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Proceedings of the Eighth 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 23rd November, 1940.

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 94 members.

QUESTIONS AND ANSWERS

SHORT NOTICE QUESTIONS

(to which answers were laid on the table)

Amalgamation of the Public Health Department with the Medical Department

Maulavi MUHAMMAD AMJAD ALI asked :

1. With reference to replies to my starred questions Nos. 159(e) and (f) of the Budget Session, 1940, will Government be pleased to state—

(a) Whether Government have considered the question of amalgamating the Public Health Department with the Medical Department on grounds of economy ?

(b) If so, what would be the probable economy on this measure ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

1. (a)—The question of amalgamating the two departments—as distinct from the amalgamation of the posts of the Inspector-General of Civil Hospitals and the Director of Public Health—has not been considered by Government.

(b)—The question does not arise.

Maulavi MUHAMMAD AMJAD ALI: My question was:—"With reference to replies to my starred questions Nos. 159(e) and (f) in the Budget Session, 1940, will Government be pleased to state whether Government have considered the question of amalgamating the Public Health Department with the Medical Department on grounds of economy" ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: There was no such recommendation before the Government from the Retrenchment Committee for amalgamating the Public Health Department with the Medical Department. The only recommendation is for the amalgamation of the two posts of Inspector General of Civil Hospitals and Director of Public Health.

Srijut DEBESWAR SARMAH: What steps have been taken to amalgamate these two posts ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: The matter is still under consideration.

Srijut DEBESWAR SARMAH: At what stage of consideration is the matter now ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: It is very difficult to say in what stage the matter is now. This much I can say that the matter is under consideration.

Srijut DEBESWAR SARMAH: How long has it been under consideration ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: For some time past.

Maulavi MUHAMMAD AMJAD ALI: Was any arithmetical calculation made as to what will be the probable economy by the amalgamation of these two Departments ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This question has not been considered.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government will consider it now ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Unless Government think it necessary it is no good doing that.

STARRED QUESTIONS

(to which oral answers were given)

Matriculation Examination of the Mangaldai Government High School

Maulavi BADARUDDIN AHMED asked :

*145. Will Government be pleased to state—

- (a) The number of successful (with their division) and unsuccessful candidates of the Mangaldai Government High School in the last Matriculation Examination ?
- (b) Whether Government have enquired into the causes of bad result of the school in the last Matriculation Examination ?
- (c) Whether Government have taken any steps to remove such causes ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

145. (a)—The number of successful candidates was 9 of whom 2 passed in the 2nd Division and 7 in the 3rd Division. The number of unsuccessful candidates was 16.

(b)—Not yet. The Inspector will make a special inspection of the school.

(c)—Government will await the results of the special inspection and then consider what action is necessary.

Joint Session of the Assam Legislature

Babu KARUNA SINDHU ROY asked :

*146. Will Government be pleased to state—

- (a) If the joint session of the Assam Legislature is due now, for discussing the amendments made by the Assam Provincial Legislative Council to the Sylhet Town Land Tenancy Bill, 1937 ?
- (b) If so, will Government be pleased to state when the aforesaid session is going to be summoned ?
- (c) Why the summoning of the aforesaid session is being delayed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

146. (a)—Yes.

(b) & (c)—In view of the expense involved in a joint session of the Assam Legislatures it is proposed to wait till after the next session of the Legislative Assembly has been completed as it is anticipated that another Bill at present before the Legislatures will have to be referred to a joint session.

Babu KARUNA SINDHU ROY: Will Government give us the approximate date of the joint session ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The date will again depend upon the attitude which the Upper House takes on the Bills that are passed by this House.

Maulavi ABDUR RAHMAN: May we know whether Government wants to hold the joint session only for the purpose of the Sylhet Town Land Tenancy Bill ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already stated that for one small Bill to convene the joint session, will be a very costly affair. So we are waiting to see whether any more Bills will be available for reference to a joint session.

Maulavi ABDUR RAHMAN: If any other Bill is not available for the joint session, are Government going to convene the joint session for the purpose of the Sylhet Town Land Tenancy Bill ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We shall have to consider whether we should convene a joint session only for the Sylhet Town Land Tenancy Bill.

Maulavi ABDUR RAHMAN: May I know whether Government think it necessary to dispose of the Sylhet Town Land Tenancy Bill ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Government think it necessary.

Persons convicted under the Defence of India Ordinances

Babu KARUNA SINDHU ROY asked :

*147. Will Government be pleased to state—

- (a) The names and the number of persons who have been convicted under the Defence of India Ordinances after the outbreak of the War ?

- (b) The names of the persons against whom cases under the aforesaid Ordinances are still pending ?
- (c) The names of persons who have been arrested and convicted in connection with Agrarian Movement ?
- (d) The names of persons who have been arrested and convicted in connection with Labour Movement ?
- (e) If the persons referred to in the above questions are Congress Workers ?

*148. (a) Are Government aware that almost all the Congress Committees in both the Assam and Surma Valleys have been converted into Satyagraha Committees ?

(b) If so, will Government be pleased to state if any Civil Disobedience Movement has been declared by any of the above Satyagraha Committees ?

*149. Will Government be pleased to state—

- (a) The names of places in Assam where section 144 has been promulgated after the outbreak of the War ?
- (b) The names of the persons against whom section 144 has been promulgated ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

147. (a)—A list of persons convicted of offences against the Defence of India Act and Rules thereunder has been placed on the table.

**LIST REFERRED TO IN REPLY TO STARRED QUESTION
NO. 147(a) ASKED BY BABU KARUNA SINDHU ROY**

List of persons convicted of offences against the Defence of India Act and Rules thereunder

Surendra Sing *alias* Arjun, Abdul Rakib, Sital Gidney, Monohar Lall Mohendra, Kishori Chand Oswal, Mula Ram Rava, Ahmed Mia, Sadar Ali, Mohindra Chandra Chand, Ramesh Chandra De, Abdul Ruffiz, Abdui Goni, Sudhir Chandra Chatterji, Hiralal, Keramot Ali, Chintaram Nepali, Abala Kanta Gupta, Biresh Chandra Misra, Kali Prasanna Das, Chitta Ranjan Das, Jajneswar Das, Padma Ram Sarma, Shyamlal Kalwar, Sonai Choudang, Abdul Karim, Dharam Bahadur Kower, Jagadish Keot, Syed Ali, Mohesh Chandra Sukla Boidya, Saheb Ali, Logan Chamar, Badri Singh Chetri, Pyari Mohon Sarkar.

(b)—A list of persons against whom cases under the Defence of India Act or Rules are pending has been placed on the table.

**LIST REFERRED TO IN REPLY TO STARRED QUESTION
NO. 147(b) ASKED BY BABU KARUNA SINDHU ROY**

List of persons against whom cases under the Defence of India Act or Rules are pending

Gurusaday Chowdhury, Rohini Kumar Das, Lala Saradindu De, Saryabratta Datta, Kumudananda Bhattacharjee *alias* Nani Gopal, Ajit Kumar Deb Singh, Chitta Ranjan Das, Abdul Aziz, Tarapada Bhattacharji, Purnawasi Chamar, Dhoniram Kuar, Rasul Mia, Dhan Bahadur Kower,

Jagadish Keot *alias* Bulon Keot, Mohan Balmiki, Dinendra Nath Biswas, Benoy Mazumdar, Ajit Kumar Burman, Jogendra Kumar Das, Dayamoy Das, Bhupati Chakravarty.

(c)—Government are not precisely aware what the hon. member means by the Agrarian Movement, but a list of persons who have been arrested or convicted in connection with disputes between landlords and tenants is laid on the table.

LIST REFERRED TO IN REPLY TO STARRED QUESTION NO.147
(c) ASKED BY BABU KARUNA SINDHU ROY

List of persons arrested and convicted in connection with disputes between landlords and tenants

Arrested and eventually bound down under section 107 of the C.P.C. :—

Haji Abdul Hamid Chowdhury. Sk. Takkir. Sk. Jatlai. Sk. Firuj.
Sk. Asad. Sk. Kachu. Sk. Tajim. Amjad. Sk. Suruj. Sk. Mon-
chib. Sk. Dhalai. Masai. Sk. Asab. Sk. Taslim. Sk. Kala.
Sk. Forman. Sk. Chara. Sk. Rafai. Sk. Arjon. Sk. Naim. Sk. Sajid.
Sk. Hashim.

Arrested and convicted under section 436, I.P.C. :—
Sk. Chandai.

Bound down under section 107, Cr. P. C :—

Maniruddin Chowdhury. Sk. Misir. Sk. Madai. Sk. Batoi.
Sk. Batoi (ii). Sk. Serai. Sk. Dula. Sk. Arai. Sk. Tuti. Sk. Ijoi.
Sk. Taskir. Sk. Anchib. Sk. Taklim. Sk. Fana. Sadak.

147. (d)—The following person has been arrested and bound down in connection with Labour disputes :—

Digendra Nath Das Gupta (Bound down under section 107, Criminal Procedure Code).

(e)—So far as Government are aware a list of persons who are believed to be Congressmen is laid on the table.

LIST REFERRED TO IN REPLY TO STARRED QUESTION
No.147(e) ASKED BY BABU KARUNA SINDHU ROY

List of persons believed to be Congressmen

Kishori Chand Oswar, Mula Ram Rava, Abala Kanta Gupta, Biresw Chandra Misra, Kali Prassanna Das, Chitta Ranjan Das, Jaineswar Das, Rohini Kumar Das, Lala Saradindu De, Satyabratta Datta, Kumudananda Bhattacharjee *alias* Nani Gopal, Chitta Ranjan Das, Tarapada Bhattacharji, Haji Abdul Hamid Chowdhury, Digendra Nath Das Gupta.

Babu KARUNA SINDHU ROY: With reference to 147(d), is it a fact that Digendra Nath Das Gupta has again been arrested at Sibsagar ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will require notice of that question, Sir.

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

148. (a)—Government have not been informed by the Committees on the point.

(b)—Does not arise.

149. (a)—(1) Digboi.

(2) Habiganj Subdivision.

(3) Srimangal thana jurisdiction.

(b)—The orders in question have been directed to the public in general.

Lease of Haripani Ferry

Maulavi MUHAMMAD AMJAD ALI asked :

*150. Will Government be pleased to state—

(a) Whether the Goalpara Commercial Corporation have represented to the Government by a petition that they should be given the lease of Haripani Ferry at a concessional rate for five years as they had undertaken to run the Jogighopa-Pachania-Goalpara Ferry at a loss ?

(b) Whether in consonance with the above prayer, the Haripani Ferry was leased out to them ?

(c) If so, whether this particular fact was mentioned in the Government orders ?

(d) If not, why not ?

*151. Will Government be pleased to state—

(a) To whom and for what amount Haripani was leased out in 1346 B.S. ?

(b) The period and the amount annually payable for this Ferry by the Goalpara Commercial Corporation ?

*152. (a) Is it a fact that the said Goalpara Commercial Corporation has been agitating for increment of the rate of tolls in the Goalpara-Pachania-Jogighopa Ferry ?

(b) Is it a fact that they have served the Government with a notice in June last that they will discontinue ferry service in the event of not increasing the Ferry tolls ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA
replied :

150.(a) & (b)—Yes. Goalpara Commercial Corporation represented to Government on 29th December 1939 to the effect, that they had started steam ferry service on the Brahmaputra between Goalpara-Jogighopa-Pachania, to improve communication of Goalpara with the outside world, that unless Haripani ferry, which is situated on the Jogighopa-Bongaigaon road, is settled with the same party, the motor bus service, which is plying on the road and connects with the Railway at Bongaigaon, may not be running smoothly, that the prospects of the Brahmaputra ferry depend on the proper running of the Haripani ferry, that they have been running the Brahmaputra ferry at a loss, and that they have also started a bus service on the Jogighopa-Bongaigaon Road.

(c) & (d)—It was not necessary to mention in the Government orders all the factors that led to their decision.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government is satisfied that without the lease of the Haripani Ferry being settled with the Goalpara Commercial Corporation, proper running of the Brahmaputra Ferry was not possible?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Public Works Department accepted the statement of the petitioners.

Maulavi MUHAMMAD AMJAD ALI: Is it a fact that the Haripani Ferry was given to them for five years at a concessional rate?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. It is a fact.

The Hon'ble the SPEAKER: Please put all the questions.

Maulavi MUHAMMAD AMJAD ALI: I want to put them serially, otherwise they will all be jumbled up.

The Hon'ble the SPEAKER: It is better to put all the questions.

Maulavi MUHAMMAD AMJAD ALI: Very well, Sir.

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

151.(a)—The Haripani Ferry was settled with Maulvi Majibur Rahman on behalf of the Goalpara Commercial Corporation for 1939-40 for a sum of Rs.2,525.

It was stated by the Corporation that to safeguard the major Brahmaputra Ferry they had to take settlement of the Haripani Ferry at "such a huge amount" though previously, the Ferry had never fetched more than Rs.500 annually.

(b) — For five years with the Goalpara Commercial Corporation, at Rs.500 for the first two years and at Rs.700 for the next three years.

152. (a)—Yes, on the allegation that the two annas rate of fare per passenger causing great loss in the running of the steam ferry.

(b)—Yes, they declared their inability to continue at that tariff, but for convenience of the public, Government asked them not to stop the steam ferry, which they are still running.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government ascertained that the final settlement of the Brahmaputra Ferry has till now not been made with the Goalpara Commercial Corporation?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, it is a fact.

Maulavi MUHAMMAD AMJAD ALI: How is it then Sir, that the Haripani Ferry was given to them for five years at a concessional rate to make up their alleged loss in the Brahmaputra Ferry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That was one of the factors taken into consideration when the Haripani Ferry was settled with the Corporation at a concessional rate.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government has ascertained that a mail-cum-passenger motor service was in existence in the Bongaigaon-Jogighopa road before the Goalpara Commercial Corporation applied for putting two buses in the run over that road?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It may be so. We have no information. I will take the hon. member's statement as correct.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government ascertained that there existed a regular motor service from before?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already answered that question.

Maulavi MUHAMMAD AMJAD ALI: May I know from the Government, which was earlier—whether the putting of two buses by the Goalpara Commercial Corporation in the run over that road, or the lease of the Haripani Ferry to them?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure about it; but the running of buses, if I remember aright, was prior to the settlement of the ferry at the concessional rate.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government is aware that the Superintendent of Police, Dhubri, was reluctant to give them permission for fear of ousting other competitors from the field?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government has no such information.

Maulavi MUHAMMAD AMJAD ALI: Did they approach Government for permission to run buses on that road?

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

Maulavi MUHAMMAD AMJAD ALI: Did the Goalpara Commercial Corporation state in their prayer that the settlement of the Haripani Ferry with them was necessary for safeguarding the smooth running of the Brahmaputra Ferry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is obvious. The Brahmaputra Ferry has got a width of about 6 miles and the Haripani Ferry is at a distance of three miles from Jogighopa. There is no point in expediting the transport of passengers there because motor vehicles have got to call at the Haripani Ferry which has a small width.

Maulavi MUHAMMAD AMJAD ALI: May I know if the difficulty was brought to the notice of Government previously with regard to the loss on account of the ferry not having been settled before with the Corporation?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government did not make any special enquiry about it and took the statement of the Goalpara Commercial Corporation as correct.

Maulavi MUHAMMAD AMJAD ALI: Are Government aware that if this Ferry was not settled at Rs.2,525 and put up to auction, that would have fetched much bigger price?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is a hypothetical question, Sir.

The Hon'ble the SPEAKER: I hope the hon. member has finished.

Maulavi MUHAMMAD AMJAD ALI: Only two more questions, Sir. May I know whether it is a fact that fresh tenders have since been called for the Brahmaputra Ferry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, when the Goalpara Commercial Corporation gave notice that they were unable to run the steam ferry at a loss and they might be permitted to stop the ferry, Government asked them to continue and in the meantime ordered the Deputy Commissioner to call for fresh tenders.

Maulavi MUHAMMAD AMJAD ALI: May I know whether an appeal against the settlement of the Haripani Ferry is pending the disposal of the final settlement of the Brahmaputra Ferry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is a fact, Sir.

Protection of villages on either side of Mora-Manas from flood

Maulavi MUHAMMAD AMJAD ALI asked :

*153. With reference to replies to starred question No.99 asked by me on the 4th March 1940, will Government be pleased to state—

- (a) Whether the Drainage and Embankment Department of the Government of Assam, has examined the matter referred to in this question and inspected the site ?
- (b) If so, what is their report and how they propose to overcome this annual feature of devastating flood which inundates a number of villages in either side of Mora-Manas and destroys their cultivation ?
- (c) If not, when they will take up this question ?
- (d) Whether the villagers of the said villages have recently approached the authorities for remission of land revenue with a petition ?
- (e) If so, whether they have been given any relief ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

153. (a) & (b)—The Embankment and Drainage Division was formed only in April last and the Executive Engineer in charge could not complete his preliminary investigation during the rains.

(c)—It is hoped that he will be able to complete necessary enquiries during the coming dry weather.

(d) & (e)—Information has been called for from the Deputy Commissioner, Kamrup.

Maulavi MUHAMMAD AMJAD ALI : With regard to questions Nos. 150-152 and 153, may I ask Government whether there has been any reshuffling of the portfolios without previous notice ? All these questions related to the Public Works Department and the Local Self-Government Department but the Hon'ble Premier and the Hon'ble Revenue Minister gave answers to them. You can see Sir, one referred to the Local Self-Government Department and the other to the Public Works Department. Two different Departments were concerned.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I spoke on behalf of my colleagues.

Maulavi MUHAMMAD AMJAD ALI : May I know from the Hon'ble Minister, Public Works Department, whether his Department is at all functioning with regard to drainage and embankment ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : The reply has been based on the report given.

Maulavi MUHAMMAD AMJAD ALI : With regard to 153(e), my question was "If so, whether they have been given any relief", i.e., relief in the shape of remission of land revenue or issuing of agricultural loan, gratuitous relief, etc.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I cannot answer the question off hand. I require notice.

Maulavi MUHAMMAD AMJAD ALI: Was it not the duty of the Government to see, at the time of framing the answers, what particular relief was given ?

The Hon'ble the SPEAKER: The answer is there that the information has already been called for. That shows Government are conscious of their duty.

Maulavi MUHAMMAD AMJAD ALI: That means to say that they are not in a position to say just now what particular relief was given.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: We have called for the information, Sir.

Maulavi MUHAMMAD AMJAD ALI: I shall be glad if Government furnishes me with the information later on.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir, that will be done.

Labourers of Allenpur Garden

Mr. ARUN KUMAR CHANDA asked :

*154. Will Government be pleased to state—

- (a) How many labourers of the Allenpur Garden in Cachar were arrested after or in connexion with the last strike there ?
- (b) When they were arrested ?
- (c) The date or dates on which each was arrested and kept in the Hajat ?
- (d) What was the offence each was charged with ?
- (e) When each was brought to trial ?
- (f) What was the order passed against each ?
- (g) On what date the trial or the proceedings terminated in each case ?
- (h) Whether any bail petitions were moved ?
- (i) If so, for and on whose behalf ?
- (j) Whether bail was granted in any case ?
- (k) If so, in whose case ?
- (l) How long after order was passed, and whether any was bailed out ?
- (m) How many persons who offered to stand for bail were rejected by the Police ?
- (n) On what grounds they were rejected ?
- (o) How many of the labourers are still in the Hajat ?
- (p) For how long they have been in Hajat ?

*155. Will Government be pleased to state—

- (a) On what date, the Deputy Commissioner of Cachar visited the Allenpore Garden first in connection with the last strike there ?
- (b) Whether any Police Force preceded him ?
- (c) If so, a force of how many ?

- (d) How many times the Police visited the garden in this connection ?
- (e) Whether any Police Force was posted there ?
- (f) If so, for how long ?
- (g) Whether any fees have been realised from the garden concerned ?
- (h) If so, how much ?
- (i) Who are the owners of the said Garden ?
- (j) Who was the manager of the garden when the strike broke out there ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

154. (a)—Thirteen.
- (b)—Six on the 4th August, six on the 5th and one on the 7th.
- (c)—On the date of arrest, except Jagia Sobor, who gave bail.
- (d)—Guru Charan Mali, Budhia Sobor, Banga Rohidas, Lakhia Mali, Kalpataru Mali, Mulia Sobor, Mongru Sobor, Jagia Sobor were accused of rioting. Bechua Bawri, Austa Bawri, Shechua Bawri, Mahabir Kurmi and Labo Mali were arrested in connection with security proceedings under section 107 of the Criminal Procedure Code.
- (e)—The trial for rioting was held on 28th August and the proceedings under section 107 on 9th September.
- (f)—Jagia Sobor was discharged. The other accused in the rioting case were sentenced to fine of Rs.30 each in default two months' rigorous imprisonment. Those against whom proceedings were taken under section 107 were required to execute bonds in Rs.100 with one surety for the like amount.
- (g)—The trial of the rioting case terminated on the 4th October, and the security proceedings on 9th September.
- (h)—Yes.
- (i)—For all concerned.
- (j)—Yes.
- (k)—All except four, apparently Bechua, Shechua, Austa and Kalpataru.
- (l)—All those granted bail were actually bailed out on the date of the order, and of the bail petitions.
- (m)—Three.
- (n)—One was rejected because he was the son of an accused and was a mere boy. Two were rejected because they were resident at Silchar and could not control persons living at Allenpur.
- (o)—None.
- (p)—Does not arise.

155. (a)—On second August.
 (b)—The thana police arrived on 31st July.
 (c)—One officer and four men.
 (d)—Thrice.
 (e)—Two sections of the Armed Police Reserve.
 (f)—From 3rd to 9th August.
 (g)—Yes.
 (h)—Rs. 166-15-6.
 (i)—The Anglo-American Direct Trading Company Limited.
 (j)—Mr. J. L. Boyack.

Mr. A. WHITTAKER: Will Government be pleased to publish the findings of the Deputy Commissioner who enquired into this strike and incorporate those findings in the proceedings of this Assembly?

(Voices :—How can that be done ?)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government will give consideration to that question.

