanswered at every session. Either we must limit the number of questions or limit the right of putting supplementary questions to unstarred questions.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir. As at present, the question of starring or unstarred a question is absolutely at the discretion of the member concerned, but the amendment of my hon. friend Babu Kamini Kumar Sen seeks to put restriction on the right of the members and to leave the discretion with Hon'ble Speaker. I think, as at present, the right of starring or unstarred a question should be left entirely to the discretion of a member who can properly judge the urgency of the matter. Whether a question should be starred or unstarred, it all depends on the urgency of the matter, and whether it is urgent or not it should be left to the discretion of the hon. members themselves. In view of this fact I entirely oppose this amendment.

The Hon'ble the SPEAKER: This rule is intended to give an idea to a member whether a question should be sent as starred or as unstarred. If the member supposes that a long statistical information is necessary then he would be required to send this question as unstarred. It is the general experience of the House that when long statements are furnished, no supplementary questions are generally put, because he has got little time to go through the details furnished in the answer and then frame supplementary questions. So I think, to obviate unnecessary waste of time, Babu Kamini Kumar Sen has framed that amendment in that way.

Then I am putting this question before the House.

The question is that the following provisos be inserted after sub-rule (2) of Rule 23 B:—

“Provided that questions requiring elaborate statistical information or reports shall not be starred.

Provided further that the Speaker may admit a ‘starred’ question as an ‘unstarred’ one according to his discretion”.

Srijut MAHI CHANDRA BORA: Mr. Speaker, Sir, May I request to put the provisos separately?

The Hon'ble the SPEAKER: Very well. I can do it even now, but I put two provisos together before.

The question is that the following proviso be inserted after sub-rule (2) of Rule 23 B:—

“Provided that questions requiring elaborate statistical information or reports shall not be ‘starred’.

The Hon'ble the SPEAKER: The motion was agreed to.

The question is that the following proviso be inserted after sub-rule (2) of Rule 23 B:—

“Provided further that the Speaker may admit a starred question as an unstarred one according to his discretion.”

The amendment was lost.

Babu KARUNA SINDHU ROY: I beg to move, Sir, that the word “No” in the beginning of sub-rule (5) of rule 23B be deleted and the word “member” be substituted by the word “Members”.

The rule which I like to amend runs thus: “No member shall be permitted to put any supplementary questions on ordinary ‘unstarred’ questions.”

The amended rule will run thus: “Members shall be permitted to put any supplementary questions on ordinary ‘unstarred’ questions.”

Sir, this House is enjoying the right of asking supplementary questions on unstarred questions for a long period of time. I do not see any reason why this House should be deprived of that right. It is known to almost all the hon. members of this House that Government always try to give evasive, inaccurate and false answers. Sir, they give this sort of answers even when there is scope for putting supplementary questions to unstarred questions. When there will be no provision for supplementary questions, this House will receive more evasive, more inaccurate and more false answers. Moreover if this draft rule is allowed to stand as it is, very few unstarred questions will be coming before the House and volumes of starred questions will be pouring in. With these words, I beg to commend my amendment for the acceptance of the House.

The Hon'ble the SPEAKER: The motion moved is: That the word “No” in the beginning of sub-rule (5) of rule 23B be deleted and the word “member” be substituted by the word “Members”.

Srijut BELIRAM DAS: Mr. Speaker, Sir, I beg to support the motion of my hon. friend Babu Karuna Sindhu Roy. From my own experience in this House for 1½ year I have been led to the irresistible conclusion that the Hon'ble Ministers are in the habit of giving evasive replies to questions put by the hon. members and sometimes the replies are not such as were intended by the hon. questioner himself. Sometimes replies given are vague and indefinite. Moreover, Sir, we have been enjoying this privilege for a long time; this is a fundamental privilege of the members of the Honourable House and if this is curtailed we shall lose that. Therefore, Sir, there should not be any restriction on supplementary questions. We especially find, Sir, that when a question is put regarding the conduct of the Hon'ble Ministers it can be presumed that

true replies would not be given in the written answers and unless we put supplementary questions the point would not be clear. Therefore, I submit that this amendment may be carried by the hon. members.

Mr. F. W. HOCKENHULL: Mr. Speaker, Sir, I took considerable interest in the Rule-Making Committee in this particular connection and, I think, we reached a very great deal of unanimity.

Now, speaking on this particular matter I think you and all sides of the House will credit us with disinterestedness. We are very jealous indeed about the privilege of the House. This particular recommendation has been tabled for the following reason. If we agree that unstarred questions may not be liable to have supplementaries attached to them there will be a certain number of questions automatically put on one side to which members may get information in a printed form. That reduces the amount of work in the Speaker's office and it further gives every member some reasonable chance of getting his questions replied to. If we do not limit ourselves—after all it is a decision entirely amongst ourselves—if we do not exercise a self-denying ordinance and allow a reasonable amount of information we get to be printed and put on one side, it will probably happen that every question will be starred. In a session like this, when we have 2,500 questions, all taken in the order of their receipt by the Department, it is natural that a very large number of questions will not be answered. So, I do urge upon the hon. members to take an impartial view of things. It is not a matter for those who may give evasive replies. The question is the right of every member to have reasonable chance of putting starred questions to which he may ask supplementary questions. If this self-denying ordinance is not indulged in by ourselves we shall very shortly come to the position when we shall have to exercise the other self-denying ordinance of having a limit to the number of questions put by a member.