Number of cases disposed of by Honorary Magistrates during the last 3 years

Mr. ARUN KUMAR CHANDA asked :

*156. Will Government be pleased to state how many cases have been disposed of in the province by Honorary Magistrates sitting (a) Individually or (b) as Benches, during the last three years, showing their names in each case district by district and year by year ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

156.—Particulars are not available. Detailed information has been called for from the District Magistrates.

Title Suit No. 311 of 1936 of the Karimganj Civil Court

Maulavi MABARAK ALI asked :

*157. (a) Are Government aware of the fact that in the Civil Court of Karimganj, Title Suit No. 311 of the year 1936 was instituted by one Salamatullah against the Province of Assam and in which the plaintiff Salamatullah obtained a temporary injunction against the Government for not demolishing a structure and not to disturb the possession of the plaintiff till the disposal of the said suit ?

(b) Is it a fact that Government after the receipt of the said injunction notice demolished the structure belonging to the plaintiff ?

(c) Is it a fact that the said plaintiff Salamatullah instituted a miscellaneous case No. 16 of 1937 of the Karimganj Civil Court claiming Rs. 1,000 as compensation from Government for the wrong done to him in demolishing the said structure ?

(d) Is it a fact that Rs.200 has already been paid on 8th June 1940 by the Government to the plaintiff towards compensation ?

(e) If so, who was the Subdivisional Officer of Karimganj at that time ?

(f) Who is responsible for disobeying the injunction order and for the payment of the said sum of Rs.200 ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

157.—The information has been called for.

Member, Revenue Tribunal, Publicity Officer, Private Secretary to Hon'ble Premier and Secretary, Public Service Commission

Maulavi ABDUR RAHMAN asked :

*158. Will Government be pleased to state—

- (a) The total number of average working hours per week, of the Member of the Revenue Tribunal in Assam ?
- (b) The total number of average working hours per week, of the Secretary, Public Service Commission, Private Secretary to the Hon'ble Premier and the Publicity Officer ?
- (c) Whether Government propose to combine some of the said posts for the sake of economy ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

158. (a)—The Member has kept no account of the periods he has worked in his office, which depend upon the volume of work coming before the Tribunal from time to time.

(b)—They estimate respectively the following averages—

Secretary, Public Service Commission	...	...	30 hours.
Private Secretary	...	...	42—50 hours.
Publicity Officer	...	...	42 hours.

(c)—Government do not at present perceive any feasible amalgamation. They have the possibilities of economy constantly in view.

Census Operations

Srijut RAJENDRA NATH BARUA asked :

*159. Is it a fact that in the last Census, the exact figures of the Assamese-speaking population were not obtained ?

*160. Is it a fact that the term "Bongal" or "Bongali" is commonly used in the Assam Valley to mean anything foreign and as such persons speaking Assamese or adopting Assamese as their language were returned as Bengalees in the last Census ?

*161. Is it a fact that due to these anomalies in the enumeration of the people of Assam, the figure for the Assamese population was deflated and that of the Bengalees inflated in the last Census ?

*162. Will Government be pleased to state—

- (a) Whether instructions have been issued to include the Hill people living in the border hills of Assam, who speak Assamese and who were not shown as Assamese in the last Census ?
- (b) Whether Government propose to advise to include as Assamese in the next Census those people of Goalpara district who speak "Goalpari" dialect which is original by Assamese ?
- (c) Whether Government propose to advise counting the *ex-tea* garden labourers as Assamese who have adopted Assamese as their language and not to include them as Bengalees as in the last Census owing to the fact that they are loosely termed as "Bengali" (meaning foreign) who have hailed from provinces other than Bengal and have become Assamese for all practical purposes ?
- (d) Whether Government propose to advise to show the number of Moslem population of the province separately who speak Assamese ?
- (e) Whether Government propose to advise to show separately, the total number of literates of the Assamese population ?
- (f) Whether Government propose to advise to appoint only educated persons as enumerators and supervisors ?
- (g) Whether Government propose to advise to include as Assamese all the immigrant population who have settled down in Assam Valley permanently ?
- (h) Whether Government propose to advise to include as Assamese all those who have settled down in Assam Valley but who fail to disclose their original identity ?
- (i) If the replies to questions 162(a) to (h) are in the negative, will Government be pleased to state the reasons ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

159.—Yes.

160.—They were often returned as speaking Bengali.

161.—This is probable.

162. (a)—So far as language is concerned, it is intended that every person should be recorded as speaking, *i. e.*, as his primary language, the language which he states himself to speak in the home. Persons will also be classified under Race, Tribe or Caste, and under this head also the statement of the individual himself will be recorded. While Assamese is a language under the head "Race, Tribe or Caste", "Assamese" will not

appear because an Assamese speaker may be a Hindu of a scheduled or other caste, or a Muslim, or a member of the Tribal people, or some other community.

(b)—As a working arrangement, when it is impossible to determine from a person's own statement whether he speaks Assamese or Bengali and his dialect is therefore "Goalpari" he will be recorded as speaking Assamese if resident in the Goalpara subdivision, and Bengali if resident in the Dhubri subdivision.

(c)—Yes.

(d)—This is a matter of tabulation, and it is not yet decided how far tabulation will be carried.

(e)—The reply is the same as at (d) above.

(f)—Yes.

(g)—As already explained, the classification cannot be as "Assamese" or "Bengali" but "Assamese-speaking" or "Bengali-speaking", etc., and as Assam Valley Hindu, Assam Valley Muslim, etc.

(h)—The Race, Tribe or Caste or community, heading does not and cannot take account of domicile.

(i)—The matter has been explained so far as is possible to do so briefly.

Nominations to the Municipal Boards

Srijut RAJENDRA NATH BARUA asked :

* 163. Will Government be pleased to state—

- (a) Why nominations to the Sibsagar Municipal Board were published some months ago while nominations to the other Municipal Boards of the district have not been published till now, that is the 3rd November, 1940 ?
- (b) Whether nominations to any other Municipal Boards of Assam have been published ?
- (c) If so, what are they and when they were published ?
- (d) What is the cause of delay in publishing the nominations in the rest of the Municipal Boards ?
- (e) Whether in the Sibsagar Municipal Board, caste Hindus are over-represented by election ?
- (f) The percentage of representation according to population basis in the Sibsagar Municipal Board showing the figures of the main communities ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

163. (a)—Nominations which have been made have been published.

(b) & (c)—Yes, of Dhubri Municipal Board and on 16th October 1940.

(d)—The delay in publishing is due to delay in making the nominations ?

(e)—Separate figure for caste Hindus is not available. The

5

Hindus of all classes are entitled to 10— seats and have secured 10 seats including two nominated.

7

5

(f)—Hindus 10—(entitled to) 10 (secured).

7

2

Muslims 4— (entitled to) 5 (secured).

7

Maulavi MUHAMMAD AMJAD ALI: May I put a question to the questioner, Sir ? Is he not opposed to the principle of nomination to the Municipal Boards ?

Srijut RAJENDRA NATH BARUA: Yes, we are opposed to nomination and we are for election. I want to put one question, Sir—whether the caste Hindus were not over-represented by election ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, the figures for caste Hindus are not available ; so it is very difficult to say whether they were over-represented.

Beggar System in Garo Hills and infliction of flogging in the courts

Mr. JOBANG D. MARAK asked :

*164. Will Government be pleased to state if the "Beggar System" in the Garo Hills has been abolished ?

*165. Will Government be pleased to state if the system of making all relatives or clansmen liable for the crime or offence of one person has been done away with in the Garo Hills ?

*166. Will Government be pleased to state the number of cases in which punishments with flogging were inflicted in Courts in the Province of Assam, during the year 1940 up to date ?

(To be shown district by district.)

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

164.—Government are not aware of any Beggar System in force, but have issued orders that any system of this nature must be stopped, for which purpose they have called on the Deputy Commissioner for proposals.

Mr. JOBANG D. MARAK: Will the Hon'ble Minister please say whether the "Beggar System" has been abolished ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The answer is there that Government is not aware of that system.

Mr. JOBANG D. MARAK: Will Government please enquire ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Yes, Sir.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

165.—There is no such system under the criminal law. In cases tried under the customary civil law, certain close relatives of the judgment-debtors are liable to pay the decree if recovery cannot be made from the judgment-debtor himself. The degree of relationship within which this principle is applied in the Courts has recently been narrowed by consent of the majority of Laskars and Nokmas.

Maulavi MUHAMMAD AMJAD ALI: Was not this question discussed in the Partially Excluded Areas Conference, Sir ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: It is very difficult to answer this question off hand, Sir, but I think it was discussed.

Maulavi MUHAMMAD AMJAD ALI: Whether the Hon'ble Minister-in-charge is aware of the fact that some of the members of the Partially Excluded Areas Conference approached Government with a petition that this system should be forthwith abolished ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The whole matter is still under the consideration of Government, Sir.

Maulavi MUHAMMAD AMJAD ALI: Sir, may I know whether that particular prayer was laid up before His Excellency the Governor for his consideration ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I require notice of this question, Sir. I am not aware.

Maulavi MUHAMMAD AMJAD ALI: Has he or has he not examined the question at all, Sir ?

The Hon'ble the SPEAKER: Who ?

Maulavi MUHAMMAD AMJAD ALI: The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri who is in charge of the Department.

The Hon'ble the SPEAKER: What question ?

Maulavi MUHAMMAD AMJAD ALI: The question of abolishing the system of realising fines from the clansmen of the tribe.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The question is under the consideration of Government and as we have replied, Sir, there is no such system under the Criminal law and as cases tried under the ordinary civil law some such system exists.

Maulavi MUHAMMAD AMJAD ALI: That is not my question, Sir. I said, was this prayer laid up before the Government with the recommendation that it should be placed before His Excellency the Governor for his consideration, that this system should go,

The Hon'ble the SPEAKER: That question the Hon'ble the Minister has replied.

Maulavi MUHAMMAD AMJAD ALI: Whether he is at all aware of such a petition, Sir ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: It cannot be expected that I can remember the case of every petition. I require notice.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

166.—A statement has been placed on the table.

Statement referred to in reply to starred question No.166 asked by Mr. Jobang D. Marak

STATEMENT SHOWING THE NUMBER OF CASES IN WHICH PUNISHMENTS WITH FLOGGING WERE INFLICTED IN ASSAM DURING THE YEAR 1940 UP TO DATE

District	Number of cases				
Garo Hills	12
Goalpara	13
Kamrup	Not available.
Nowgong	7
Darrang	2
Sibsagar	6
Lakhimpur	5
Sylhet	Not available.
Cachar	2
Khasi and Jaintia Hills	4

Maulavi MUHAMMAD AMJAD ALI: May I enquire from the Hon'ble Minister whether the procedure of examination by the medical authorities before infliction of whipping is resorted to in the Garo Hills ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Yes, in one case the person was sent to the Civil Surgeon for examination.

Maulavi MUHAMMAD AMJAD ALI: And what about the rest of the cases ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Probably they were not sent.

Maulavi MUHAMMAD AMJAD ALI: May I know the reason why they were not sent ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: In a certain case the person who was sentenced to flogging was sent for medical examination but in 12 other cases they were not.

Khan Bahadur Maulavi KERAMAT ALI: Have we come to question No. 171, Sir ? Flogging is referred to in 171, Sir.

The Hon'ble the SPEAKER: The question No. 166 also relates to flogging.

Maulavi MUHAMMAD AMJAD ALI: With reference to supplementary question I have put now, may I know the reason why ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I require notice, Sir.

Maulavi MUHAMMAD AMJAD ALI: I want a decision from the Chair, Sir. Is it the correct attitude that the Hon'ble Minister has taken ? He has answered that only in one particular instance a person was sent for medical examination before punishment of flogging was inflicted and in 12 other cases it was not. When I asked the reason why those 12 were not sent for medical examination he says that he requires notice. Is it the attitude that he should take, Sir ?

The Hon'ble the SPEAKER: It is for the Hon'ble Minister to ask for notice.

Maulavi MUHAMMAD AMJAD ALI: It is for the Chair to say whether he should ask for notice, Sir.

The Hon'ble the SPEAKER: I cannot say that the Hon'ble Minister should not ask for notice. It is for him to say whether he remembers the fact, which are required in connection with the answer to a question. So it is for him to decide whether he is to ask for notice or to straightway answer the question.

Mr. BAIDYANATH MOOKERJEE: Is the medical examination compulsory or optional, Sir ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: So far as Government is aware, Sir, it is not compulsory.

Maulavi MUHAMMAD AMJAD ALI: Shall I refer the Hon'ble Minister of Judicial Department to the Criminal Procedure Code, Sir ?

The Hon'ble the SPEAKER: The hon. member has practically referred the Hon'ble Minister to consult the Criminal Procedure Code.

Maulavi MUHAMMAD AMJAD ALI: Yes, Sir we shall have to give him a little bit of knowledge of law.

Mr. BAIDYANATH MOOKERJEE: Is the Hon'ble Minister for Judicial Department aware that there is such a section which lays down that medical examination is compulsory ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Will the hon. member please give the number of the section ?

The Hon'ble the SPEAKER: Order, order.

Spreading of *Pan* diseases

Mr. BAIDYANATH MOOKERJEE asked :

*167. (a) Are Government aware of the present plight of the *Pan* trade owing to certain diseases occurring and spreading unchecked among *Pan* plants in the Surma Valley ?

(b) If so, will Government be pleased to give a rough idea of the decrease in the production of *pan* and of the consequent loss of annual income to *pan* growers owing to this disease ?

(c) Will Government be pleased to state what steps if any, have been taken by Government to check this evil and the results achieved so far ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

167. (a)—Yes.

(b)—On an average 50 per cent. of the entire *pan* crop is being damaged due to *Pan* diseases every year. It is estimated by the temporary Mycological Assistant of the Surma Valley that the Baruis of Sylhet district alone suffer a yearly loss of about Rs. 15 lacs on account of *pan* diseases.

(c)—A temporary Mycological Assistant has been appointed to investigate the cause of the diseases and to devise remedial measures. The problem of *Pan* diseases was discussed in the meeting of the Advisory Board held at Simla in June 1940. The Board endorsed the recommendations of the Entomological and Pathological Committee that the Director of Agriculture, Assam should get into touch with the Imperial Mycologist and workers in other provinces to find out methods of controlling the disease. Accordingly Directors of Agriculture of other provinces and the Imperial Mycologist have also been asked to supply data of work on the causative organisms of *Pan* diseases and control measures adopted by them. The Imperial Mycologist visited Sylhet during September 1940 and took some specimens which are now under observation. Moreover a five-year scheme for Research work on *Pan* diseases in Assam has been prepared for transmission to Imperial Council of Agricultural Research and the same is under examination now. The problem of *Pan* diseases is a very complicated one and it will take some time to achieve any definite result.

Aids to Middle English and High English Schools in Surma Valley

Mr. ARUN KUMAR CHANDA asked :

*168. Will Government be pleased to state separately—

(a) The amount spent as recurring annual aids to Middle English and High English Schools during the last year in the Surma Valley ?

(b) How much was spent for the same in Cachar during the same period ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

		Rs.
168. (a)—High Schools	... ..	1,04,728
Middle English Schools	... ..	15,312
(b)—High Schools	... ..	18,024
Middle English Schools	... ..	2,340

Filing written complaints in Tura Courts

Mr. JOBANG D. MARAK asked :

*169. (a) Are Government aware that filing of written complaints in the Tura Courts is now prohibited by the present Deputy Commissioner of the Garo Hills ?

(b) Are Government aware that such written complaints are often destroyed by the Deputy Commissioner himself ?

(c) If not, do Government propose to enquire into these ?

*170. Are Government aware that in the Court, often times the present Deputy Commissioner throws at some persons appearing before him, paper-weights and pin cushions ?

*171. (a) Are Government aware that four whipping (flogging) cases took place during the short regime of the present Deputy Commissioner of the Garo Hills ?

(b) If so, do Government propose to enquire into the nature and gravity of the crime or crimes which necessitated such punishment ?

(c) Is it a fact that convicted persons are required to be examined by a medical officer before the execution of the punishment of whipping ?

(d) Are Government aware that the present Deputy Commissioner of the Garo Hills never sent any of the said convicted persons for examination by a medical officer before whipping them ?

(e) If not, do Government propose to enquire into this ?

*172. (a) Is it a fact that the Laskars in Garo Hills have to report to the Deputy Commissioner, results of all cases which are heard or tried by them ?

(b) Are Government aware that the present Deputy Commissioner of the Garo Hills has issued Parwanas to all Laskars in the Garo Hills ordering them to report only those cases that are appealable against their findings and not to report the other cases that are non-appealable ?

(c) If not, do Government propose to enquire into this ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

169. (a)—There is a standing order on the subject since 1924, but the matter is closely connected with the Rules for the administration of justice and police in the Garo Hills, which have the force of law, and is being considered with the revision of these rules.

(b)—Government understand that the Deputy Commissioner has, in insistence upon the standing order, sometimes destroyed written petitions which could not be acted upon. The point will be dealt with.

(c)—Does not arise.

Maulavi MUHAMMAD AMJAD ALI: May I know whether Government on principle are opposed to filing of written complaints in the Garo Hills ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The whole matter is under the consideration of Government, Sir.

Mr. JOBANG D. MARAK: Regarding the Standing Order Mr. Lainé passed the order, and during the time of the previous Government the Hon'ble Minister Mr. Kamini Kumar Sen passed another order making the original order optional. But the present Deputy Commissioner is disregarding that order of Government.

The Hon'ble the SPEAKER: What is the question of the hon. member ?

Mr. JOBANG D. MARAK: My question is why do the Government allow the Deputy Commissioner to disregard their order ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, this matter is also connected with the Rules for the administration of justice in the Garo Hills. The rules are under the consideration of Government to find out whether they are to be revised.

Mr. BAIDYANATH MOOKERJEE: Is this an open challenge ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I have already said that there is a Standing Order on the subject since 1924.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister please say whether there was any order passed by the Government prohibiting implication of any such Rules ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I require notice of the question, Sir.

Maulavi ABDUR RAHMAN: Is it a fact that any such order was passed by the previous Government ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I shall enquire into the matter.

Khan Bahadur Maulavi KERAMAT ALI: What law is followed in the Garo Hills in receiving complaints, is it the Criminal Procedure Code ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: There are certain Rules, Sir, for the administration of justice in the Garo Hills and those Rules have got the force of law.

Maulavi MUHAMMAD AMJAD ALI: May I know whether the Criminal Procedure Code is at all followed in the Garo Hills ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: No, Sir.

Maulavi ABDUR RAHMAN: May I enquire whether the Rules that are in force in the Garo Hills were framed by the Assam Government ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The Assam Government framed those Rules.

Khan Bahadur Maulavi KERAMAT ALI: Is it a fact that these Rules were framed long long ago ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Yes, Sir.

Sriji BISHNU RAM MEDHI: Do Government justify the action of the Deputy Commissioner to destroy written petitions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Hon'ble Minister-in-charge has already said that Government will enquire into the matter, with a view to revision of the Rules.

Mr. JOBANG D. MARAK: I want to know only one point, Sir.

The Hon'ble the SPEAKER: What is that point ?

Mr. JOBANG D. MARAK: May I know when the Government intend to revise the Standing Order passed by Mr. Lainé which has been harassing us very severely in the Garo Hills ?

The Hon'ble the SPEAKER: That question has been replied to several times.

Maulavi MUHAMMAD AMJAD ALI: These questions have been discussed in the Partially Excluded Areas Conference two years ago, but Government have not come to any decision as yet. May I know the reason ?

The Hon'ble the SPEAKER: Will the Hon'ble Minister please state the reasons ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The subject matter is extremely difficult, Sir, and there are certain customs in the Garo Hills which require very serious consideration on the part of the Government. The peculiar customs of the people have to be taken into consideration by Government before they revise the Rules.

Khan Bahadur Maulavi KERAMAT ALI: In view of the fact that these Rules were framed long ago and that the time has changed, may I ask the Hon'ble Minister to take into confidence the hon. member, who has put this question, at the time of revising the Rules ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Yes, if he so desires.

Mr. JOBANG D. MARAK: Yes, I desire, Sir.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

170.—The Deputy Commissioner reports that he has twice thrown a pin cushion at a by-stander who was observed to be prompting a witness. He has been directed to abstain from such actions.

Maulavi MUHAMMAD AMJAD ALI: Was not the Deputy Commissioner liable for a charge of assault ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: We have prevented the Deputy Commissioner from committing such actions.

*A voice :—*We have not followed the answer, Sir.

The Hon'ble the SPEAKER: I could follow it. The Deputy Commissioner has been asked to refrain from that practice.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

171. (a)—Yes.

(b)—Government have enquired and ascertained that the offences were all very grave and of a character which justified the punishment ?

(c)—Not under the Administration Rules. The point will be considered.

(d)—In one case the convicted person was examined by the Civil Surgeon.

(e)—Does not arise.

172. (a)—No. It is understood however that they usually report cases which have not been settled.

(b)—No such Parwana has been issued.

Mr. JOBANG D. MARAK : In reply to 172(b) it has been stated that no such Parwana has been issued. Will the Government take it from me that Parwanas have been issued and I can produce such Parwanas ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : If the hon. member produces the Parwanas Government will make an enquiry.

Maulavi MUHAMMAD AMJAD ALI : May I be permitted to ask a question ? Will the Government kindly let us know the nature of the crime for which flogging was resorted to in the Garo Hills ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : The nature of the crime was very grave, but if the hon. member requires detailed information I shall require notice of the question.

Maulavi MUHAMMAD AMJAD ALI : I give notice now and I shall be glad to receive information as to the nature of the crime for which flogging was resorted to.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

172. (c)—The question is not understood, since under the Rules all cases are appealable. But if the hon. member refers to the fact that a clear distinction should be kept between a decision of a Laskar and a mere report for orders of the Deputy Commissioner, this is another point which is being considered in revising the Rules.

Gauhati Civil Hospital

Srijut BISHNU RAM MEDHI asked :

*173. Will the Hon'ble Minister-in-charge of the Medical and Public Health Department be pleased to state—

- (a) The number of beds available at present for in-door patients in the Gauhati Civil Hospital (specifying the number for males and females) and the number of private paying patients for the last five years ending 31st March, 1940 ?
- (b) The total number of in-door patients admitted and the daily average of such patients during the said period ?
- (c) Whether it is a fact that in spite of repeated representations, Government has not sanctioned money for purchase of requisite cloths and blankets for the in-door patients of the said Hospital during the winter ?
- (d) Whether Government is aware that there is neither a suitable operation table nor a Lawson Tait bed, nor an X-Ray apparatus in the only said State dispensary in this Valley ?
- (e) Whether the attention of Government has been drawn, by a resolution of the Visiting Committee presided over by the Deputy Commissioner, regarding the urgent necessity of placing sufficient fund at the disposal of the Civil Surgeon for purchase of the winter clothing, operation table and Lawson Tait bed and X-Ray apparatus ?
- (f) If so, do Government propose to consider the matter and place sufficient fund at the disposal of the Civil Surgeon for purchasing cloths and equipments stated above ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

173.(a)&(b)—The figures are as shown in the statement laid on the table.

Statement referred to in reply to starred question No.173(a) and (b) asked by Srijut Bishnu Ram Medhi

173. (a)—

		Number of beds			Total
		Male	Female	Paying	
1936	...	74	10	2	86
1937	...	74	10	2	86
1938	...	74	10	2	86
1939	...	73	10	3	86
1940	...	73	10	3	86

(b)—

(b)—			Indoor admissions	Daily average
			Total	
1936	...	...	1,392	68.92
1937	...	...	1,490	71.75
1938	...	...	1,463	71.00
1939	...	...	1,626	81.00
1940, 31st March	...		377	71.19

(c)—It has been ascertained from the Civil Surgeon, Kamrup, that an additional grant of Rs.1,800 will be required for purchase of requisite cloths and blankets for the in-door patients of the Hospital. He has been asked to apply for a grant for the allotment of necessary funds.

Srijut BISHNU RAM MEDHI: Is it the intention of the Government to supply the blankets after the winter is over?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Government has certainly no such intention. As soon as the application for funds is received, necessary steps will be taken, and Government will try to expedite the matter.

Srijut BISHNU RAM MEDHI: Is it not a fact that the Civil Surgeon has already sent an application for sufficient funds to purchase winter clothing and blankets for the patients?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I am not sure whether the application has been received, but we will try to expedite the matter.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

(d)—None of these are available in the Hospital, but it is proposed to purchase a suitable operation table and a Lawson Tait bed from the Civil Surgeon's private donation fund. It has not been done so far as the prices have risen. Regarding an X'Ray apparatus the Inspector-General of Civil Hospitals is making enquiries about the price of a suitable apparatus.

(e)—No.

(f)—Does not arise.

Roads maintained by Public Works Department in Sylhet district

Maulavi ABDUR RAHMAN asked :

*174. Will Government be pleased to state—

- (a) The total length of roads maintained by the Public Works Department in the district of Sylhet ? (Each subdivision to be shown separately).
- (b) The total length of road in the district ? (To be shown separately for each subdivision).
- (c) The total length of metalled roads in each of the subdivision of the Sylhet district ?
- (d) The length of roads opened to regular bus and lorry services in the district ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

174. (a), (b) & (c)—Statements have been laid on the table.

Statements referred to in reply to starred question No.174(a), (b) and (c) asked by Maulavi Abdur Rahman

174. (a)—North Sylhet	...	...	...	102.55 miles.
South Sylhet	...	...	...	73.12 "
Habiganj	...	...	...	20.03 "
Sunamganj	...	...	...	28.35 "
Karimganj	...	...	...	67.89 "
(b)—North Sylhet	...	...	...	457.05 miles.
South Sylhet	...	...	...	424.83 "
Habiganj	...	...	...	307.21 "
Sunamganj	...	...	...	265.73 "
Karimganj	...	...	...	287.39 "
(c)—North Sylhet	...	...	...	41.91 miles.
South Sylhet	...	...	...	6.58 "
Habiganj	...	...	...	4.57 "
Sunamganj	...	...	...	Nil.
Karimganj	...	...	...	3.46 "

(d)—369 miles ; exclusive of Habiganj subdivision, information regarding which was called for but has not yet been received.

Maulavi ABDUR RAHMAN : From the statement it is seen that Habiganj has the smallest mileage. Will the Government take the case of Habiganj into consideration in future ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : The matter will be considered when funds are available.

Maulavi ABDUR RAHMAN : Is it not the old type of answer, Sir ? May I know from the Hon'ble Minister whether in future Habiganj will be given first consideration in the matter of roads ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : The matter will receive consideration when funds are available.

Post of Head Clerk in the office of the Deputy Commissioner of Goalpara

Maulavi MUHAMMAD AMJAD ALI asked :

*175. Will Government be pleased to state—

- (a) Whether it is a fact that in filling up the successive vacancies of the post of Head Clerk in the office of the Deputy Commissioner of Goalpara, Babu Nibaran Chandra Chakravarty and Babu Karunamoy De, have been brought from outside the district ?
- (b) Why the vacancies were not filled up by one from the senior-most ministerial officers serving under the Deputy Commissioner and the Subdivisional Officer of Goalpara as required by rule 259 of the Assam Executive Manual ?
- (c) Whether it has affected the ministerial officers serving under the Deputy Commissioner and the Subdivisional Officer of Goalpara, as regards pay, pension and seniority of services ?
- (d) If so, will Government be pleased to state whether it will be remedied ?
- (e) Whether Government propose to discontinue this practice in the interest of ministerial officers serving within the district ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

175. (a)—Yes. In accordance with a long-standing practice.

(b)—The hon. member's attention is drawn to the reply given to question No.130 (a) and (b) asked by Srijut Mahadev Sarma, M.L.A., in the current session of the Assembly.

(c)—This may be so but nobody has a right to claim promotion by seniority alone.

(d) & (e)—The hon. member's attention is drawn to the reply given to question No.134 asked by Srijut Mahadev Sarma in the current session of the Assembly.

Sub-Registrar of Karimganj

Maulavi MABARAK ALI asked :

*176. Will Government be pleased to state—

- (a) Who is the present Sub-Registrar of Karimganj and since when he has been posted there ?
- (b) Whether he was posted there at any other time or times ?
- (c) If so, when and for how long ?
- (d) When a Moslem Sub-Registrar was last posted at Karimganj and for how long ?

The Hon'ble Miss MAVIS DUNN replied :

176. (a)—Babu Ram Tarak Deshamukhya who was posted there since 4th June 1936.

(b)—Yes, only once.

(c)—In 1923, from 2nd November 1923 to 5th June 1929.

(d)—In 1921, from 3rd June 1921 to 3rd June 1923.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Murders committed in Silchar and Hailakandi Subdivisions during the last three years

Maulavi MUZARROF ALI LASKAR asked :

251. Will Government be pleased to state—

(a) The number of murders committed in Silchar and Hailakandi subdivisions of Cachar during the last three years ?

(b) The names and addresses of the persons murdered ?

(c) The number of murder cases in which the offenders were detected and punished during the period ?

(d) The number of such cases in which the offenders were acquitted ?

(e) The number of such cases in which the culprits could not be detected and why ?

252. Do Government propose to have the undetected murder cases (in Cachar) during the last three years investigated by competent C. I. D. Police and to bring the offenders to justice ?

253. Will Government be pleased to state—

(a) The number of Police cases which Mr. G. P. Barua, Superintendent of Police, Cachar, supervised during his incumbency as Superintendent of Police, Cachar ?

(b) The number of cases in which he directed the investigating officers to submit charge sheets against the accused persons ?

(c) The number of cases in which he directed submission of final report ?

(d) Whether there was any subsequent judicial enquiry in any of the cases in which submission of the final reports was directed by the said Superintendent of Police ?

(e) If so, what was the result of such enquiry ?

(f) Whether any such cases were directed for further enquiry by the appellate Court ?

(g) If so, with what results ?

254. Will Government be pleased to state—

(a) On how many occasions Mr. G. P. Barua went on leave—casual or otherwise during his incumbency as Superintendent of Police, Cachar ?

(b) Whether any such period of his leave fell during the sessions of the Assam Legislative Assembly ?

(c) If so, on how many occasions ?

(d) Whether he visited Shillong during any period of his leave ?

(e) If so, on how many occasions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA
replied :

251. (a)—Silchar subdivision ... 17 were reported.
Hailakandi subdivision ... 7 Ditto.

(b)—The following deceased persons were concerned in the reported cases.

1. Abdul Ashik, Village Madurbond, Police Station Silchar.
2. Ranjit Mushahar, Arkatipur Tea Estate.
3. Rupabati Singh, Rongpur, Police Station Silchar.
4. Indan Ali, Village Govindapur, Police Station Silchar.
5. Noratham Das Baishnab, Silchar Town.
6. Mohendra Chandra Das *alias* Mohendra Baul, Village Syamagram, Police Station Sonai.
7. Dupni of Moneerkhal Tea Estate, Police Station Sonai.
8. Ramani Mohon Adhikari, Village Rukni (Anjirgram), Sonai Police Station.
9. Fulmati Bharni
10. Chandrika Bharni
11. Radhia Bharni
12. Parshunandan Bhar
13. Ramanandan Rajowar, Village Diglibasti, Police Station Lakhipur.
14. Israk Ali, Village Shibapur, Police Station Lakhipur.
15. Madhua Chamar, Dayapur Tea Estate, Udharbond Police Station.
16. Arabjan Bibi, Village Sonapur, Barkhola Police Station.
17. Manya Dasi, Village Kotirail, Katigora Police Station.
18. Parijan, Village Bhairabpur, Katigora Police Station.
19. Bilash Dasi, Village Paikan, Police Station Hailakandi.
20. Kamal Das, Village Paschim-Kittarbond, Police Station Hailakandi.
21. Golapjan Bibi, Village Lakhirbond, Police Station Hailakandi.
22. Renuka, Village Chiparsamgan, Police Station Hailakandi.
23. Wajid Ali, Village Algapur, Police Station Hailakandi.
24. Sidique Ali, Village Bandukmara, Police Station Hailakandi.
25. Luloi Bibi, Village Sahabad, Police Station Katlichera.
26. Amruj Ali, Village Rajghat, Police Station Sonai.
27. Junab Ali, Village Dhanipur, Police Station Sonai.

These four persons
were murdered
in one case.

(c)—12 cases ended in conviction.

(d)— 8 cases ended in acquittal.

(e)— 4. In one case the accused was found to have committed suicide after committing the murder. In two cases the evidence was insufficient. In one case no clue to the culprit could be found.

252.—In view of the answer to question 251 (e), No.

253. (a)—104.

(b)—54.

(c)—50.

(d)—No.

(e)—Does not arise.

(f)—No.

(g)—Does not arise.

254. (a)—Mr. G. P. Barua was the Superintendent of Police, Cachar, during the period from the 5th March 1936 to the 23rd November 1939 during which period he took the following leave—

Ten days' casual leave from 28th April 1937. Leave on average pay for 10 days from 25th June 1937. Permission to leave the district during the Puja holidays in 1937.

Ten days' casual leave from 10th January 1938. Ten days' casual leave from 27th November 1938. Ten days' casual leave from 22nd July 1939.

Permission to leave the district during the Puja holidays in 1939.

(b) & (c)—Yes. There was only one occasion. He was granted ten days' casual leave from 27th November 1938 when the Assembly had its session from 1st to 9th December 1938.

(d) & (e)—His home is at Gauhati and Shillong is on the route to it. He, therefore, naturally passed through Shillong.

Complaint made by a widow of village Bharatpur in the subdivision of Sunamganj

Babu KARUNA SINDHU ROY asked:

255. (a) Has the attention of Government been drawn to a complaint made by a widow of village Bharatpur in the Sunamganj subdivision against some influential persons of the same village?

(b) If so, has there been any enquiry?

(c) Is it a fact that the alleged culprits are trying to influence the enquiring police officers by paying money, to report in their favour stating, that the character of the widow was infamous?

(d) Do Government propose to launch a thorough impartial enquiry by a non-official committee?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

255. (a)—One Monmohini Saha filed a petition to the Hon'ble Premier alleging that her house had been dismantled and some paddy and corrugated iron sheets removed by some persons.

(b)—It was enquired into by a Sub-Inspector of Sunamganj thana under the supervision of the Divisional Inspector and found to be false.

(c)—Government have no such information. The woman has been asked to appear and show cause why she should not be prosecuted under section 182, I.P.C. but has not so far appeared. If she is dissatisfied with the police enquiry she can produce evidence before the Subdivisional Officer.

(d)—The Subdivisional Officer appears to have already been moved on behalf of the woman, and Government see no reason to interfere.

Sachna thana in the Sunamganj subdivision

Babu KARUNA SINDHU ROY asked :

256. Will Government be pleased to state—

- (a) The names of circles of different thanas which have been included in the newly established Sachna thana in the Sunamganj subdivision ?
- (b) Whether the village Bharatpur which was in circle No. 9 of the Sunamganj thana has now been included in the Tahirpur thana area ?
- (c) Whether the aforesaid village Bharatpur is only a mile from Sachna ?
- (d) If so, why this village has not been included in the said Sachna thana area ?
- (e) Do Government propose to reconsider the redistribution of the villages under the Sachna thana ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

256. (a)—Circles Nos. 6, 7, 8, 23, 24, 25, 26 and 27 of Dharampassa Police Station and Circles Nos. 10 and 19 of Sunamganj Police Station and Circle No. 9 of Tahirpur Police Station.

(b)—There is no village of the name of Bharatpur in the land record Register but the Circle No. 9 of Sunamganj Police Station has been included in the revised list of Tahirpur Police Station.

(c) & (d)—Does not arise.

(e)—Not unless grounds are put forward for so doing. The draft is under preparation.

Night Schools in the Province

Babu KARUNA SINDHU ROY asked :

257. Will Government be pleased to state—

- (a) How many night schools have been started throughout the Province, from the date of the inauguration of the Mass Literacy Campaign by the present Government ?

(b) How many of the aforesaid schools have been actually continuing to work ?

(c) The actual number that is now being trained in night schools ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

257. (a)---400.

(b)—All the centres are continuing to work.

(c)---About 19,000.

Subsidised Dispensaries at Mussalpur and Mukalmua

Srijut SIDDHI NATH SARMA asked :

258. Will the Hon'ble Minister in charge of the Public Health and Medical Departments be pleased to state whether it is a fact that the last Government decided to open two subsidised dispensaries, one at Mussalpur (Ambari) a tribal area and another at Mukalmua a backward locality, in the Gauhati subdivision ?

259. Are Government aware that the villagers of both the localities completed the construction of the dispensary buildings and other houses at their own cost in pursuance of the Government order ?

260. Is it a fact that the Gauhati Local Board offered to supplement the Government Grant in order to attract qualified medical man in those backward and tribal areas ?

261. Will Government be pleased to state why the subsidised dispensaries have not yet been opened and why no reply has been sent to the representation of the Gauhati Local Board in this connection ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

258.—Of the two dispensaries mentioned, Mukalmua was chosen by the Saadulla Ministry in 1938, and the other by the last Ministry.

259.—The reply is in the affirmative. Though there was no express order passed by Government, the local officers may have called upon the villagers to construct buildings.

260.—The reply is in the affirmative.

261.—The matter is still under consideration.

Grant to the Amayapur Venture Middle Vernacular School

Srijut GAURI KANTA TALUKDAR asked :

262. Is the Hon'ble Education Minister aware—

(a) That the Amayapur Venture Middle Vernacular School in Bahjani mauza in the Gauhati subdivision is a full-fledged Middle Vernacular School from which students are passing the Middle Vernacular examination in large numbers every year ?

- (b) That the villagers of the locality are maintaining the school for the last several years with difficulties and have been repeatedly requesting the Local Board and the Government for aid ?
- (c) That the Chairman, Local Board and the Deputy Inspector of Schools have strongly recommended the school for Government grant and that the school has been included in the list submitted by the Local Board to Government ?
263. Do Government propose to sanction an adequate grant for the school ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

262. (a)—The school is recognised as a Middle Vernacular School and a few pupils are passing from it annually.

(b)—Yes.

(c)—Yes.

263.—There are no funds in this year's budget for grants for Middle Vernacular schools.

Abolition of the post of the Commissioner of the Surma Valley and Hill Districts

Srijut GAURI KANTA TALUKDAR asked :

264. Will the Hon'ble Premier be pleased to state—

- (a) When the post of the Commissioner of the Surma Valley and the Hill Districts was abolished ?
- (b) Whether Gauhati was made the headquarters of the present Commissioner of Divisions ?
- (c) Whether it is a fact that the Commissioner of Divisions stays at Shillong and not at Gauhati ?
- (d) Whether it is a fact that the Commissioner's office at Gauhati suffers owing to the Commissioner being away at Shillong ?
- (e) Whether the Commissioner's office at Shillong which was meant to be there only for a very short time, is still going on there ?
- (f) Whether it is a fact that the Commissioner's staff at Shillong has to be paid extra allowances ?
- (g) If so, how much money is required to be paid per month as extra allowances for the said staff ?

265. Is the Hon'ble Premier aware that the continuance of the Commissioner's office at Shillong is creating an impression in public minds that the Government are indirectly defeating the wishes of the Assembly by maintaining two offices for the Commissioner ?

266. Is it a fact that the Hon'ble Premier gave the Assembly, in its last Budget Session, to understand that the office at Shillong will be done away with, without further delay ?

267. (a) Do Government propose to do away with this anomalous state of affairs by putting an end to this Shillong office of the Commissioner ?

(b) If so, when ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

264. (a)—With effect from the 1st April 1939.

(b)—Yes.

(c)—The Commissioner has been allowed hitherto to make his residence at Shillong, where he has had work to do as well as in Gauhati, where he sometimes stays.

(d)—Government have the question under examination. The Commissioner himself is satisfied that his work does not suffer from his residence in Shillong.

(e)—He has a small office in Shillong, which was permitted during this experimental period, as some of his work could be conveniently done there.

(f)—The 4 clerks stationed at Shillong for the small office are granted compensatory allowance, also the office peon and the orderlies when in the Khasi and Jaintia Hills.

(g)—Rupees 57. There is some addition for tour clerk and orderlies' halting allowances, according to the period they may actually be in Shillong.

265.—Government have had no representations to that effect.

266.—No statement has been recorded to that effect in the proceedings ; it was stated that the Commissioner's headquarters had been fixed at Gauhati, which is a fact.

267. (a) & (b)—The final decision, whatever it may be, will take effect from the 1st April 1941, when Government feel that their experience of working with one Commissioner is complete.

Subsidised Dispensaries at Mussalpur and Mukalmuya

Srijut GAURI KANTA TALUKDAR asked :

268. Will the Hon'ble Minister in charge of the Medical Department be pleased to state—

(a) Whether the last Congress-Coalition Government proposed to open two subsidised dispensaries, one at Mussalpur (Ambari) and the other at Mukalmuya in Barkhetri mauzas under the Gauhati Local Board ?

(b) Whether it is a fact that the villagers of the said localities built suitable houses for the said dispensaries as well as for other purposes and incurred expenditure on that account ?

(c) Whether it is a fact that no medical men were available for these dispensaries on account of the low remuneration offered by Government for them ?

- (d) Whether it is a fact that the Gauhati Local Board offered to supplement the Government grant from the Local Board fund and requested the Government to transfer the grants to the Local Board ?
- (e) Whether it is a fact that Government have not given any reply to the Local Board's offer ?
- (f) Whether the present Government have abandoned the project of giving grants to these dispensaries ?
- (g) If so, why ?
- (h) Whether Government have withdrawn these grants and have transferred them to some other dispensaries ?
- (i) If so, to which dispensaries ?
- (j) Whether it is a fact that the localities for which these dispensaries were meant, are the most backward under the Gauhati Local Board ?
- (k) If so, do Government propose to accept the proposal of the Local Board and open the dispensaries at these places ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

268. (a), (b), (d) & (e)—The hon. member's attention is drawn to the replies given to unstarred questions Nos. 258 to 261 asked by Srijut Siddhi Nath Sarma.

(c)—It was reported that no doctors were available to settle down in these places. There may have been other factors besides remuneration; such as want of amenities of life.

(f)—No. The matter is still under consideration.

(g)—Does not arise.

(h)—The reply is in the negative.

(i)—Does not arise.

(j)—The places are backward but it would not be possible to say if they are the most backward under the Gauhati Local Board.

(k)—The proposal is under consideration.

Conversion of Lower Primary Schools into Middle Vernacular Schools

Srijut GAURI KANTA TALUKDAR asked :

269. Will the Hon'ble Education Minister be pleased to state —

- (a) Whether the last Congress-Coalition Government proposed to allot some funds to the Gauhati Local Board to enable it to develop some 20 Lower Primary Schools into Middle Vernacular Schools ?
- (b) Whether in anticipation of obtaining this grant, the Board selected about 20 Lower Primary Schools and submitted a list of the same to Government ?

- (c) Whether the present Government propose to pursue the plan of the last Government in this matter and make adequate provision for developing the Lower Primary Schools selected by the Local Board into Middle Vernacular Schools ?
- (d) Whether the present Government have given any grant to any venture Middle Vernacular Schools under Gauhati Local Board ?
- (e) If so, to how many and in what villages ?
- (f) If the answer to question 269(d) above is in the affirmative, will Government be pleased to state whether those schools or any of them are included in the said list submitted by the Local Board to Government ?
- (g) Whether it is a fact that the present Government are giving grants to Lower Primary and Middle Vernacular Schools direct and not through the Local Boards under the jurisdiction of which these schools fall ?
- (h) If so, why ?

The Hon'ble Srijit ROHINI KUMAR CHAUDHURI replied :

269. (a) & (b)—Government have no record of any such proposal.
 (c)—Does not arise.
 (d)—Yes.
 (e)—To the Rajaduar Middle Vernacular School.
 (f)—Government are not in a position to reply as they are not aware of any such list prepared and submitted by the Local Board.
 (g)—Speaking generally the answer is in the negative except in cases where the Local Boards do not wish or are unable to take over the schools which are in the opinion of Government in need of assistance.
 (h)—Does not arise.

Re Magistrates of Habiganj Court

Maulavi ABDUR RAHMAN asked :

270. Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether the Hon'ble Minister is aware that there is a general complaint that some of the Magistrates at Habiganj exercise undue influence upon the litigant public to compromise cases even on unsuitable terms ?