If we do not agree that supplementary questions may only be put to starred questions, we shall have to add a rule to limit the number of questions, as is the practice in the Central Assembly.

Srijut KAMESWAR DAS: Mr. Speaker, Sir, by limiting the members' right to put supplementary questions on the unstarred questions the House stands to gain nothing. The first hour of every day is given to questions and, as at present, the starred questions have a priority over the unstarred ones. After finishing the starred questions if there be any time left for unstarred questions, I think, there will be no harm in allowing members to put supplementaries. If the starred questions are not finished no unstarred questions are to be put and no supplementary questions are allowed. In that view of the matter also I think the right of the members to put supplementary questions should not be taken away.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I support the amendment. By opposing this amendment, possibly a good right of the members of the House is being taken away. When the questions are sent to the Secretariat by the Assembly office, a number of hours sometimes are spent to give as evasive an answer as possible. We have got experience of this; even in very important unstarred questions Government try to evade as much as possible. But for the rule that we can elicit information by means of supplementary questions in the nature of cross-examination, much of the information would not see the light of day. I think, Sir, that if this amendment is lost much of the existing right of the members of this House shall be curtailed. Our learned friend the hon. Mr. Hockenhull has put forth arguments which are not convincing. He said that he had given

anxious consideration before sending this recommendation to the House for curtailing supplementary questions on ordinary unstarred questions. I, for one, do not see any reason why we should be debarred from putting supplementary questions to unstarred questions.

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

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, we had considerable discussion on the matter in the Sub-Committee. Though I do not wish that members should be deprived of the privilege of putting supplementary questions on every question put, I do not know what will be the distinction between starred and unstarred questions if supplementaries are allowed on both sets of questions. Moreover we have either to limit the number of questions or to put a limit to the number of supplementary questions to be put in respect of one set of questions, starred or unstarred, otherwise quite a large number of unnecessary questions might be put.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, I cannot agree to the proposal of Mr. Kamini Kumar Sen when he says that the number of questions should be limited. I cannot also understand why a member should be denied the right of getting replies to supplementary questions in respect of unstarred questions. What is the present practice? Unstarred questions are left on the table from day to day, and if time permits after the starred questions are finished a few supplementary questions are allowed to be asked. If the present practice is allowed to continue there will be absolutely no difficulty. The difference between starred and unstarred questions mainly is that unstarred questions are only taken up after the starred questions are finished. So if the present practice continues there will be no difficulty, and at the same time at least some of the unstarred questions (those that come first) will get some chance of having some supplementary questions being put. It is a very valuable privilege to be able to ask supplementary questions and members should not be deprived of that privilege, and if it takes a little time it should not be grudged.

Rai Bahadur PROMODE CHANDRA DUTT*: Whatever may be the practice in other provinces we in this province exercise the right of putting questions in regard to both sets of questions, and I do not think the House will agree to give up the privilege of putting a limit to the number of questions each member is entitled to put. This has been done in the Central Assembly, and I think there are some rules to that effect in the British Parliament. If any difficulty arises as to the number of questions that are put, I think, the solution lies in the number of questions a member is entitled to put and not in the number of supplementary questions.

The Hon'ble the SPEAKER: If no limit is maintained shall we not get a time when there will be no unstarred questions and all questions will come in as starred? At present we allow supplementary questions in respect of both classes of questions, but if we stop this practice and members find that they cannot put supplementary questions in respect of unstarred questions they will make all questions starred. This practice is not in vogue in any other Assembly, and even in the Central Assembly supplementary questions are not allowed in respect of unstarred questions. Therefore, I suggest that if we should allow supplementary questions in respect of both sets of questions some restrictions should be put on the number of questions each member is entitled to put. Without that there can be no remedy.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, so far as Government is concerned we are prepared to be guided by the opinion of the House. We do not want to limit supple-

* Speech not corrected.

mentary questions to the starred questions only and debar members putting such questions in respect of unstarred questions, but what I want to contradict is that certain allegations were made on the floor of the House that supplementary questions are necessitated on account of evasive replies given by Government. I deny that charge. We try to give as much information as possible. Sometimes we have got to go to the districts for information and the information does not come in time. Even now, although we are in the middle of the session, I have been drafting replies to some of the questions which have been put. Often we have to answer questions put at short notice. If the number of questions is not limited it will be impossible either for this Government or any other Government to reply to such a large number of questions. My suggestion before the House is that either there should be a limit to the number of substantive questions put or a limit to the number of supplementary questions for each question. That alone can solve the problem.

The Hon'ble the SPEAKER: The question before the House is that the word "No" in the beginning of sub-rule (5) of Rule 23B be deleted and the word "member" be substituted by the word "Members".

The motion was agreed to.

The Hon'ble the SPEAKER: I may point out to the hon. members that in view of this amendment being carried there will be the necessity of a change in sub-rule (6) of Rule 23B which runs as follows:—
"At question time, the Speaker shall in the case of a 'starred' question which is to be answered orally, specify the serial number of the question and forthwith call upon the Minister in charge to reply, and thereafter make a sufficient pause to allow the members a reasonable opportunity to ask any supplementary questions".

Now this rule will have to be omitted.

Adjournment

The Assembly was then adjourned till 11 a.m. on Monday, the 12th September 1938.

SHILLONG :

The 9th November, 1938.

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