271. Will Government be pleased to state—

- (a) The number of criminal cases tried by Mr. Mahmud, Extra Assistant Commissioner and Mr. A. B. Das Gupta, Extra Assistant Commissioner at Habiganj since January to September 1940 ? (Each Court to be shown separately.)
- (b) The percentage of acquittal in the court of Mr. Mahmud, Extra Assistant Commissioner, during the said period ?
- (c) The number of cases compromised in the Court of Mr. A. B. Das Gupta during the same period and also the number of cases heard after taking evidence, etc. ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

270.—Government have not had any evidence to show that undue influence is used or that the terms in any instance were unsuitable.

271. (a)—The number of cases taken to their files were respectively :—

Mr. Md. Mahmud 502

Mr. Das Gupta 667.

(b)—54.96.

(c)—84 cases ended in compromise ; 97 were disposed of after taking evidence, in this period.

Proposal for rearing of Pat and Endi in the Golaghat Jail

Srijut SANKAR CHANDRA BARUA asked :

272. Will Government be pleased to state—

(a) Whether a proposal raised by Srijut Sankar Chandra Barua, M. L. A., a member of the Board of Visitors of the Golaghat Jail for rearing Pat and Endi at Golaghat Jail was recently received by Government ?

(b) If so, will Government be pleased to state the action taken on it ?

(c) If not, why not ?

(d) Whether Government propose to take up the work not only in the Golaghat Jail but also in all the Jails in Assam ?

273. Will Government be pleased to state—

(a) Whether Government propose to take steps to cultivate NUNI ENDI and COTTON plants in the Jails for rearing Endi and Pat ?

(b) Whether Government propose to introduce spinning in the Jails of Assam and also the manufacture of spinning wheel of the "YARWADA CHARKA" pattern for sale to outsiders ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

272. (a)—No.

(b), (c) & (d)—Do not arise.

273. (a)—No.

(b)—Spinning by "Sudarshan Jatar" which is the best spinning wheel available and was invented in Assam by an Assamese gentleman named Srijut Nidhi Ram Das has already been introduced in Gauhati Jail. Government are also considering the introduction of new small industries in the Jails. They have not yet decided which industries would be most suitable.

Personnel of the Co-operative Committee formed by Government

Srijut RAJENDRA NATH BARUA asked :

274. Will Government be pleased to state—

(a) The personnel of the Co-operative Committee formed recently by Government ?

(b) The works done by the same or any of its recommendations approved by the Government for the improvement of the present conditions of the societies ?

(c) Whether the Committee has been dissolved or any fresh sitting is in contemplation ?

275. Will Government be pleased to state whether they propose to consider the following suggestions for the better realisation of the loans to the rural societies by the Central Banks—

(a) by calling for a list of debtors of rural societies by the Sub-divisional Officers at the instance of the Central Banks concerned ?

(b) by comparing the list with the daily transfers in the Sub-Registration Offices so that any surreptitious sales of property may be brought to the notice of the Central Banks, thus giving an opportunity to them to take necessary steps for the realisation of the amount ?

(c) by the Collectors informing the Central Banks of any revenue sales of properties of the debtors of the rural societies so that opportunity is given to the Central Banks for purchasing the same or stopping the same from revenue sales by payment of the defaulting revenue by the Central Banks ?

276. Will Government be pleased to state whether they propose to empower the Central Banks with the power of issuing distress warrants and whether they propose any amendment of the Co-operative Act on this line ?

The Hon'ble Miss MAVIS DUNN replied :

274. (a)—The personnel of the Co-operative Conference is noted below :—

1. The Hon'ble Prime Minister, President.
2. G. D. Walker, Esqr., I.C.S., Commissioner of Divisions.
3. Registrar, Co-operative Societies, Assam.
4. Rai Bahadur Bhadreswar Barua.
5. Maulavi Namwar Ali Barbhuiya, M.L.A., Silchar.
6. Khan Bahadur Keramat Ali, M.L.A.
7. Babu Rabindra Nath Aditya, M.L.A.
8. Mr. Sarat Chandra Bhattacharya, M.L.C.
9. The Hon'ble Minister, Co-operative.

10. Maulavi Mashaheduddin Chaudhuri, Senior Assistant Registrar, Co-operative Societies (Secretary).

(b)—The Committee discussed the general question as to how the Co-operative movement could be rehabilitated and made some suggestions of a general nature. These suggestions are being examined by Government.

(c)—The Committee has been dissolved.

275. (a), (b) & (c)—The suggestions made by the hon. member will be carefully examined.

276.—Government do not favour the proposal to amend the Co-operative Societies Act with a view to authorise Central Banks to issue distress warrants but the question will be further examined.

Subsidised Dispensary at Roha

Srijut KAMESWAR DAS asked :

277. (a) Is it a fact that the subsidised Dispensary at Roha in the Barpeta Subdivision is going to be closed on account of its appointed doctor having left it ?

(b) Is it a fact that the said Dispensary was in the midst of thickly populated villages away from Local Board or Government Dispensaries ?

(c) Do Government propose to advertise for a doctor for the said Dispensary in the official Gazette as is done usually for subsidised Dispensaries and keep the Dispensary open ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

277. (a) & (c)—The subsidised Medical Practitioner at Roha volunteered for war service in the Emergency Branch of the Indian Medical Department and was permitted to proceed to his new duties. Steps were taken to advertise the vacancy both in the local papers as well as in the Gazette. The Dispensary will be kept open if a doctor prepared to work under the scheme is available. But if no doctor is available Government would consider the transfer of the grant to some other deserving place.

(b)—Yes.

Bus services between Tezpur and North Lakhimpur

Srijut SARVESWAR BARUA asked :

278. Has the attention of Government been drawn to the difficulties and inconvenience caused to the bus passengers between Tezpur and North Lakhimpur owing to the stoppage of through bus services between Tezpur and North Lakhimpur ?

279. Are Government aware that the stoppage of the through bus service was due to the failure of the two district police authorities concerned to decide the rival claims of the two competing bus Syndicates for running a through service on the North Trunk Road between these two towns ?

280. Is it a fact that the bus-owners of North Lakhimpur have got only the North Trunk Road between North Lakhimpur and Tezpur, with seven miles of feeder road to Badatighat as the only road for plying their buses all the year round—the Chauldhoa road and the Kamalabari road being closed to wheeled traffic during the rainy season ?

281. Is it a fact that out of the 125 miles of the North Trunk Road between North Lakhimpur and Tezpur, 91 miles lie within the Darrang district and only 34 miles lie in the Lakhimpur district ?

282. (a) Is it a fact that the Police Superintendents of Darrang and Lakhimpur districts have banned the plying of buses registered in the other district, in their respective districts ?

(b) Are Government aware that the through bus services have thereby been stopped and the North Lakhimpur buses have been confined to 34 miles of the North Trunk Road only ?

283. Are Government aware that the North Lakhimpur Subdivision along with the entire length of the Kamalabari Road is under the Central Assam Division of the Public Works Department for convenience of administration ?

284. Do Government propose to bring the entire North Bank Road system under one Regional Transport Authority, instead of placing the North Lakhimpur area under one and the Tezpur area under another Regional Transport Authority ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

278.—The matter had not hitherto been represented to Government.

279.—On enquiry, it is found that the North Lakhimpur Syndicate had at one time been permitted to manage a through service to Tezpur provided that it did not compete with the Tezpur Syndicate. Since the North Lakhimpur did in fact so compete, thus violating the agreement, the two Syndicates were confined to operation within their respective districts, pending the establishment of a Regional Transport Authority under the Motor Vehicles Act of 1939.

280.—Yes.

281.—Yes.

282. (a)—Yes, as stated in reply to question 279.

(b)—The through service in one vehicle is stopped, but the vehicles of the two Syndicates meet on the common border of the districts, and timings are being regulated so as to avoid public inconvenience.

283.—Yes.

284.—Government will consider the point but the main question of long district traffic, as on trunk roads, is relevant to this matter and is already being carefully examined.

Adult Schools

Srijut SARVESWAR BARUA asked :

285. Will the Hon'ble Minister for Education be pleased to state—

- (a) The number of adult schools started since the inauguration of the Mass Literacy Campaign by the present Government and also the number of schools existing at the time ?
- (b) The grants made to such schools before the inauguration of the Campaign, and after it ?
- (c) If it is a fact that many adult schools started before the inauguration of the Campaign at the instance of the local committees formed before, had not received any grant to meet the ordinary contingency expenditures ?
- (d) What is the general progress of the Movement in terms of:—
 - (i) The number of schools established ?
 - (ii) The number of teachers engaged ?
 - (iii) The number of pupils attending such schools, and
 - (iv) The number of literates turned out ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

285.(a)—1,000 schools existed before the inauguration of the Campaign. 400 schools have since been started.

(b)—Rupees 10,000 was given at the rate of Rs.10 per school to the schools started before the inauguration. It is now proposed to give these schools an additional grant of Rs.5 each and to give Rs. 10 each to all new schools.

(c)—No.

(d) (i)—1,400.

(ii)—1,400.

(iii)—About 19,000.

(iv)—Most of the pupils attending the schools are reported to have finished the literacy Reader, Part I, and are ready for the test to be held in December.

License for plying of lorries between Dibrugarh and Gauhati

Srijut JOGESH CHANDRA GOHAIN asked :

286. Is it a fact that during the Congress-Coalition Ministry, the Assam Valley Transport and Commercial Syndicate Company applied for a license to ply lorries (both goods and passengers) directly between Dibrugarh and Gauhati ?

287. Is it a fact that the said Ministry, on the eve of their resignation, granted the license to the above Company, and sent the orders to the office of the Inspector-General of Police, Assam, for communicating the same to the Company ?

288.(a) Is it a fact that the present Ministry, on assuming office, withheld the above order of the Congress-Coalition Ministry ?

(b) If so, will Government be pleased to state reasons for the same ?

289. Will Government be pleased to state whether the aforesaid application has since been disposed of by Government, or in what stage it is now and with whom ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

286.—Yes, if the word "company" is omitted from the title. There were other applicants.

287.—The then Ministry ordered that a temporary permission to run such a service may be granted subject to conditions to be laid down by the Inspector-General of Police and pending the constitution of a Transport Authority.

288.(a)—No.

(b)—Does not arise.

289.—No. The matter is under consideration by the Provincial Transport Authority which has since been set up.

Girls' High School building at Dibrugarh

Srijut JOGESH CHANDRA GOHAIN asked :

290.(a) Are Government aware of the dilapidated condition of the Girls' High School building at Dibrugarh ?

(b) If so, what immediate steps, Government proposed to take ?

291. Will Government be pleased to state—

(a) Whether it is a fact that a site was acquired by Government long ago for removal of the aforesaid school building ?

(b) If so, what prevented Government to remove the school building to the new site so long ?

(c) Whether Government propose to commence works of the school building at the new site immediately ?

(d) If not, why not ?

(e) Whether Government prepared any estimate for removal of the said school building to the newly acquired site ?

(f) If so, what was the total amount estimated for the purpose ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

290.(a)—Government are aware that the school is overcrowded and stands on a cramped site.

(b)—No steps can be taken until funds become available for the construction of a new building.

291.(a)—Yes.

(b)—Paucity of funds.

(c)—Government propose to take up the project as soon as funds become available.

(d)—Does not arise.

(e)—Yes.

(f)—Various estimates from Rs.50,000 to Rs.19,100 were prepared from time to time in the recent past.

Realisation of War subscription from the Nowgong district

Srijut PURNA CHANDRA SARMA asked :

292. Will Government be pleased to state—

(a) The amount realised from the district of Nowgong for the different heads of War-expenditure ?

(b) The manner of realising same ?

293. Will Government be pleased to lay on the table the report of the Deputy Commissioner of Nowgong on the enquiry made by him in accordance with the direction of the Government on the adjournment motion of the last session about the forcible realisation of War-subscription from raiyots by some Mouzadars of Nowgong ?

294. Will Government be pleased to state what steps have been taken by Government to prevent forcible realisation of war-subscriptions within the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

292. (a)—Up to 15th October 1940 the amounts collected were Rs.145 towards a fighter plane and Rs.10,479-13-0 for unspecified purposes. These figures do not include any contributions to the appeals for the Red Cross, St. John's Ambulance, and Silver Thimble Funds.

(b)—Through volunteer collections.

293.—A copy is given below :—

COPY OF LETTER No.5261 (M), DATED THE 29TH APRIL 1940,
FROM THE DEPUTY COMMISSIONER, NOWGONG, ASSAM,
TO THE SECRETARY TO THE GOVERNMENT OF ASSAM,
REVENUE DEPARTMENT, LAND REVENUE BRANCH,
THROUGH THE COMMISSIONER OF DIVISIONS, ASSAM

SUBJECT :—Ajournment motion regarding harassment by Mouzadars of Pakhimoria, Kondali and Singiapotani, Nowgong, in connection with the realisation of War-subscriptions from ryots

As directed by you in your letter No.L.R.398/371, dated the 18th March 1940 to hold a fresh enquiry on the subject indicated above, in the presence of Srijut Purna Chandra Sarma, M.L.A., I have the honour to report that I held the enquiry on 21st April 1940 and 22nd April 1940 in the presence of the hon. member and beg to report the result for the information of Government.

I beg to say that due publicity of the place and hour of the enquiry was given to the ryots of the three Mouzas and all who had any grievance were invited to appear and give their evidence. The hon. member and the Mouzadars were duly informed and they were present at the time of the enquiry. For the convenience of the ryots the enquiry was held at three central places in the three Mouzas as suggested by the hon. member and though a large number of people attended only a limited number of ryots gave their evidence.

On 29th November 1939 an appeal by the Joint War Committee of the Indian Red Cross Society and the St. John Ambulance Association for funds to enable them to finance throughout the duration of the War, Red Cross work for troops with a Communique from His Excellency the Governor of Assam was received in the office of the Deputy Commissioner for measures to be adopted for the successful prosecution of the appeal. Copies of the appeal were sent to all the Mouzadars for giving wide publicity. No instruction was given to collect any subscriptions nor any receipt books were supplied. But as the forwarding Memo. contained the words

“for information and necessary action” the three Mouzadars took it as an authority to them to realise subscriptions. Instead of seeking further instructions or waiting for it they started realising subscriptions from the ryots.

It is not disputed that the three Mouzadars did realise subscriptions varying from Re. 1 to anna 1 from a number of ryots who paid their revenue. The Mouzadars admit that they did it and have furnished a list of those from whom they realised either themselves or through their Mohorirs, with the amounts realised from each. It is also not disputed that receipts were not given. But there is no allegation that more was realised than shown in the list. From the statements of the persons made at the time of enquiry it is proved that the actual amounts realised are shown correctly in the list.

The Mouzadars in their explanations stated that the appeal was explained to the ryots and they were asked to pay stressing out the fact that His Excellency the Governor of Assam desired that every man should pay what little he can in order to maintain the former reputation and prestige of Assam. They say that the ryots responded voluntarily. No force was used on them and what was used was persuasion and importunity.

The fact of realisation not being disputed nor the amounts realised the only question for consideration is the method used. It is to be determined whether there was any forcible exaction either by the Mouzadars or their Mohorirs and whether they harassed the people for refusing to pay. I propose to deal with the case of each Mouzadar on this point separately.

The Mouzadar of Singiapotani Srijut Hari Kanta Hazarika realised through his Mohorir subscriptions from annas 4 to anna 1 from 142 persons. Out of these persons who paid subscriptions only 9 came forward to give evidence at the enquiry. Of the 9 persons only 4 persons stated that the Mohorir said he would not accept revenue if subscription towards War fund is not paid. The evidence of other ryots showed that they paid at the mere asking. One of them said that the Mohorir asked for the subscription after he had already paid the revenue and enquired if he should pay. On being told that he should, he paid without a further word. The fact that a large number of persons from whom subscriptions were realised did not come forward to complain clearly indicates that the contributions were voluntary and there was no harassment or forcible exactions. As regards the four persons who said that the Mohorir said that he would not accept the revenue unless they pay the subscription towards War Fund it may be that something to that effect might have been said but it was not meant seriously. It appears that nobody was sent back and revenue from nobody was actually refused.

The Mouzadar of Kondali Srijut Debendra Nath Bora realised either himself or through his Mohorir subscription from 103 persons. Of these only 14 persons gave evidence at the enquiry. Some of the persons who paid subscriptions though present did not give evidence as they indicated that they had no grievance. A few of them openly said that they paid voluntarily. Out of the 14 persons who gave evidence 7 persons said that the Mouzadar or his Mohorir refused to accept revenue unless subscription towards War Fund is paid. Only two of them said that they had to come back as the Mouzadar refused to accept their revenue without payment of some subscription towards War Fund. But these persons appeared to me not to be truthful and telling the whole truth. It is

likely that the Mouzadar insisted on payment but I do not believe that he refused to accept. Taking the whole evidence into my careful consideration I am of opinion that the Mouzadar or his Mohorir were insistent in a few cases but there was no forcible exaction nor any harassment.

The Mouzadar of Pakhimoria Srijut Gopi Nath Bora realised subscriptions likewise either himself or through his Mohorir from 46 persons. Out of these 15 persons came and gave evidence at the enquiry of whom 7 persons said that the Mouzadar refused to accept revenue till subscription was paid while others said he pressed for payment and they paid on his insistence. Nobody said he was sent back for refusing to pay. In this case also I am of opinion that there was insistence in some cases but there was no forcible exactions nor any harassment.

It must be said that the Mouzadars were not actuated by any ulterior motive. Their action, as a result of a misunderstanding, was perfectly *bona fide*. They thought that it was a noble cause and they put their zeal and energy in it for its furtherance.

294.—It is perfectly well known that contributions are voluntary and nothing has come to notice showing the slightest indication that there has been any forcible exaction or need to take precautions against such exaction.

Free studentship] to the Children of Primary School Teachers

Babu RABINDRA NATH ADITYA asked :

295. Will Government be pleased to state—

- (a) Whether Government received resolutions from Maulvibazar Primary Teachers' Conference, asking for the privilege of free studentship up to Matriculation Class for the children of primary school teachers and for the training of those teachers in rural sanitation, with a view to adding to their income from other activities ?
- (b) If so, do Government propose to give them the facilities referred to in the above question ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

295. (a)—In the absence of necessary details as regards the date, etc., of the resolutions, Government find it difficult to trace them and are, therefore, not in a position to reply.
- (b)—Does not arise.

Increase in the Strength of Police force

Kumar AJIT NARAYAN DEV asked :

296. (a) Is it a fact that the strength of the Police force has been increased ?
- (b) If so, how many of the newly appointed members of the Police force have been recruited from the Goalpara district ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

296. (a)—There has been an increase in the force for the purpose of work done on account of the Central Government and also of the requirements of the Criminal Investigation Department.

(b)—Besides promotions, four constables were temporarily recruited from Goalpara district.

Re Staff of the Police Department

Srijut MAHI CHANDRA BORA asked :

297. Will the Hon'ble Premier be pleased to state :—

(a) The names of Assistant Sub-Inspectors of Police who have been promoted either permanently or temporarily to the rank of Sub-Inspectors from January 1938 to September 1940 ?

(b) The names of Assistant Sub-Inspectors who have been exempted by Government from passing Departmental Examinations ?

(c) The dates of orders of exemption in each case with reasons of exemption ?

(d) Whether it is a fact that a circular letter has been issued by the Inspector-General of Police in January 1938 to the effect, that Assistant Sub-Inspectors of Police, who have not passed their Departmental Examinations completely, must not in future be allowed officiating promotion even for short vacancies ?

298. Will the Hon'ble Premier be pleased to state—

(a) If any Assistant Sub-Inspector who has not passed his Departmental Examination, has been promoted since the issue of the above mentioned Circular ?

(b) If so, will the Hon'ble Premier be pleased to state the name or names of Assistant Sub-Inspectors so promoted, if any, and the reasons of his or their promotion, on the face of the aforesaid Circular ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

297. (a)—A statement is given below.

Names of Assistant Sub-Inspectors who have been promoted to the rank of Sub-Inspectors from January 1938 to September 1940

Permanently

Srish Chandra Chakravarti
Sashindra Kumar Sarma
Md. Salim
Rajani Kumar Pal

Temporarily

Akshay Kumar Bhattacharjee.
Bipul Chandra De.
Banshidhar Thakuria.
Abdul Wadud Chaudhury

Permanently

Haladhar Das
 Dakshya Prosad Deka
 Rajani Mohan Pal
 Harendra Kumar Chaudhury
 Md. Akhtar Hussain
 Dharendra Nath Saikia
 Sibnath Majhi
 Mohiuddin Ahmed
 Mangi Singh Thiam
 Radha Krishna Singh
 Ramoni Mohan Dhar
 Gunamani Deb
 Pramila Ranjan Roy
 Syed Abdul Hamid
 Harekrishna Saha
 Bidhu Ranjan Das Lala
 Sajid Ulla
 Pyari Mohan Pal
 Bidhubhusan Das Gupta
 Md. Karam Ali
 Jogeswar Sarma Pathak
 Bhuvan Chandra Sarma
 Matasin Ali
 Padma Kumar Bhattacharjya
 Hemendra Chandra Chakravarti
 Narendra Nath Deka
 Rebati Mohan Shome
 Aniram Basumatari
 Haridhan Barman
 Puspendra Nath Tamuli
 Benode Behari Bagchi
 Amulya Kumar Bhattacharjya

Temporarily

Khaneswar Das.
 Matiur Rahman.
 Abdul Rahim.
 Golam Hye.
 Nanda Kumar Das.
 Kamini Kumar Bhattacharjee.
 William Son D. Areng.
 Nazamal Hussain.
 Kumud Kanta Bhattacharjee.
 Suresh Chandra Seal.
 Gopesh Chandra Nath.
 Mahabat Ali.
 Mahendra Nath Chaudhury.
 Brojo Kishore Singh.
 Md. Aftabuddin Ahmed.
 Kazi Badiul Islam.
 Baidyanath Sarma.
 Mohananda Kar.
 Raman Behari Das.
 Aswini Kumar Das.
 Monoranjan Ray.
 Narendra Nath Deka.
 Raman Chandra Ghosh.
 Abdus Salam.
 Sasi Bhusan Chaudhury.
 Nasim Ali.
 Golam Rahman Chaudhury.
 Md. Arjan Ali.
 Gopesh Chandra Nath.
 Sachindra Kumar Sarma.
 Md. Madaris.
 Rajani Kanta Pal.
 Dakshina Charan Sen.
 Satya Ranjan Sarkar.
 Raman Behari Das.
 Promode Chandra Das.
 Kadim Ali.
 Gobinda Chandra Bora.
 Debeswar Bora.
 Bholanath Gogoi.
 Prabhat Chandra Das Chaudhury.
 Padma Kanta Du ta.
 Jamiruddin Ahmed.
 Sreenath Das.
 Nayan Chandra Dutta.
 Wilson C. Morak.
 Lalit Mohan Acharjya.
 Hrishikesh Roy.
 Harendra Nath De.
 Bholanath Bora.
 Upendra Kumar Biswas.
 Nripendra Narayan Burman.

(b) & (c)—A statement is given below.

The names of Assistant Sub-Inspectors who have been exempted by Government from passing Departmental Examinations

1940

Names of Assistant Sub-Inspectors temporarily exempted	Dates and Orders	Reasons of exemption
Assistant Sub-Inspector Williamson D. Areng.	C.P.-229/2729-H., dated 12th March 1940.	To learn Bengali and Police work in plains.
Assistant Sub-Inspector Nazamal Hussain.	Ditto	Due to shortage of qualified Assistant Sub-Inspectors.
Assistant Sub-Inspector Kumud Kanta Bhatta-charjee.	C.P.-1134/9536-H., dated 10th September 1940.	Due to paucity of qualified Assistant Sub-Inspectors.

1939

Assistant Sub-Inspector Suresh Chandra Seal.	C.P.-1195/6379-H., dated 8th September 1939.	Shortage of qualified Assistant Sub-Inspectors.
Assistant Sub-Inspector Gopesh Chandra Nath.	Ditto	Ditto.
Assistant Sub-Inspector Mahabat Ali.	Ditto	Ditto.
Assistant Sub-Inspector Mahendra Nath Chaudhury.	Ditto	Ditto.
Assistant Sub-Inspector Brojo Kishore Singh.	C.P.-1307/8051-H., dated 7th October 1939.	Ditto.
Assistant Sub-Inspector Maulavi Aftabuddin Ahmed.	Ditto	Ditto.
Assistant Sub-Inspector Kazi Badiul Islam.	C.P.-687/2000-H., dated 17th May 1937.	Ditto.
Assistant Sub-Inspector Baidyanath Sarma.	C.P.-509/2771-H., dated 12th April 1938.	In the interests of public service.
Assistant Sub-Inspector Mohananda Kar.	C.P.-1273/8244-H., dated 2nd December 1938.	Shortage of qualified Assistant Sub-Inspectors.
Assistant Sub-Inspector Raman Behari Das.	Ditto	Ditto.
Assistant Sub-Inspector Aswini Kumar Das.	Ditto	Ditto.
Assistant Sub-Inspector Monoranjan Ray.	Ditto	Ditto.

Names of Assistant Sub-Inspectors temporarily exempted

Dates and Orders

Reasons of exemption

1938

Assistant Sub-Inspector Narendra Nath Deka.	C.P.-1273/8244-H., dated 2nd December 1938.	Shortage of qualified Assistant Sub-In- spectors.
Assistant Sub-Inspector Baidyanath Sarma.	Ditto	Ditto.
Assistant Sub-Inspector Raman Chandra Ghosh.	Ditto	Ditto.
Assistant Sub-Inspector Williamson D. Areng.	Ditto	Ditto.
Assistant Sub-Inspector Abdus Salam.	C.P.-1421/4500-G.J., dated 14th August 1936.	Ditto.
Assistant Sub-Inspector Sasi Bhusan Chaudhury.	Ditto	Ditto.
Assistant Sub-Inspector Nasim Ali.	Ditto	Ditto.
Assistant Sub-Inspector Golam Rahman Chau- dhury.	Ditto	Ditto.
Assistant Sub-Inspector Md. Arjad Ali.	Ditto	Ditto.
Assistant Sub-Inspector Gopesh Chandra Nath.	Ditto	Ditto.
Assistant Sub-Inspector Sachindra Kumar Sarma.	C.P.-855/1914-G.J., dated 12th May 1936.	Ditto.
Assistant Sub-Inspector Md. Madaris.	Ditto	Ditto.
Assistant Sub-Inspector Rajani Kanta Pal.	Ditto	Ditto.
Assistant Sub-Inspector Dakshina Chandra Sen.	Ditto	Ditto.
Assistant Sub-Inspector Satya Ranjan Sarkar.	Ditto	Ditto.
Assistant Sub-Inspector Raman Behari Das.	Ditto	Ditto.
Assistant Sub-Inspector Promode Chandra Das.	Ditto	Ditto.
Assistant Sub-Inspector Suresh Chandra Sil.	Ditto	Ditto.
Assistant Sub-Inspector Kadim Ali.	C.P.-1510/6581-H., dated 23rd October 1937.	Ditto.
Assistant Sub-Inspector Gobinda Chandra Bora.	C.P.-626/1559-H., dated 1st May 1937.	Ditto.
Assistant Sub-Inspector Debeswar Bora.	C.P.-1510/6581-H., dated 23rd October 1937.	Ditto.

Names of Assistant Sub-Inspectors temporarily exempted	Dates and Orders	Reasons of exemption
1938—concl'd.		
Assistant Sub-Inspector } Bholanath Gogoi.	C.P.-1470/4639-G.J., dated 21st August 1936.	Shortage of qualified Assistant Sub- Inspectors.
Assistant Sub-Inspector } Prabhat Chandra Das Chaudhury.		
Assistant Sub-Inspector } Padma Kanta Dutta.	C.P.-1233/6017-H., dated 21st September 1937.	Ditto.
Assistant Sub-Inspector } Jamiruddin Ahmed.		
Assistant Sub-Inspector } Sreenath Das.	C.P.-838/3109-H., dated 15th June 1937.	Ditto.
Assistant Sub-Inspector } Narayan Chandra Dutta.		
Assistant Sub-Inspector } Wilson C. Marak.	C.P.-101/404-G.J., dated 27th January 1937.	Ditto.
Assistant Sub-Inspector } Lalit Mohan Acharjya.		
	C.P.-1518/4996-G.J., dated 15th September 1936.	Ditto.

(d)—A circular was issued in June 1938, calling attention to the necessity for sanction to exemption, if the officer proposed for promotion has not completely passed.

298. (a)—Only when the sanction of Government has been obtained.

(b)—The names are included in the statement given in reply to questions 297(b) and (c).

Assamese Line in the Kalikajari Village

Srijut HALADHAR BHUYAN asked :

299. Will Government be pleased to state—

(a) Whether the Assamese line in the Kalikajari village in the Mikirbheta mauza of the Nowgong district has been abolished ?

(b) If so, when ?

(c) Whether the Deputy Commissioner of the Nowgong district was consulted before the abolition of the said line ?

(d) Whether the Deputy Commissioner recommended the abolition of the said line ?

- (e) Whether the Deputy Commissioner deputed Maulavi Md. Jamaluddin, Supervisor Kanango, in November or December 1939 to report as to who were in possession of the lands within this line ?
- (f) Whether it is a fact that the said Kanango reported that all the lands within this line were in possession of Assamese people ?
- (g) Whether it is a fact that the Sub-Deputy Collector of Dhing was deputed to verify the report of the said Kanango in December last ?
- (h) Whether it is a fact that the said Sub-Deputy Collector also found all the lands within that line, in the possession of the Assamese people ?
- (i) If the replies to questions numbers 299(f) to 299(h) are in the affirmative, will Government be pleased to state why the said line was abolished ?

300. Will Government be pleased to lay on the table copies of the reports made by the said Supervisor Kanango and the Sub-Deputy Collector, Dhing Circle, in this connection ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN
replied :

299. (a)—Yes.

(b)—The order was passed on 4th April 1940.

(c)—Yes.

(d)—Yes.

(e)—Yes.

(f)—The only report of the Supervisor Kanango which is available is a Chitha showing present and former patta-holders. Possession is not indicated therein.

(g)—Yes.

(h)—He confirmed the report of the Supervisor Kanango.

(i)—The line was abolished because the Lalungs had left the village.

300.—Copy of the Sub-Deputy Collector's report is given below, that of the Supervisor Kanango is not available.

COPY OF THE SUB-DEPUTY COLLECTOR'S REPORT, DATED THE 10TH DECEMBER 1939

In obedience to your order I visited the place on 8th December 1939 to verify the Supervisor Kanango's report. The disputed Sarkari dags are 67, 69, 70, 71, 72, 157, 161, 168, 172, 176, 180, 182, 183, 188, 189, 193, 194, 195, 196, 200, 201, 202, 204, 207, 218, 219, 228, 230, 232, 233, 235, 242, 243, 244, 245, and 246 of Kalikajari village. All these dags are within the Assamese block. Except dag No.201, the other dags are annulled for arrear revenue. I have shown in the remarks column of the Chitha, the year in

which these dags were annulled. The dag No.201 is a Sarkari one. The dag Nos.172, 176, 182, and 246 are lying waste and no cultivations are found there. On dag No.157, there are signs of ploughing only but no crop. There are houses on dag Nos.200, 204 and 207. On the remaining dags I have found cultivation. I have shown in column 7 of the Chitha the crops grown on each dag. Abdul Malek and Tamizuddin appeared before me and told me that they cultivated the disputed dags themselves but they could not adduce satisfactory evidence of their possession.

I asked the persons named below who have got either houses or lands near this disputed area about possession. They told me that these dags are in possession of the persons mentioned in column 3 of the Chitha by the Supervisor Kanango. Therefore except in dag Nos.172, 176 and 157 I found the Supervisor Kanango's report correct. It is reported that this year the paddy have been already harvested by the persons mentioned in column 3. The other crops (mustard and pulse) are still there. All the connected papers were already sent to Deputy Commissioner's office. No other paper is available in this office except the petition No.562 of 1939-40 which is sent herewith.

A trace of the disputed dags is also enclosed herewith. The disputed dags are shown with red cross mark.

The names of persons whom I asked about possessions—

1. Sabedali, son of Abdul of Simaluguri.
2. Kasomali, son of Sk. Madain of Simaluguri.
3. Kalialalung, son of Sarudhan of Hatibat Simaluguri.
4. Kalimon, son of Bhuli of Hatibat Simaluguri.
5. Dukhram, son of Mongla of Simaluguri.
6. Molamali, son of Minu of Kalikajari.
7. Intajali, son of Roushon of Kalikajari.
8. Abbasali, son of Abul Hussain of Kalikajari.
9. Falu Saikh, son of Kalim of Kalikajari.
10. Abdur Rahman, son of Madu Sk. of Simaluguri.

Sd. R. Z. AHMED,
Sub-Deputy Collector.

Areas of land thrown open to the emigrants in Nowgong district

Srijut HALADHAR BHUYAN asked:

301. Will Government be pleased to state the acreage of areas of lands that have been thrown open to the emigrants in the Nowgong district since December 1939 up to date?

302. Will Government be pleased to state—

- (a) The names of Mauzas and Circles where lands have been opened to the emigrants?
- (b) The number of East-Bengal emigrants, viz., (1) Hindus, (2) Muslims and up-country emigrants. (1) Hindus, (2) Muslims and Nepalis to whom the lands have been thrown open during the period stated above?

303. Is it a fact that big areas of land have been thrown open to the emigrants in the Garubat and the Jarabari mauzas in the Nowgong district ?

304. (a) Are Government aware that Mikirs and other Hill Tribes are coming down to settle in the valley lands ?

(b) If so, will Government be pleased to state whether Government have received applications for such settlements of lands from these tribals ?

305. Are Government aware that the lands that have been thrown open to the emigrants in the Garubat and the Jarabari mauzas practically belong to these tribal people, being adjacent to their natural homes ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

301—305.—The information has been called for.

Simul Mahals in Lakhimpur district

Srijut KARKA DALAY MIRI asked :

306. Will Government be pleased to state the number of Simul Mahals that have been opened in the Lakhimpur district and how many of them have been settled with the local Tribal people ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

306.—Two. No tender was received from local Tribal people.

Miris of Pabha Reserve

Srijut KARKA DALAY MIRI asked :

307. Is it a fact that the Miris of Pabha Reserve have stopped cultivation there ?

308. Is it a fact that Government have permitted them to settle in the said Reserve ?

309. Will Government be pleased to state—

(a) If any complaints or representations have been received from the Pabha Reserve settlers ?

(b) If so, what step is being taken by Government in the matter ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

307.—Government have found no cause for this allegation.

308.—This is the intention as respecting several Miri settlements.

309. (a)—One representation has been received.

(b)—The representation has been sent to the Conservator for report, and he is enquiring as to the reason for the complaint.

Subsidised Dispensary at Ichhamati

Babu RABINDRA NATH ADITYA asked :

310. Are Government aware that the people of Ichhamati in the Karimganj Subdivision have long been agitating for a Dispensary there ?

311. (a) Is it a fact that the Karimganj Local Board recommended for a subsidised Dispensary there ?

(b) If so, do Government propose to consider their claim for establishing a subsidised Dispensary ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

310.—Yes.

311. (a)—Karimganj Local Board passed a resolution that Ichhamati Monoranj Sanba Sangha be requested to establish a subsidised Dispensary there and to approach the Board for contribution.

(b)—As there are demands from other places also Government would consider this along with other cases.

Treatment of persons suffering from venereal diseases

Babu RABINDRA NATH ADITYA asked :

312. Are Government aware that venereal diseases pervade in a wide scale among the illiterate and poor masses ?

313. Are Government aware that these diseases have been sapping the vitality of the race ?

314. Do Government propose to institute a survey of venereal diseases with a view to prevention and cure ?

315. Is it a fact that the treatment of these diseases is costly and the poor people cannot afford to pay for it ?

316. Do Government propose to consider the desirability of arranging free and compulsory treatment of these diseases and bringing a legislation for the purpose ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

312. & 313.—Government are aware that venereal disease is to be found in all classes of the population, and that these diseases undoubtedly affect the general health, but no data are available by which the actual prevalence of these diseases can be estimated other than the figures representing admissions in State Hospitals and Dispensaries, which are of little value as an indication of the general incidence.

314.—No. A survey of venereal diseases among the general population is not a practicable measure.

315.—Treatment of venereal disease is relatively costly but treatment is supplied free, to the utmost extent possible, in State Hospitals and Dispensaries, to indigent patients.

316.—Government are averse from introducing any system of compulsion in dealing with this particular problem,

Incidence of floods in the Surma Valley

Mr. A. F. BENDALL asked :

317. Are Government aware that the incidence of floods in the Surma Valley increases each decade ?

318. Will Government be pleased to state—

- (a) Whether any survey has been made to show the areas in the Sylhet district that are now lost as revenue bearing lands due to the annual floods ?
- (b) Whether any attempt has been made to assist cultivators in the Hill areas to adopt terraced cultivation for the purpose of improving crops and conserving water ?
- (c) What steps have been taken to carry out the recommendations repeatedly made in the annual reports of the Forest Department for *Jhuming* forests and preventing soil erosion ?

319. Will Government be pleased to state—

- (a) Whether any attempt has ever been made by Government to control the *Jhuming* in the Hills ?
- (b) Whether any re-forestation is actually being done on areas that have been *Jhumed* ?
- (c) If so, can any estimate be given as to when useful results will be apparent ?

The Hon'ble Srijit RUPNATH BRAHMA replied :

317.—Government are fully alive to the damage done by floods, but while the effects are perhaps increasingly felt owing to the increase of population and similar reasons, they have no means of measuring the incidence of floods from decade to decade.

318. (a)—No.

(b)—Yes, so far as this is practicable.

(c)—This is largely a matter of continuous propaganda. Besides the adoption of terraced cultivation in suitable areas, efforts are continuously made by district officers to inculcate better methods, such as contour terracing, cover crops, regeneration of plant growth, preservation of seed-bearing trees, and control of jungle fires. Government have recently taken up the whole question comprehensively in the Garo Hills, and hope that these activities will be now more intensively carried on.

319. (a)—Government have long attempted to control *Jhuming* in the way of better and more systematic methods by precept and example, but not hitherto by legislation.

(b)—Yes, in some places, notably in the Khasi and Jaintia Hills, where unremitting education in the matter has borne considerable fruit in the treatment of the pine forests.

(c)—Results are already apparent in the Khasi and Jaintia Hills and are most useful. As already stated, Government are now engaged on arranging more systematic efforts in the Garo Hills, and their policy in the matter has been recently brought prominently to the notice of the public and of all district officers concerned. A very few years of sustained effort will produce noticeable results, provided the cultivators themselves are ready to co-operate.

Re unregistered Medical Practitioners**Babu RABINDRA NATH ADITYA** asked :

320. Will Government be pleased to state—

- (a) Whether Government has received a memorial from the Assam Medical Union for granting certain facilities of practice to the unregistered Medical practitioners of the Province, with a regular training from certain unrecognised institutions ?
- (b) Whether it is a fact that the output of the only Medical School of Assam, is yet too small to combat the problem of medical relief to the entire rural population of the Province ?
- (c) Whether Government is aware that these unregistered practitioners with regular training in the science of medicine have been rendering medical help to the rural areas and their services have been appreciated both by the Government and the public ?
- (d) Whether it is a fact that in the absence of relaxation of the Poisons Act, some important drugs cannot be used by this class of unregistered practitioners and they are not entitled to grant medical certificates and give evidence in Court ?

321. Are Government aware that the rural people having no facilities of the service from registered practitioners within several miles from their homes, resort to these practitioners, both for medical relief and certificate ?

322. Is it a fact that the privileges enjoyed by compounders regarding poisonous drugs have been denied to them ?

323. Do Government propose to grant these facilities to the unregistered practitioners with four years' training from certain recognised medical schools, maintaining a fair standard of education ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

320. (a)—Government have received a memorial from the Assam Medical Union on behalf of unregistered medical practitioners.

(b)—This is a matter of opinion. But dearth of doctors in inaccessible rural areas and excess of doctors in town areas may co-exist.

(c)—Government are awaiting information from the Assam Medical Union on this point.

(d)—The Poisons Act and Rules thereunder regulate the sale or possession for sale of poisons. "Sale" includes sale by dispensing of prescription. Speaking generally, registered practitioners and compounders whose certificates are recognised by Government are eligible to apply for licenses. Similarly Government will only recognise medical certificates if granted by registered practitioners, but any one who is cited by parties to a dispute before a Court, may give evidence.

321.—Government have no information.

322.—Reference is invited to the answer to question No.320(d).

323.—The question refers to "recognised medical schools" but the question presumably means "unrecognised medical schools", as medical schools recognised in other provinces are also recognised in Assam. The question of granting licenses under the Poisons Act to individual unregistered practitioners and others, for which provision already exists under rule 11(b) of the rules framed under that Act, is under the consideration of Government.

**Number of Muslim clerks in the District Offices, Offices of Judge,
Assam Valley Districts and Commissioner of Divisions**

Maulavi BADARUDDIN AHMED asked :

324. Will Government be pleased to state—

- (a) The number of Muslim clerks in the offices of the Deputy Commissioners, Subdivisional Officers and Judge of the Assam Valley Districts and Commissioner of the Divisions ?
- (b) How many of them are in the Upper Division posts ?
- (c) Whether there is any Muslim Head Clerk and Sheristadar in those offices ?

325. Has the attention of the Government been drawn to the article "Judge offisot Mussalman Karmachari" published on the 16th August 1940 in the "Khadem" ?

326. Will Government be pleased to state—

- (a) Whether it is a fact that the post of the Sheristadar, Judge's office, Gauhati, has been filled up by promotion of the Head Clerk of the said office ?
- (b) Whether the post of the Head Clerk, Judge's office, Gauhati has since been filled up?
- (c) If so, by whom ?
- (d) What is the total strength of clerks in the Judge's office, Gauhati, and how many of them are held by the Muslims ?
- (e) What is the total number of Upper Division posts in that office and how many of them are held by Muslims ?

327. (a) Has the attention of Government been drawn to the article "Gauhati Sarkari Offisot Mussalman Kerani" published on the 1st September 1940, in the "Tarun Assam" ?

(b) If so, will Government be pleased to state whether Government has taken any steps to remove the grievances as stated in the said article ?

(c) If not, do the Government propose to issue the necessary instructions now to the authorities concerned ?

328. (a) Is it a fact that after publication of the article "Gauhati Revenue Sheristadaror besoy akasar" in the "Khadem" dated the 16th August 1940 there has been transfers of many clerks from the office of the Deputy Commissioner, Gauhati, to the office of the Subdivisional Officer, Barpeta and *vice versa* ?

(b) If so, what is the number of the clerks so transferred and how much travelling allowance has been paid to them on this account ?

329. Will Government be pleased to state why so many clerks had to be transferred at a time ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

324, (a), (b) & (c)—A statement is given below.

NUMBER OF MUSLIM CLERKS IN THE OFFICES OF THE
DEPUTY COMMISSIONERS, SUBDIVISIONAL OFFICERS,
JUDGE, ASSAM VALLEY DISTRICTS AND COMMISSIONER
OF DIVISIONS

Office	Total	In Upper Division	Sheristadar or Head clerk
1. Deputy Commissioner, Kamrup	21	...	...
Subdivisional Officer, Barpeta	4	...	...
2. Deputy Commissioner, Goalpara	24	...	...
Subdivisional Officer, Dhubri	4	...	...
3. Deputy Commissioner, Darrang	2	...	...
Subdivisional Officer, Mangaldai	7	...	...
4. Deputy Commissioner, Nowgong	7	...	...
5. Deputy Commissioner, Sibsagar	8	2	...
Subdivisional Officer, Sibsagar	6	...	...
Subdivisional Officer, Golaghat	3	...	...
6. Deputy Commissioner, Lakhimpur	7	1	...
Subdivisional Officer, North Lakhimpur Subdivision.	5	1	...
7. Commissioner of Divisions	8	1	...
8. Judge, Assam Valley Districts } Additional Judge and } Subordinate Judges.	4	...	...

325.—Yes.

326. (a)—Yes.

(b) & (c)—Yes. By the promotion of the Accountant who was the seniormost among the Upper Division clerks.

(d)—There are 10 clerks in the Judge's Office, Gauhati, and two of them are Muslims.

(e)—There are three Upper Division posts in that office and none of them is held by Muslims as there are no senior Muslim clerks there.

327. (a)—Yes.

(b) & (c)—The hon. member's attention is drawn to Rule 307 of the Assam Executive Manual which lays down that appointments to districts or divisional staff should be made from the residents of district or division in accordance with the prescribed communal representation.

328. (a)—Yes, certain transfers have taken place but not however in consequence of any article in Newspapers.

(b)—There have been 5 transfers from Gauhati to Barpeta and 4 from Barpeta to Gauhati. A sum of Rs. 60-6 has so far been paid as travelling allowance.

329.—Partly to strengthen the office of the Subdivisional Officer Barpeta, and partly in the interests of efficiency of the public service.

Complaint re: non receipt of replies to certain questions

Srijut OMEO KUMAR DAS: Sir, we sent some questions but we have got no replies as yet.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We sent the questions to the Deputy Commissioner for report, but we have got no information. The Deputy Commissioner suddenly fell ill and had to go on leave for ten days and that is why no reply to these questions have been received from him.

The Hon'ble the SPEAKER: Government have got no replies yet.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, we are helpless in the matter. The Deputy Commissioner was ill and he had to take ten days' leave to consult medical authorities here in Shillong, and he has gone back only about a week ago.

(The Hon'ble Prime Minister then replied to the questions of which notice was given by Srijut Omeo Kumar Das, M.L.A., as in the foot-note below).

Election to Assam Legislative Council from Darrang

1. (a) Are Government aware that some high officials of Government actively helped a certain candidate in the election for the Darrang General Constituency of the Assam Legislative Council in April and May last?

(b) Has the attention of Government been drawn to the article entitled "দ্বন্দ্ব উচ্চ পৰিষদৰ নিৰ্বাচন" published in the *Assam Sevak* dated the 28th April 1940 wherein this allegation appeared?

(c) Is it a fact that Srijut Lalit Kumar Vaisyasaud, the then Sub-Deputy Collector of Tezpur Circle, actively helped a certain candidate in this election?

(d) Are Government aware that he personally went to some voters asking them to vote for a certain candidate in the said election?

(e) Will Government be pleased to state whether Government enquired into the allegations made in the above-mentioned article in the *Assam Sevak* dated the 28th April 1940?

(f) Is it a fact that the Hon'ble Ministers issued demi-official letters to some high officials of Government especially the Deputy Commissioner, Darrang, to help certain candidate in the above-mentioned election?

(g) Are Government aware that the Deputy Commissioner, Darrang, openly expressed—"what can I do? I have been receiving everyday demi-official letters from the Hon'ble Ministers to help their party candidate?"

(h) Has the attention of Government been drawn to a leading article entitled "অসমত পাৰ্টি গুৰ্ণমেন্ট" published in the *Assam Sevak* dated the 11th August 1940 wherein the above allegation appeared?

(i) Are Government aware that the Subdivisional Officer, Mangaldai, actively helped in the said Upper House election of the Darrang General Constituency?

(j) Will Government be pleased to state whether Government propose to institute an enquiry into the conduct of these officials?

2. Will Government be pleased to state—

(a) Whether Government received any telegram from Srijut Omeo Kumar Das, M.L.A., dated the 15th October, complaining that some officers of Government were actively helping candidate in the Sibsagar bye-election for the Assam Legislative Assembly?

(b) If so, will Government be pleased to state whether Government issued any circular prohibiting the officers from taking any part in the said elections?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

1. (a) to (j)—Government have no information about the allegations, but are making an enquiry.

2. (a)—Yes.

(b)—Government have had no cause to issue such a circular recently, but a circular was issued in 1938 drawing attention of all officers to the Conduct Rules.

Adjournment motion on account of the undue interference exerted by certain Government officers on the electorate in the recent election to the Legislature

Srijut OMEO KUMAR DAS : Sir, I seek leave of the House to move the following adjournment motion :—

“That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the undue interference exerted by certain Government officers on the electorate by their active participation in the recent elections to the Legislature.”

This motion, Sir, was tabled by me on the very first day of the session. This is a matter of urgent public importance, as, when the Government officers take active part in the elections, the election is vitiated. When the Returning Officers, and others who are entrusted with the conduct of the elections, themselves take part by going to the voters' houses and ask them to vote for certain candidates, it cannot be called an election. The return of the candidate whom the Government want can be done by nomination.

The Hon'ble the SPEAKER : The hon. member is arguing.

Srijut OMEO KUMAR DAS : This is a matter of recent occurrence, Sir, because it occurred in the month of May at Tezpur and also in October at Sibsagar and I have taken the earliest opportunity to bring it to the notice of the House.

The Hon'ble the SPEAKER : With regard to this adjournment motion, the other day I told the hon. member that, after the questions that he tabled had been answered, I would consider whether a discussion on this matter should take place or not. The hon. member has just now heard the answer of the Hon'ble Premier with regard to these questions. The Hon'ble Premier has said that they have asked for information from the local officers, but that those informations have not yet arrived. So a detailed answer to the questions tabled by the hon. member has not been possible.

Now I will suggest to the hon. member that, instead of tabling this motion in this way, when there has been some sort of answer given by the Hon'ble Premier to these questions, I think it would be advisable to have a discussion on those answers just after the close of the business of the day. The advantage will be that the hon. member will then be able to name who the officers were, who took part in the elections and what they did, so that the Hon'ble Minister may enquire and ascertain whether these are facts or not. Instead of having a discussion only on vague and general allegations, I think the course that I have suggested would be the proper course.

Srijut OMEO KUMAR DAS : Yes, Sir. I agree.

The Hon'ble the SPEAKER : After the close of the business, the House will have a discussion on the question that has been answered by the Hon'ble Premier orally, although the questions have not been placed on the table of the House.

Adjournment motion on account of pressure put upon for realisation of Agricultural loans issued to the victims of floods by the authorities in the district of Nowgong

Srijut MAHI CHANDRA BORA : Mr. Speaker, Sir, I beg leave of the House to move the following adjournment motion:—

“That the House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the situation that has been created by the pressure put upon for realisation of agricultural loans issued to the victims of floods, by the authorities in the district of Nowgong.”

Only yesterday I received a resolution passed in a public meeting of several *raiya*s of the district of Nowgong and it tells a sad and melancholy tale. It says that pressure has been put upon the victims of the flood to whom agricultural loans were issued in the years 1921, 1930 and 1938. The letter which accompanies this resolution states that coercive measures are going to be taken for realisation of the unrealised amounts. A copy of the aforesaid resolution has been handed over to the Hon'ble Revenue Minister with a request from me that the Government should intervene, because the economic condition of the people of the district from which I hail is going from bad to worse. It is no exaggeration for me to say, Sir, that some of the people have been forced to remain half-starved even in this month of *Aghon* which is known as a month of plenty. In these circumstances, I hope that the Government will either write off the unrealised amounts or at least defer their realisation till better time comes.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Mr. Speaker, Sir, Government had no information till yesterday of the situation complained of by the hon. member. It is not also clear from his speech as to when the situation was created, whether it was before this session started. If that be so, then this motion is clearly out of order.

Now as regards the representation that he had made over to me, I have already taken action on it. Hon. members will remember that these agricultural loans were advanced some time in 1938 and their realisation has become due in the natural order of things. Fortunately for ourselves, there was no serious flood last year and so ordinarily these loans should be realisable now. But if the people who are to pay these loans were suffering from any disability, it was up to them to approach the Government for relief. That was not done before. Now that this has been brought to our notice, Sir, we have already asked the Deputy Commissioner, Nowgong, to look into the matter ; and if the representation be correct, then certainly the Deputy Commissioner will stay realisation of these dues.

Srijut MAHI CHANDRA BORA : Sir, from the statement of the Hon'ble Revenue Minister it would appear that there was no flood in the district of Nowgong this year. But he is entirely mistaken and I am sure the other hon. members of my district will be able to convince him that there was a flood this year. The flood and the high spate in the rivers did considerable damage to the crops of the low-lying areas, inhabited mostly by my immigrant brethren. There was also a prolonged drought and insects also did their worst. There has been also abnormal fall in the prices of crops including jute. Therefore, their condition is very miserable.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : If circumstances justify, then these grievances will of course be redressed.

Srijut MAHI CHANDRA BORA : Sir, the assurance given is not at all encouraging. I however beg to withdraw my motion.

The Hon'ble the SPEAKER : As the motion stands, it speaks only of 'pressure' but not of any undue pressure. But if the hon. member does not press his motion it is not necessary for me to decide whether the motion is in order or not.

Motion for the adoption of certain privileges of the members

Mr. ARUN KUMAR CHANDA : Mr. Speaker, Sir. Before the commencement of the sitting of the House, I left with the Secretary a written statement of a matter which I desire to move. May I ask for the leave of the House to make the motion ?

The Hon'ble the SPEAKER : It is not necessary to ask for leave if the Hon'ble Premier or the Hon'ble Minister-in-charge agrees that the matter should be discussed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, I am placed in a very difficult position. This matter was brought to my notice by the Secretary at 5 minutes to 11 A.M., to-day. I took the file from him, but I have not been able to read the file as yet, and I do not know what is the matter excepting what the Secretary told me. I think, it should go to the Privileges Committee.

The Hon'ble the SPEAKER : Now he has tabled a motion and if that motion be allowed to be discussed then any other hon. member can make an amendment that the matter be referred to the Privileges Committee. That is what I think is in the mind of the hon. member. If the matter be referred to the Privileges Committee, the Committee will examine all aspects of the question and submit their report to the House.

Mr. ARUN KUMAR CHANDA : Sir, may I be permitted to read out the motion for the benefit of the Hon'ble Premier if he has not read it ? The motion is :—

"This House recommends to Government that the following privileges of the members of the House may be adopted and recognised where by :—

- (I) if any member of the Assembly is arrested, detained, convicted or imprisoned on any criminal charge or otherwise, the information of such arrest, detention or imprisonment together with charges against such member shall be forthwith sent to the Speaker by the person or persons under whose authority or order the arrest, detention, conviction or imprisonment is effected ;
- (II) if the Speaker, on information received as above or otherwise, is of opinion and if he thinks necessary after consulting the wishes of the Assembly that the presence of a member who has been arrested, detained, convicted or imprisoned is essential for the purpose of the proceedings of the Assembly or any Committee thereof, the Speaker shall inform the Provincial Government accordingly and the Provincial Government shall take necessary steps forthwith to bring such a member on such escort as they may consider necessary or in any such other manner as they may think necessary before the Speaker, and such a member may attend such meetings of the Assembly or any Committee thereof, as the case may be, on such day or such days as may be required by the Speaker, provided that the Provincial Government may take such steps

as they may consider fit for the custody of the member during the time the presence of such a member is necessary in the Assembly or a Committee thereof ;

- (III) that a member should be entitled to exercise all his rights and privileges as such as far as this is possible while in custody ; and
- (IV) such further privileges as may be agreed upon after discussion between the Speaker and the Minister-in-charge of the Legislative may also be extended to a member who may be under arrest, detention, conviction, or imprisonment*.

This motion, Sir, is self-explanatory and I do not think, any speech is called for at this stage. If the Hon'ble Leader of the House does not stand in the way, we should be able to put it through.

The Hon'ble the SPEAKER : I may point out to the hon. members that sometime ago we adopted the Report of the Committee of Privileges on the question of all privileges which the House can claim without legislation and the privileges for which legislation is necessary. I think every hon. member has got a copy of that report. In Appendix D of that report, the hon. members will find the privileges described, which cannot be claimed and vindicated without legislation. Items Nos. 4 and 5 speak of the privileges of the nature which is being sought to be recognised by the House by the motion which hon. Mr. Chanda wants to move. In the first place it is claimed that the information of arrest, conviction or imprisonment of any member together with the charge should be sent to the Speaker by person or persons under whose authority the arrest, detention, conviction or imprisonment is effected. Then it is sought to be established as a privilege that there should be given an authority to the Speaker on the strength of which he may ask the Provincial Government to take necessary steps to enable a member who is arrested, detained, convicted or imprisoned on a criminal charge or otherwise, to attend such a meeting of the Assembly or Committee thereof, as the case may be, on such day or days as may be required by the Speaker.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : All I need say at this stage, having heard the motion which has been proposed by my hon. friend Mr. Arun Kumar Chanda, it appears to me that such a motion should not be discussed on the floor of the House, but it should be discussed in the Privileges Committee first and on their report the House should come to a decision.

The Hon'ble the SPEAKER : I think, he can be allowed to move his motion later to-day and if an amendment be moved to the effect that the matter be referred to the Privileges Committee, then it will be quite all right.

Mr. ARUN KUMAR CHANDA : Thank you, Sir.

The Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940

The Hon'ble the SPEAKER : I think, item No. 6 in the order paper can be taken up now i.e. "Consideration of the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940, clause by clause".

Now so far as this Bill is concerned, there is only one amendment* tabled by Maulavi Badaruddin Ahmed. I may point out to the hon. member that this particular amendment requires the previous recommendation

*That in clause 3, after the words "per mensem", the following words shall be added, namely :—

"With effect from the 1st of April 1940".

of His Excellency the Governor under section 82 (1) (c) of the Government of India Act. We asked for previous recommendation of His Excellency the Governor, but we have not yet received the necessary recommendation. So unless I get the previous recommendation, I cannot allow this amendment to be moved. The hon. member will, I hope, realise the point that as he wants to give effect to the salary proposed to the Deputy Speaker from the 1st of April, 1940, the Bill providing that it should be given effect to from the date on which it comes into force, he is really increasing the burden on the revenues which are going to be charged. So previous recommendation is necessary and when that recommendation has not yet arrived, I cannot allow the hon. member to move his amendment and from the Hon'ble Minister-in-charge of the Bill, nothing is being said as to whether he consents to this amendment.

Maulavi BADARUDDIN AHMED : I withdraw the amendment.

The Hon'ble the SPEAKER : The hon. member has withdrawn his amendment. There are no other amendments.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940 be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940, be passed".

(After a pause)

I think there is going to be no debate on this. I am putting the question.

The question is :

"That the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940, be passed"

The motion was adopted.

The Assam President's Salary (Amendment) Bill, 1940

The Hon'ble the SPEAKER : Then comes the consideration of the Assam President's Salary (Amendment) Bill, 1940, clause by clause. There is no amendment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that the Assam President's Salary (Amendment) Bill, 1940 be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the President's Salary (Amendment) Bill, 1940, be passed".

(After a pause)

The question is :

"That the Assam President's Salary (Amendment) Bill, 1940, be passed".

The motion was adopted.

The Civil Procedure (Assam Amendment) Bill, 1940

The Hon'ble the SPEAKER : The next item of business is the consideration of the Civil Procedure (Assam Amendment) Bill, 1940, clause by clause. There is no amendment.

1940.] ASSAM PROVINCIAL LEGISLATURE (REMOVAL 1779
OF DISQUALIFICATIONS) (AMENDMENT)
BILL, 1940

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I beg to move, Sir, that the Civil Procedure (Assam Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved :

"That the Civil Procedure (Assam Amendment) Bill, 1940, be passed".

The motion was then put and adopted.

**The Assam Legislative Chambers (Members' Emoluments)
(Amendment) Bill, 1940**

The Hon'ble the SPEAKER: The next item is the consideration of the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1940, clause by clause. There is no amendment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg to move that the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1940, be passed".

The motion was then put and adopted.

The Assam Motor Vehicles Taxation (Amendment) Bill, 1940

The Hon'ble the SPEAKER: Now is the consideration of the Assam Motor Vehicles Taxation (Amendment) Bill, 1940, clause by clause. There is no amendment.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move that the Assam Motor Vehicles Taxation (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Motor Vehicles Taxation (Amendment) Bill, 1940, be passed".

The motion was then put and adopted.

**The Assam Provincial Legislature (Removal of Disqualifications)
(Amendment) Bill, 1940**

The Hon'ble the SPEAKER: The next item of business is the consideration of the Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, clause by clause to which there is no amendment.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move that the Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be passed."

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, the attitude of my party with regard to this particular Bill has been sufficiently made clear by many of the hon. members in this side of the House. But for the assertion made by an hon. member of the European group and but for the assertion made by the Hon'ble Premier, I would not have risen on my legs to-day. The British statesmen and His Excellency the Viceroy of India have given us very good lectures as

1780 ASSAM PROVINCIAL LEGISLATURE (REMOVAL [23RD NOV.
OF DISQUALIFICATIONS) (AMENDMENT)
- BILL, 1940

to the intention of the present war and as to the joining of the British Empire in the present struggle. In this connection I am reminded of a quotation from a speech of the Hon'ble Leader of the Opposition in the Bengal Legislative Assembly, Mr. S. C. Bose, who said, "truth is the first casualty of the war". That has been the case with regard to all the declarations that have been made by the British statesmen in connection with the present war. That was also the case with regard to the principles that were declared with regard to the Great War in 1914. Mr. Lloyd George and other British statesmen declared in 1914 that the intention of Great Britain in joining the war was to obtain freedom for the small nations of the world and also for self-determination of the smaller nations. But, Sir, at the conclusion of the war, India was rewarded with the massacre of Jaliwanwallabagh and the Rowlatt Acts and all the 14 points of Mr. Wilson, the American President, were thrown into the waste-paper basket. Similarly is the case with regard to the declarations that we have got in the present war. The British statesmen say that they are fighting this war for the freedom of the small nations and for a new order in the world. But we find that the slavery and bondage of India is a monumental lie to that declaration. That in India there is even to-day a party of some particular individuals who say that by taking the oath of allegiance they are sworn to the pledge to assist Great Britain. That very fact is the monumental lie to the assertion that the war is fought for freedom. Hon'ble Mr. Blennerhasset said that India will be given Dominion Status immediately after the war. But, Sir, there has been no declaration to that effect. I ask the hon. members of the European group that if Hitler comes to-day with this proposal that Great Britain is to be a dominion within the German Empire, will they submit to that? I pause for a reply. Sir, we also read in the paper that the highest authority of this Province declared in a particular meeting that only a contemptible minority had the meanness to stand against this war. But, Sir, from the fate of the Finance Bill in the Central Assembly one can easily judge what is the attitude of the people of India towards this war. In the beginning of the war Mahatma Gandhi declared that India was fully sympathetic towards the British people in war, provided the declarations made by their statesmen from time to time with regard to war aims were implemented with reference to India. He waited and waited for a reply from the British Government and at last he got the reply from the Government of India in the conviction of the best son of India, Pandit Jawaharlal Nehru to four years' rigorous imprisonment, in the name of the defence of India. I would ask the Hon'ble Premier and the members of the European group if the best sons of India are put into jail for the defence of India? The Indian National Congress only wanted a declaration of the aims and objects of the war with regard to India. India only wanted that she should have a declaration to the effect that she should have the right to frame her own constitution by a Constituent Assembly elected on adult suffrage and the Indian National Congress was fully prepared to support the British people in this peril, provided they were prepared to make a declaration that they would do something real to the people of India. But, Sir, the reply has been nil and the attitude of the Indian National Congress is this that we should never be a party to a battle which is meant to perpetuate the slavery of India. In that connection I am reminded of a speech of one Muslim gentleman from the North-West Frontier Province who in the Central Assembly said that our attitude has been so

far as the present war is concerned to quote the Persian couplet "Let Cows get in and Donkeys get out". We do not bother who wins. It is no concern of ours. We are determined to win freedom and shall fight every enemy against our freedom be it British Imperialism or German Nazism.

I, therefore, enter my emphatic protest that members of this House should not be a party to this Bill. At least who says that he is an Indian should not be a party to this war. I should ask them to vote against this Bill. I should say that we should give no allowance to any member for going to this war. Neither, Sir, do we want any military man in this Legislature. I heard the hon. leader of the European group saying that 30 per cent. of their community have gone to war. So far as we find here that my friend hon. Mr. Blennerhesset is a strong man and who is fit to be a general is still here. I would have been glad if he had taken leave of legislative work and joined the war. When their Home is in danger of being bombed, I do not understand why the European members are here. I think they are here as a pillar of imperialism so that India can remain permanently under bondage in the event of a crisis.

With these few words I strongly oppose the passing of this Bill.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: I only want to say a few words in reply to what has been said by my hon. friend Mr. Gupta Chaudhuri. He said that the Indian National Congress represented India. I say, it represents only a section of the Hindu community. We have other organisations such as the Muslim League. So I cannot but lay my formal protest. The Indian National Congress is only a small party—it may be a strong party. It cannot at any rate represent the people of this country. As I said, we have other organisations. We believe that we Muslims constitute a separate nation. We do not believe in Indianism. We only believe that Hindus and Muslims are two nations and not communities. He referred to the question of the Constituent Assembly. We also do not support Constituent Assembly. In the name of Constituent Assembly the Congress wants to dominate over us. The Muslim and other minority communities do not want to surrender their rights and privileges.

Again, Sir, he referred to Mahatma Gandhi, regarding this war. May I remind my hon. friend at the very outset, that when war broke out in Europe, Mahatma Gandhi was eager to offer unconditional support to Britain. May I ask, what was the reason for which the Indian National Congress changed its mind afterwards? I say that by taking advantage of the course of the European war, our friends on the other side are trying to make a bargain. My friends are stabbing the British Government in their back. Now, we Muslims also want to see India free. But what is the definition of the term independence? They do not define the term "independence". We Muslims also want to have India free. We do not believe in Indian Indianism. We want a free Islam and a free India.

The Hon'ble the SPEAKER: How does it arise?

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Gupta Chaudhuri raised this question.

Sir, we Muslims are not a community, but we are a nation. Our foreign policy is moulded by the attitude of other Muslim countries. The theatre of war has been transferred to the Middle East. Our Leader Mr. Jinnah said that we must help Britain now and the whole people of Muslim India will be guided by his advice.

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With these few words I do not agree to the principle held by my friends opposite and we support the motion moved by the Hon'ble Premier on this point.

Mr. FAKHRUDDIN ALI AHMED : Is he a follower of Mr. Jinnah ?

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : Yes, surely.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI : May I know from the hon. member how he is a Vidyabinode ?

Mr. A. WHITTAKER : Just one point, Sir. I should like to refer hon. members of this Assembly to Mr. Dakshina Ranjan Gupta Chaudhuri's claim to have spoken in the voice of India. I would like to draw the attention of all members of the Assembly to the fact that when the authorities wanted 300 candidates for the Indian Royal Air Force, they received from Indian volunteers 18 thousand applications during the first ten days. It is, I think, just as reasonable to believe that the action of these 18,000 young men is as much the voice of India as the words we heard to-day. That is the only point that I wish to make.

The Hon'ble the SPEAKER : I am now putting the question. The question is : "That the Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be passed".
The Assembly divided.

Ayes—51

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 13. Maulavi Abdul Aziz. |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 14. Maulavi Abdul Bari Chaudhury. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 15. Maulana Abdul Hamid Khan. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 16. Maulavi Abdur Rahman. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 17. Maulavi Md. Abdus Salam. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 18. Maulavi Dewan Muhammad Ahabab Chaudhury. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 19. Maulavi Dewan Ali Raja. |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 20. Maulavi Muhammad Amiruddin. |
| 9. The Hon'ble Miss Mavis Dunn. | 21. Maulavi Muhammad Amjad Ali. |
| 10. The Hon'ble Srijut Rupnath Brahma. | 22. Maulavi Badaruddin Ahmed. |
| 11. Srijut Jogendra Narayan Mandal. | 23. Khan Bahadur Dewan Eklimur Roza Chaudhury. |
| 12. Babu Kalachand Roy, | 24. Maulavi Ghyasuddin Ahmed. |
| | 25. Maulavi Jahanuddin Ahmed, |
| | 26. Maulavi Muhammad Maqbul Husain Chaudhury. |
| | 27. Maulavi Matior Rahman Mia, |
| | 28. Maulavi Mabararak Ali, |

Ayes—51—concl'd.

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| 29. Khan Bahadur Maulavi Mufizur Rahman. | 40. Mr. C. W. Morley. |
| 30. Maulavi Namwar Ali Barbhuiya. | 41. Mr. R. A. Palmer. |
| 31. Maulavi Naziruddin Ahmed. | 42. Mr. A. Whittaker. |
| 32. Maulavi Sheikh Osman Ali Sadagar. | 43. Mr. Benjamin Ch. Momin. |
| 33. Shams-ul-Ulama Maulana Abu Nasr. Md. Waheed. | 44. Srijut Bhairab Chandra Das. |
| 34. Mr. A. F. Bendall. | 45. Srijut Bideshi Pan Tanti. |
| 35. Mr. F. W. Blennerhassett. | 46. Srijut Binode Kumar J. Sarwan. |
| 36. Mr. N. Dawson. | 47. Rev. L. Gatphoh. |
| 37. Mr. W. R. Faull. | 48. Mr. C. Goldsmith. |
| 38. Mr. E. B. Sim. | 49. Mr. Jobang D. Marak. |
| 39. Mr. P. Trinkle. | 50. Srijut Khorsing Terang. |
| | 51. Srijut Rabi Chandra Kachari. |

Noes.—36

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| 1. Kumar Ajit Narayan Dev. | 19. Srijut Krishna Nath Sarmah. |
| 2. Mr. Arun Kumar Chanda. | 20. Srijut Lakshesvar Borooah. |
| 3. Mr. Baidyanath Mookerjee. | 21. Babu Lalit Mohan Kar. |
| 4. Babu Balaram Sircar. | 22. Srijut Mahadev Sarma. |
| 5. Srijut Beliram Das. | 23. Babu Nirendra Nath Dev. |
| 6. Srijut Bepin Chandra Medhi. | 24. Srijut Omeo Kumar Das. |
| 7. Babu Bipin Behari Das. | 25. Srijut Paramananda Das. |
| 8. Srijut Bishnu Ram Medhi. | 26. Srijut Purna Chandra Sarma. |
| 9. Babu Dakshina Ranjan Gupta Chaudhuri. | 27. Srijut Rajani Kanta Barooah. |
| 10. Srijut Debeswar Sarmah. | 28. Srijut Rajendra Nath Barua. |
| 11. Srijut Ghanashyam Das. | 29. Srijut Ram Nath Das. |
| 12. Srijut Gaurikanta Talukdar. | 30. Srijut Santosh Kumar Barua. |
| 13. Srijut Gopinath Bardoloi. | 31. Srijut Sarveswar Barua. |
| 14. Srijut Haladhar Bhuyan. | 32. Babu Shibendra Chandra Biswas. |
| 15. Srijut Jadav Prasad Chaliha. | 33. Srijut Siddhi Nath Sarma. |
| 16. Srijut Kameswar Das. | 34. Srijut Sonaram Dutta. |
| 17. Babu Kamini Kumar Sen. | 35. Mr. Fakhruddin Ali Ahmed. |
| 18. Babu Karuna Sindhu Roy. | 36. Babu Sanat Kumar Ahir. |

The motion was adopted.

The Assam Deputy President's Salary (Amendment) Bill, 1940

The Hon'ble the SPEAKER : Now we shall take up consideration of the Assam Deputy President's Salary (Amendment) Bill, 1940, clause by clause. There is no amendment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I beg to move that the Assam Deputy President's Salary (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Deputy President's Salary (Amendment) Bill, 1940, be passed".

The motion was then put and adopted.

The Assam Embankment and Drainage Bill, 1940

The Hon'ble the SPEAKER: Consideration of the Assam Embankment and Drainage Bill, 1940, clause by clause. There are 14 amendments tabled. I do not know if there has been any agreement between different parties as to which amendment should be moved and which not. If there be no such agreement, then I shall have to take these up one by one.

Clause 7

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: If you will take up clause 7 first, that will be convenient.

The Hon'ble the SPEAKER: Will the amendments to other clauses depend upon the amendment of that clause?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir.

The Hon'ble the SPEAKER: Very well. I take up clause 7. (Srijut Gauri Kanta Talukdar, Srijut Jogendra Chandra Nath, Srijut Kameswar Das, and Srijut Sarveswar Barua did not move the amendment* standing in their names.)

The Hon'ble the SPEAKER: Then this disposes of clause 7.

The question is that clause 7 stands part of the Bill.

The question was adopted.

Clause 2.

The Hon'ble the SPEAKER: I shall now take up clause 2.

Mr. A. WHITTAKER: I beg to move, Sir, "That for the definition of the word 'cost' in item (e) of sub-clause (iv) of clause 2, the following shall be substituted, namely:—

'Cost' means the capital cost of a work and includes the expense of survey, any compensation awarded under sections 3, 4, 8, and 10, maintenance and interest charges, but excludes any contribution made by Government under section 7".

Sir, the object of this amendment is to increase the amount of work that can be done under this Act. I can best illustrate my amendment by taking a concrete case. Suppose Government have allotted one lac of rupees per year for embankment and drainage scheme under this Act. The maintenance charges can be put at a fairly reasonable figure of 10 per cent. At the end of 4 years on a 10 per cent. maintenance charge Government will be spending no less than a lac on maintenance charges alone. Is there any

Gauri Kanta Talukdar
Jogendra Chandra Nath
*Srijut Kameswar Das to move :—
Sarveswar Barua

That in clause 7, the words "and a statement of the proportion of such cost which the Government proposes to defray" occurring towards the end of the clause shall be omitted,

reason why the people who received direct benefit from these local schemes should not pay for their upkeep, or to put it in other words, is there any reason why the maintenance of local scheme for a few people should fall on the general tax-payers? If the clause stands, as it has been drafted by the Select Committee, it means that those districts in which the first schemes are taken up, will be able to delay equally necessary schemes in other districts, because in a short time the whole of the capital amount allotted each year will be swallowed up in the maintenance of the early schemes. Some districts are bound to be lucky in the ballot and get money spent during the first two or three years, but there is no reason why this good luck should be perpetuated at the expense of other deserving districts in the province; similarly, the interest charges. As I have toured in many of the districts of Assam, there can be no doubt that there is work crying to be done in most of the districts of the province. If the engineers know their job, most of the schemes will be productive, and I, for one, should be prepared to support a proposal that Government of Assam borrow money to finance them. But borrowing means interest and for the same reasons that maintenance charges should be borne by the beneficiaries, I think interest charges should equally be borne in the same way. After all, Government can borrow at the rate far cheaper than the average private person. The interest charges are modest and well within the capacity of the beneficiaries to pay. There is no political issue whatever in my amendment. I give this House the choice between a long term and a short term views. I am in favour of the long term view and consider that this amendment will improve the Bill by hastening the day when every district of the province can participate in its benefit. The result of Mr Talukdar dropping his amendment will be that if the Government wish to give to any particular scheme their assistance, they can do it by a contribution made under clause 7. According to the needs of a particular area they can make their contribution. It may be 1 per cent. or it may be 100 per cent. I think there is ample provision in the Bill to give according to the needs, provided maintenance charges are borne by the local beneficiaries. With these few words, I commend my amendment to the House.

The Hon'ble the SPEAKER: Amendment moved:

"That for the definition of the word 'cost' in item (e) of sub-clause (iv) of clause 2, the following shall be substituted, namely:—

'Cost' means the capital cost of a work and includes the expense of survey, any compensation awarded under sections 3, 4, 8 and 10, maintenance and interest charges, but excludes any contribution made by Government under section 7."

Adjournment

The Assembly then adjourned for lunch till 2 P. M.

After lunch

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, Mr. Whittaker's amendment besides saddling the poor agriculturists with the capital cost of drainage and embankment project seeks to burden the agriculturists with the maintenance and interest charges. It also introduces a dangerous principle in affording Government with a handy weapon to impose an additional taxation on the agriculturists whenever any project of land improvement is undertaken. The arguments put forward by Mr. Whittaker

in this House were carefully considered by the Select Committee, and the Select Committee by a large majority decided to omit the maintenance and interest charges. I do not think it will be proper to provide for realisation of these two charges at this stage when the agriculturists of the province of Assam, are passing through hard times. Sir, in Assam Valley the incidence of taxation on account of land revenue is out of proportion to their income, and it is uncertain whether the fifty per cent. reduction of land revenue will be given permanently or not. In view of all these circumstances, I think, it will be unfair to saddle the agriculturists to bear the interest charges as well as maintenance charges for embankment and drainage. Mr. Whittaker said that it would not be a sound proposition if we do not get a guarantee for the return of the money that we will invest in making the embankment or drainage schemes. In order to meet this objection we have provided in the Bill that the capital cost will be realised in course of a certain number of years. This, I think, would be a sufficient incentive for the lenders to issue loan to Government if the Government undertake to bear only the maintenance and interest charges, which it is their duty to bear. Considering the absolutely poor condition of the agriculturists, I feel inclined to ask Mr. Whittaker to withdraw his amendment and support the Bill as amended by the Select Committee.

Maulana ABDUL HAMID KHAN: Mr. Speaker, Sir, আমি এই amendment oppose করিতেছি। মিঃ ছইটেকার জানেন যে দেশের কৃষক প্রজা সম্প্রদায় দেশের মেরুদণ্ড এবং কৃষকদের আর্থিক অবস্থার উপর গবর্ণমেন্টের অস্তিত্ব নির্ভর করে। কৃষকদের উপকারার্থে যে বিল আনিয়ণ করা হইয়াছে, যদি ইহা pass না হয়, তাহা হইলে উহার যাবতীয় খরচ বহন করিয়া কৃষকদিগকে মরণের কবল হইতে রক্ষা করা গভর্ণমেন্টের কর্তব্য (*hear, hear!*)। গভর্ণমেন্টের মিনিষ্টার, পালিয়েমেন্টেরী সেক্রেটেরী এবং প্রাইভেট সেক্রেটেরীদের বেতন, মিনিষ্টারদের Travelling Allowance, মেম্বারদের salary প্রভৃতি কার্যে লক্ষ লক্ষ টাকা ব্যয় হইলেও গভর্ণমেন্টের টাকার অভাব হয় না। কিন্তু যখনই দেশের মরণাপণ কৃষকদিগকে রক্ষা করিবার জন্য বলা হয়, তখনই গভর্ণমেন্ট অথাভাবে একটা ধুয়া তুলিয়া কোন কার্য্য করিতে সক্ষম হন না বলিয়া তাহাদের উক্তি পেশ করিয়া থাকেন। কৃষকদের উপর যদি এই বোঝা চাপানো হয় যে তাহারা যাবতীয় খরচ এবং যে টাকা ঋণ করা হইবে তাহার সুদ বহন করিবে, তাহা হইলে সর্ব্বাগ্রে আমি বলি যে এই আইন শুধু কাগজেই পরিণত হইয়া থাকিবে—কেহই কোন দিন বাঁধ বা নালা চাহিবে না। তাই আমি সম্পূর্ণ ভাবে এই amendmentএর প্রতিবাদ জানাইতেছি এবং মিষ্টার ছইটেকারকে বলিতেছি যে শুধু দেশের capitalistদের স্বার্থ না দেখিয়া তিনি যেন দরিদ্র গরীব প্রজাদের প্রতি লক্ষ্য করেন এবং তাঁহার উদারতা নিজে উপলব্ধি করিয়া যেন এই amendment withdraw করেন। ইহাই আমার অনুরোধ।

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Mr. Speaker, Sir, I also oppose the amendment. Mr. Whittaker is a calculating man representing the most lucrative business of the province, I mean the tea concerns, but Government should not be so business-minded. If his amendment is carried, the burden of maintenance and interest charges will be thrown upon the shoulders of the poor raiyats. The aim of the Bill is to give benefit to the poor people. This amendment instead of giving them relief will saddle them with further charges. I may say in this connection that if it is difficult for Government to provide money to work out the schemes, Government might curtail other less important expenditure and provide money for these. Like Mr. Lakshesvar Borooah and Alhaj

Maulana Abdul Hamid I would also request Mr. Whittaker to withdraw his amendment and to allow the Bill to be passed as amended by the Select Committee.

Under clause 2, sub-clause (iv), item (e) has been added by the Select Committee, of which Mr. Whittaker was a member, but he could not carry his point there. He, of course, has submitted a minute of dissent, but I think Mr. Whittaker would stand by the Report of the Select Committee and withdraw his amendment.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mr. Speaker, Sir, clause 7 which we have just passed deals with the portion of the cost which the Government is to bear in regard to any scheme. The Select Committee decided that the cost should include the capital cost and the cost of survey, and should not include maintenance and interest charges. Mr. Whittaker has brought forward this amendment suggesting that the cost of maintenance and interest charges should also be included in the definition of the word cost. As a business proposition this may be very perfect and an ideal one, but the Select Committee took the view that they should look not to the business aspect of the thing, but the utilitarian aspect of the matter. You know the condition in which the cultivators are living—their dismal condition was described by the hon. member Srijut Deveswar Sarmah the other day. The Select Committee took the view that, if any tax or burdens are to be imposed on the cultivators, they should be as light as we can possibly make them. Taking that view, Sir, the Select Committee decided that the cost should include only the capital cost and the cost of survey and not the maintenance or the interest charges. Mr. Whittaker's argument is, if we are taking up big schemes costing large sums of money, probably we shall have to float a loan; and if a loan is to be floated and if the interest and maintenance charges are included in the term 'cost', it will afford greater security to the investors. It will be more attractive from the investor's point of view. But, Sir, if the question of a loan is to be considered, that I think will depend more upon the terms of the loan, the financial credit and the budgetary position of the Government than the question whether we include the maintenance or interest charges in the definition of cost with regard to these schemes.

The Government view in this matter is this. It is a non-controversial Bill and we would leave the matter to be decided by the free votes of this House.

The Hon'ble the SPEAKER: The question is:

"That for the definition of the word 'cost' in item (e) of sub-clause (iv) of clause 2, the following shall be substituted, namely:—

'cost' means the capital cost of a work and includes the expense of survey, any compensation awarded under sections 3, 4, 8 and 10, maintenance and interest charges, but excludes any contribution made by Government under section 7."

The Assembly divided.

Ayes—14

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| 1. Maulavi Badaruddin Ahmed. | 8. Mr. W. R. Faull. |
| 2. Maulavi Ghyasuddin Ahmed. | 9. Mr. E. B. Sim. |
| 3. Maulavi Jahanuddin Ahmed. | 10. Mr. P. Trinkle. |
| 4. Maulavi Namwar Ali Barbhuiya. | 11. Mr. C. W. Morley. |
| 5. Mr. A. F. Bendall. | 12. Mr. R. A. Palmer. |
| 6. Mr. F. W. Blennerhassett. | 13. Mr. A. Whittaker. |
| 7. Mr. N. Dawson. | 14. Srijut Binode Kumar J. Sarwan. |

Noes—47

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| 1. Kumar Ajit Narayan Dev. | 27. Srijut Purna Chandra Sarma. |
| 2. Mr. Arun Kumar Chanda. | 28. Babu Rabindra Nath Aditya. |
| 3. Mr. Baidyanath Mookerjee. | 29. Srijut Rajani Kanta Barooah. |
| 4. Srijut Beliram Das. | 30. Srijut Rajendra Nath Barua. |
| 5. Srijut Bepin Chandra Medhi. | 31. Srijut Ram Nath Das. |
| 6. Srijut Bishnu Ram Medhi. | 32. Srijut Sankar Chandra Barua. |
| 7. Babu Dakshina Ranjan Gupta Chaudhuri. | 33. Srijut Santosh Kumar Barua. |
| 8. Srijut Debeswar Sarmah. | 34. Srijut Sarveswar Barua. |
| 9. Srijut Ghanashayam Das. | 35. Babu Shibendra Chandra Biswas. |
| 10. Srijut Gaurikanta Talukdar. | 36. Srijut Siddhi Nath Sarma. |
| 11. Srijut Gopinath Bardoloi. | 37. Srijut Sonaram Dutta. |
| 12. Babu Harendra Narayan Chaudhuri. | 38. Maulana Abdul Hamid Khan. |
| 13. Srijut Jadav Prasad Chaliha. | 39. Maulavi Md. Abdus Salam. |
| 14. Srijut Jogendra Chandra Nath. | 40. Maulavi Dewan Muhammad Ahab Chaudhury. |
| 15. Srijut Kameswar Das. | 41. Maulavi Muhammad Amiruddin. |
| 16. Babu Kamini Kumar Sen. | 42. Maulavi Muhammad Amjad Ali. |
| 17. Babu Karuna Sindhu Roy. | 43. Mr. Fakhruddin Ali Ahmed. |
| 18. Srijut Krishna Nath Sarmah. | 44. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 19. Srijut Lakshesvar Borooah. | 45. Khan Bahadur Maulavi Mafizur Rahman. |
| 20. Babu Lalit Mohon Kar. | 46. Maulavi Sheikh Osman Ali Sadagar. |
| 21. Srijut Mahadev Sarma. | 47. Rev. J. J. M. Nichols-Roy. |
| 22. Srijut Mahi Chandra Bora. | |
| 23. Babu Nirendra Nath Dev. | |
| 24. Srijut Omeo Kumar Das | |
| 25. Srijut Paramananda Das. | |
| 26. Srijut Purandar Sarma. | |

The motion was negatived.

The Hon'ble the SPEAKER : Is any of the other amendment going to be moved ?

Srijut GAURI KANTA TALUKDAR : We have decided not to move any amendments* to clause 2.

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

The question is that clause 2 stands part of the Bill.

The question was adopted.

Clause 3

The Hon'ble the SPEAKER : As there are no amendments to clause 3, I am putting the question. The question is that clause 3 stands part of the Bill.

The question was adopted.

Clause 4

Mr. W. R. FAULL : I beg, Sir, to move "that in item (b) of sub-clause (i) of clause 4, the word 'construct' occurring in the first line shall be omitted and the following shall be added as new item (c) of that sub-clause. '(c) to construct any embankment or drain the absence of which, in his opinion, endangers the safety of any town or village'."

Sir, if we take sub-clause (b) literally it will be seen that the Embankment Officer has power to construct an obstruction, and worse than that, he has power to construct an obstruction which endangers the safety of any town or village. I feel sure that it was never intended that such power should lie with the Embankment Officer and that this sub-clause has been wrongly drafted.

My amendment merely suggests a clarification which will give the intended meaning to item (b) and that in these circumstances it will be accepted by the Hon'ble Minister-in-charge, and the members of the House.

*2. Srijut Gauri Kanta Talukdar
Jogendra Chandra Nath to move :—
Sarveswar Barua

That in item (e) of sub-clause (iv) of clause 2 for the the words "but does not include any maintenance or interest charges, or any contribution made by Government under section 7" the following words shall be substituted, namely :—

"compensation under the provisions of the Act, maintenance and interest charges."

*3. Srijut Gauri Kanta Talukdar
Jogendra Chandra Nath to move :—
Kameswar Das
Sarveswar Barua

That in item (e) of sub-clause (iv) of clause 2, for the words "but does not include", the following words shall be substituted, namely :—

"and compensation under the Act, maintenance and interest charges."

*4. Srijut Gauri Kanta Talukdar
Jogendra Chandra Nath to move :—
Kameswar Das
Sarveswar Barua

That in item (e) of sub-clause (iv) of clause 2, the "comma" occurring after the word "charges" shall be substituted by a "full stop" and the subsequent words "or any contribution made by Government under section 7" shall be omitted.

The Hon'ble the SPEAKER : Amendment moved : "That in item (b) of sub-clause (i) of clause 4, the word 'construct' occurring in the first line shall be omitted and the following shall be added as new item (c) of that sub-clause :—

'(c) to construct any embankment or drain the absence of which, in his opinion, endangers the safety of any town or village'."

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : This is merely a verbal change making the intention clear. So I accept the amendment.

The Hon'ble the SPEAKER : I do not think any member of this side of the House (referring to the Opposition side) is going to oppose it.

Srijut LAKSHESVAR BOROOAH : Sir, I do not oppose the motion. I simply want to make a suggestion. Will it not be better if we add the word 'excavate' before the word 'drain'? I think we excavate a drain or dig it and not construct it.

The Hon'ble the SPEAKER : I am putting the question.

The question is : "That in item (b) of sub-clause (i) of clause 4, the word 'construct' occurring in the first line shall be omitted and the following shall be added as new item (c) of that sub-clause :—

'(c) to construct any embankment or drain the absence of which, in his opinion, endangers the safety of any town or village'."

The motion was adopted.

Mr. W. R. FAULL : I beg, Sir, to move : "That in sub-clause (iii) of clause 4, the words 'from the final order passed upon the application' occurring in the twelfth and the thirteenth lines shall be omitted".

As sub-clause (iii) stands, it appears to be full of ambiguity and to deprive claimants of rights, under this clause, that have been conceded in the other more important clause 10.

The nearest literal reading of this sub-clause is that only if the Provincial Government considers that any work done by the Embankment Officer is unnecessary, can a claim for compensation or restoration be considered? What happens to a claimant who has suffered as the result of work which the Provincial Government considers necessary is nowhere detailed.

Sir, I contend that loss sustained whether as the result of necessary or unnecessary work should be compensated. The claimant should have the same right of appeal as in cases arising out of the other clauses in the Bill.

My amendment is moved with the sole purpose of bringing clause 4 into line with clause 10 in respect of compensation, and in such circumstances it should be acceptable to the Hon'ble Minister-in-charge and the members of the House.

The Hon'ble the SPEAKER : Amendment moved : "That in sub-clause (iii) of clause 4, the words 'from the final order passed upon the application' occurring in the twelfth and thirteenth lines shall be omitted."

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I have no objection to accept this amendment.

The Hon'ble the SPEAKER : The question is :

"That in sub-clause (iii) of clause 4, the words 'from the final order passed upon the application' occurring in the twelfth and the thirteenth lines shall be omitted."

The motion was adopted.

The Hon'ble the SPEAKER: The question is that clause 4 as amended stands part of the Bill.

The question was adopted.

Clause 5

The Hon'ble the SPEAKER: There are no amendments to clause 5. The question is that clause 5 stands part of the Bill.

The question was adopted.

Clause 6

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, I beg to move:

"That in sub-clause (ii) of clause 6, after the words 'detailed estimate' the following words shall be added, namely:—

'with a statement of the proportion of such cost which the Government proposes to defray'."

Sir, in clause 7 of the Bill provision has been made for Government contribution in cases of those schemes which are undertaken by the Government on their own initiative, but in cases of schemes which are undertaken on the application of private individuals no such provision has been made. Sir, I consider that in cases where private individuals make application for such schemes it is just and proper for Government to come forward with a contribution whatever the amount may be. This will give an impetus to the private individuals to come forward with schemes and they will get much encouragement in coming forward with offer of contribution in money and manual labour. If the people find that the schemes which are undertaken by private individuals are not encouraged by Government by making contribution from the public coffer they will be reluctant to come forward with such schemes. For these reasons, I propose that a provision of this kind should be added to sub-clause (ii) of clause 6 of the Bill.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (ii) of clause 6, after the words 'detailed estimate' the following shall be added, namely:—

'with a statement of the proportion of such cost which the Government proposes to defray'."

Srijut KAMESWAR DAS: Mr. Speaker, Sir, I rise to support this amendment. Two classes of schemes are contemplated under the provisions of the Bill. One class will include those schemes which will be taken up by the Government in their own initiative and the other class will be those which will be taken up on the application of private individuals. Sir, the principle of contributing a certain proportion of the cost by the Government has been accepted by accepting clause 7 and it will be iniquitous not to concede the same concession in those cases which are undertaken on the application of private persons as in both cases the schemes will affect equally the poor cultivators. It is regrettable that this point did not strike the minds of the Select Committee at the time of discussion of the Bill. Had it been so, I have no doubt that the Select Committee would have accepted this amendment as they have already done in the case of schemes in connection with clause 7.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, as Srijut Kameswar Das has pointed out that there is a distinction between these two clauses, *viz.*, clause 6 and clause 7. In clause 7 the Select Committee accepted the principle that a part of the cost should be borne by Government because they thought that the schemes that were to be undertaken under clause 7 would be undertaken on the initiative of the Government for the general good of the public as a whole. But with regard to clause 6, it relates to those schemes for which the private owners apply for the improvement of their own land. The Select Committee thought it no part of the duty of Government to contribute to the improvement of the private individual's land. Therefore the Select Committee made a distinction between clause 6 and clause 7 and did not provide for Government contribution in clause 6. Here also Government is entirely ready to be guided by the advice of the House.

The Hon'ble the SPEAKER: The question is:

"That in sub-clause (ii) of clause 6, after the words 'detailed estimate' the following words shall be added, namely:—

'with a statement of the proportion of such cost which the Government proposes to defray'."

The motion was adopted.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, I beg to move: "That in sub-clause (iii) of clause 6, for the words 'not exceeding', the word 'of' shall be substituted and the following shall be added after the figure and word '20 years':—

'but not less than 10 years'."

Sir, provision has been made as to how the cost of such embankment and drainage schemes are to be apportioned among the occupiers and owners of land. It has been suggested in sub-clause (iii) of clause 6 that the cost of the project should be liquidated within a period not exceeding 20 years. My point is that some reasonable time should be given to occupiers and owners to liquidate the dues that may be demanded of them under the provisions of the Bill. Under the provisions as they are, Government can demand the dues within one year, two years or five years as they may like. What we want is that Government should not be entitled to demand realisation of the cost within less than 10 years. I believe if poor people are given 10 years' time they will be able to pay their dues with reasonable and easy instalments. That is why I have come forward with this amendment and I hope there will be no difficulty in accepting it on the part of the Government.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (iii) of clause 6, for the words 'not exceeding' the word 'of' shall be substituted and the following shall be added after the figure and word '20 years':—

'but not less than 10 years'."

Mr. A. WHITTAKER: Just one point with regard to Mr. Talukdar's amendment. If a person like my hon. friend, Mr. Mookerjee, wishes to pay up in five years, I do not see any reason why he should be restricted by Mr. Talukdar to a period of ten years. Any public spirited Zemindar might want to pay in five years. I would suggest that the clause might be left as it is. I therefore oppose this amendment.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: With regard to this amendment I would like to leave the matter to the wishes of the House.

The Hon'ble the SPEAKER: The question is:

“That in sub-clause (iii) of clause 6, for the words ‘not exceeding’ the word ‘of’ shall be substituted and the following shall be added after the figure and word ‘20 years’ :—

‘but not less than 10 years’.”

The motion was adopted.

The Hon'ble the SPEAKER: There is no other amendment in clause 6.

The question is that clause 6 as amended stands part of the Bill.

The question was adopted.

Clause 8

The Hon'ble the SPEAKER: There is no amendment to clause 8.

The question is that clause 8 stands part of the Bill.

The question was adopted.

Clause 9

Mr. W. R. FAULL: I beg, Sir, to move:

“That in sub-clause (ii) of clause 9, the words ‘proposed to be’ shall be inserted before the words ‘made chargeable’.”

Sir, this is a very simple amendment and my intention is to point out that clause 7 does not actually make land chargeable. Clause 7 details a procedure and goes no further than proposing charges; and that is what my amendment does.

The Hon'ble the SPEAKER: Amendment moved:

“That in sub-clause (ii) of clause 9, the words ‘proposed to be’ shall be inserted before the words ‘made chargeable’.”

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I accept Mr. Faull's amendment.

The Hon'ble the SPEAKER: The question is:

“That in sub-clause (ii) of clause 9, the words ‘proposed to be’ shall be inserted before the words ‘made chargeable’.”

The motion was adopted.

Srijut GAURI KANTA TALUKDAR: We do not propose to move amendments, Nos. †11 and ‡12.

The Hon'ble the SPEAKER: The question is that clause 9 as amended stands part of the Bill.

The question was adopted.

Clause 10

Mr. A. WHITTAKER: Mr. Speaker, Sir, I beg to move:

“That for item (a) of sub-clause (i) of clause 10, the following shall be substituted, namely:—

“(a) obstruction is removed or embankment or drain constructed or altered under section 4 (i) (a), (b) and (c) or.”

Sir, this amendment arises out of the acceptance of Mr. Faull's amendment to clause 4 which added item (c) to sub-clause (i) of clause 4. There is another amendment necessary later on, because the original clause only refers to alteration of embankment or drains whereas clause 4 actually refers to the construction and alteration. This amendment is technical and I think calls for no discussion.

The Hon'ble the SPEAKER: Amendment moved is that for item (a) of sub-clause (i) of clause 10, the following shall be substituted, namely:—

“(a) obstruction is removed or embankment or drain constructed or altered under section 4 (i) (a), (b) and (c) or.”

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I accept this amendment, Sir.

The Hon'ble the SPEAKER: The question is:

“That for item (a) of sub-clause (i) of clause 10, the following shall be substituted, namely:—

“(a) obstruction is removed or embankment or drain constructed or altered under section 4 (i) (a), (b) and (c) or.”

The motion was adopted.

Mr. A. WHITTAKER: Mr. Speaker, Sir, I beg to move:—

“That in item (c) of sub-clause (i) of clause 10, for the figures ‘4 (i), the figure ‘4 (iii)’ shall be substituted.”

Gauri Kanta Talukdar

† 11. Srijut Jogendra Chandra Nath to move:

Kameswar Das

Sarveswar Barua

That for the proviso to sub-clause (ii) of clause 9, the following proviso shall be substituted, namely:—

“provided that there will be no enhancement of land revenue of settled lands in virtue of the improvement effected by the scheme in the temporarily-settled areas of Assam in the next re-settlements”.

Gauri Kanta Talukdar

‡ 12. Srijut Jogendra Chandra Nath to move:

Sarveswar Barua

That in the proviso to sub-clause (ii) of clause 9, for the word “ten” the word “fifteen” shall be substituted.

My amendment to this clause seeks to correct a mistake which has crept in. Item (c) refers to emergency work under clause 4 (i). But the House if it refers to clause 4, will find that there is no emergency work under clause 4 (i). Emergency work is referred to in clause 4 (iii). My draft amendment puts the position correctly.

"The Hon'ble the SPEAKER : Amendment moved :

"That in item (c) of sub-clause (i) of clause 10, for the figure ' 4 (i) ' the figure ' 4 (iii) ' shall be substituted."

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Sir, this is probably a printing mistake. I am thankful to Mr. Whittaker for pointing out the mistake and correcting it.

The Hon'ble the SPEAKER : The question is :

"That in item (c) of sub-clause (i) of clause 10, for the figure ' 4 (i) ' the figure ' 4 (iii) ' shall be substituted."

The motion was adopted.

The question is that clause 10 as amended stands part of the Bill.

The question was adopted.

Clause 11

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

The question was adopted.

Clause 12

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

The question was adopted.

Clause 13

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

The question was adopted.

Clause 14

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

The question was adopted.

Clause 15

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

The question was adopted.

Clause 16

The Hon'ble the SPEAKER : The question is that clause 16 stands part of the Bill.

The question was adopted.

Clause 17

The Hon'ble the SPEAKER : The question is that clause 17 stands part of the Bill,

The question was adopted.

Clause 18

The Hon'ble the SPEAKER : The question is that clause 18 stands part of the Bill

The question was adopted.

Clause 1

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

The question was adopted.

Title and preamble

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

The question was adopted.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Sir, I beg to move that the Assam Embankment and Drainage Bill, 1940, as amended, be passed.

The Hon'ble the SPEAKER : Motion moved is that the Assam Embankment and Drainage Bill, 1940, as amended, be passed.

(After pause)

The question is that the Assam Embankment and Drainage Bill, 1940, as amended, be passed.

The motion was adopted.

The Assam Forest (Amendment) Bill, 1940.

The Hon'ble Srijut RUPNATH BRAHMA : Mr. Speaker, Sir, I beg to introduce the Assam Forest (Amendment) Bill, 1940.

(The Bill was introduced).

The Hon'ble Srijut RUPNATH BRAHMA : I beg to move that the Assam Forest (Amendment) Bill, 1940, be referred to a Select Committee consisting of the following members :—

- (1) Mr. A. Whittaker,
- (2) Maulavi Abdur Rahman,
- (3) Srijut Dhirsing Deuri,
- (4) Maulavi Muhammad Amjad Ali,
- (5) Babu Akshay Kumar Das,
- (6) Babu Karuna Sindhu Roy,
- (7) Mr. Naba Kumar Dutta,
- (8) Srijut Beliram Das, and
- (9) The mover.

Five members to form a quorum.

Khan Bahadur Maulavi KERAMAT ALI: With your permission, Sir, may I move that Maulavi Muzarrof Ali Laskar's name be included in the Select Committee, as there is no one from Cachar in the Committee?

The Hon'ble the SPEAKER: I wish to point out to the hon. Khan Bahadur that it has been an established procedure that Leaders are consulted before names are recommended. So, when the Hon'ble Minister has moved the motion after consultation with the Leaders, I do not think any suggestion should at all be necessary.

Khan Bahadur Maulavi KERAMAT ALI: If the names were suggested by my Leader, I withdraw my suggestion.

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I need not point out to the House that our forests are a valuable source of revenue to the province. These forests have been bringing several lakhs annually to the provincial exchequer. Apart from the revenue side, Sir, the existence of forests is essentially necessary for the protection of people themselves from flood, erosion and other similar dangers.

Now, Sir, for the preservation and protection of these forests there are certain rules which have been embodied in the Assam Forest Manual. It has been criticised that there has been some harassment to the people in the enforcement of these rules. And to get rid of that harassment some hon. members, notably Babu Karuna Sindhu Roy and Maulavi Abdur Rahman, gave notices from time to time to bring up some amendments to the present Regulation. But unfortunately, those amendments could not be moved in this House. Government have very carefully considered the amendments which were proposed to be moved by those hon. members. After close examination, Government have found out that the real trouble lies in the presumption that all the forest produce belong to Government until and unless it is proved to the contrary. The successive Ministries undertook to bring forward certain Bills in this respect and after examining all the details, the present Ministry has also undertaken to bring forward certain amendments to the present Regulation and this Government have brought the Bill in the present form. The Government also feel that from the present amending Bill the people will get some relief from the alleged harassment by the Forest Officers. So, Sir, it is quite clear from the Statement of Objects and Reasons what has led the present Ministry to come forward with this Bill. With these few words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved: That the Assam Forest (Amendment) Bill, 1940 be referred to a Select Committee consisting of the following:—

- (1) Mr. A. Whittaker,
- (2) Maulavi Abdur Rahman,
- (3) Srijut Dhirsingh Deuri,
- (4) Maulavi Muhammad Amjad Ali,
- (5) Babu Akshay Kumar Das,
- (6) Babu Karuna Sindhu Roy,
- (7) Mr. Naba Kumar Dutta,
- (8) Srijut Beli Ram Das, and
- (9) The Mover. (*i. e.* the Hon'ble Minister-in-charge of Forests).

Five members to form a quorum."

Babu KARUNA SINDHU ROY: Sir, I tabled another Forest Regulation (Amendment) Bill, it has not come before the House for discussion. Both the Bills are almost similar. So in supporting the motion for referring the Bill to a Select Committee I shall say something.

One of the many blackest spots in the British administration is the disgraceful way in which forest administration is conducted. It cannot be denied that rural population in general, specially the illiterate agriculturists, are vitally affected by the existing harsh Forest Regulation. The gross misuse of unlimited authority empowered by the Regulation to Forest Subordinate Officials in Revenue stations, miserably victimised the poor agriculturists; the very existence of a cultivator would be at stake if he is deprived the use of forest produce. To cite instances I can say that an agriculturist of our part of the district depend mainly upon the following forest articles for his essential home consumption. He requires wooden posts, thatching grass (*shon*), wooden rafters, Ikra, bamboos etc., to build his house; he requires *nal nali* (small pieces of bamboos) to make *dharas* for thrashing and drying his paddy. He requires fuels to cook his food; he requires *khuts*; and *khagras* for fencing his field; he requires pieces of wood for his plough, husking vessels and other implement of cultivation. Thus, Sir, I think hon. members of this House will realise that a cultivator often will have to come in contact with Forest Subordinate Officials in his neighbouring revenue stations. According to Regulation generally, he has to make double payments, once an export duty to the Siems of the neighbouring hills, again to the Forest Department as home consumption import permit. Forest articles allowed per family to be extracted by one person at the annual royalty of Rs.2-8 are very insufficient for a family consisting of a small number of members. Over and above there is cruel victimisation of cultivators, owing to stringency of rules and by selfish, dishonest and high-handed actions of the Subordinate Forest Officers of each of the revenue stations. He is detained in the revenue stations for hours together on the plea that he had no permits with him and that he has taken more articles than what his permit allows him to do. He is never allowed to go, until either he pays some money or some articles or he gives some of his tools as security. In most cases he is not given a receipt even and if he gets a receipt, taking advantage of his illiteracy, wrong figures are entered in receipt, and a very smaller sum is entered than what has been actually paid. Thus owing to these selfish actions of the officials Government also get less revenue. I, often draw attention of Government to specific instances of this kind of mis-appropriation by subordinate Government officials by means of questions only to receive answers for taking shelter of courts; but to go to courts for an agriculturist is to entangle him into more troubles. Witnesses are won over by influential Government officials by threats or temptations and to make matter worse, the Magistrates are always found inclined to their brother officials and taking advantage of the harshness of Forest Rules give judgment against the poor cultivators. Being encouraged by these attitude of the Magistrates, forest officials send false cases to courts. One Sek Rushen Ali of Biniagao under police station Tahirpur made some complaints to me along with others; showed me some receipts stating that the figures entered in the receipts did not tally with the actual money the agriculturists had paid. But after it had come to the notice of the Ranger of Doloigao that a complaint has been made to me, he was looking for the opportunity to implicate any of the complainants and he did not let slip the opportunity when Rushen Ali brought a *rata* log actually paying royalty to the Siem. I asked in the last Budget Session of the Assembly in my question No. 16 about this affair but to no effect, so Rushen Ali was victimised and was

compelled to pay fine. These Forest Officers go from market to market, village to village, house to house, on the plea of seizing contraband forest articles, and in doing so they often harass innocent people also. I know of one case of one Forest Officer having gone to a village Dakshinkul under police station Tahirpur a year ago and of having exacted money threatening some villagers to penalise them for bringing wood for the construction of the husking vessels which they actually made from a felled tree of their own village ; they had to pay to the officer without any receipt having been given to them. Similarly there are cases of harassments of poor persons who take their husking vessels, poles, bamboos, and ploughs to markets made by themselves ; they bring these bamboos and woods from areas other than Government forest area. These officers employ persons perhaps to make enquiries if there are contrabands in villages and markets but they always misuse the duties entrusted to them and harass their fellow villagers for gaining selfish ends of getting some money. I know one Guru Charan Das who assists the Forest Guard of Saktiarkhola in above kind of harassment. So to put restriction to all these harassment.....

The Hon'ble the SPEAKER: What is the necessity of stating all these ? It is admitted by the Hon'ble Minister that there are allegations against the Forest Officers.

Babu KARUNA SINDHU ROY: So to put restrictions to all these harassments, this legislation has been brought before the House. Therefore, I press the Bill for the acceptance of the House.

Maulavi ABDUR RAHMAN: I am also very glad Sir, to support the Bill which has been brought forward by the Hon'ble Minister-in-charge of Forests. It has been said by the Hon'ble Minister while he moved his motion for the reference of the Bill to a Select Committee that he received certain notices of similar Bills being brought by myself and Babu Karuna Sindhu Roy. Sir, I cannot say that the Bill which has been brought forward is an exhaustive one. I hoped Government would come forward with a legislation which would provide better provisions to help the poor people and which would do away with the high-handedness of the Forest Officers. The provisions ought to have been more repressive and more facilities should have been provided in the Bill. Any way, Sir, certain measure which Government had proposed to take will partially relieve the poor people who generally remove forest produce from the Government forests. Now, Sir, I come from a place which is surrounded on three sides by forests, and complaints are frequently received from the poor cultivators that when they go to remove forest produce with permit they are unnecessarily harassed by the Forest Officials and instances are not rare, if I am permitted to cite here, that, when these poor people are prosecuted on the complaints of the Forest Guards not to speak of high officials, the Magistrates are sometimes found to be more inclined towards Forest Officials, and they on the solitary evidence of a single Forest Guard punish the innocent people. I may cite here an instance in which I myself defended a case. The man was prosecuted on the report of a Forest Guard and there was no other evidence to substantiate his allegations against the accused, whereas there were evidences of three independent persons adduced in favour of the accused. The judgment of the Magistrate was a queer one. He came to the decision that he (the Magistrate) had no reason to disbelieve his man, i. e., a Government servant of the rank of Forest Guard. But the Magistrate disbelieved the evidence of the three independent persons plus that of the accused and he believed the solitary evidence of the Forest Guard and the accused was punished. Such is the nature under which the Forest Administration is going on. Of course, I have the opportunity to be

a member of the Select Committee and will get ample opportunity to say about the Forest Administration then in the Committee. So, I do not like to dilate on the matter any longer, but I am sorry to say that I cannot go beyond the scope of the Bill as has been presented. Any way, in the present Bill as to the vexatious prosecution by officials, some provisions have been made to the effect that if any officer is found to be guilty of vexatious prosecution, he should be severely dealt with. Provision has been made in the Bill that such officials may be punished with imprisonment for a term which may extend to six months or with fine to the extent of Rs. 500 or both. This I hope will give some alarm to the Government officials who are now apt to prosecute people for nothing. These officers, it is reported, are out to make two pice out of the innocent people and if they fail to get something from them, they are falsely prosecuted. It is very easy to send a report and get the people prosecuted. Any way, Sir, I am hopeful that the provisions of the Bill will give some help to the poor people.

Now, Sir, it is remarked here that the provisions are not so exhaustive that all kinds of repression that are going on from time to time can be redressed. Sir, I say that provisions will partly give relief to the poor people. With these words, I support the motion.

The Hon'ble the SPEAKER: The question is: "That the Assam Forest (Amendment) Bill, 1940, be referred to a Select Committee consisting of the following members:—

- (1) Mr. A. Whittaker,
- (2) Maulavi Abdur Rahman,
- (3) Srijut Dharsing Deuri,
- (4) Maulavi Muhammad Amjad Ali,
- (5) Babu Akshay Kumar Das,
- (6) Babu Karuna Sindhu Roy,
- (7) Mr. Naba Kumar Datta,
- (8) Srijut Beliram Das, and
- (9) The Mover. (*i. e.*, the Hon'ble Minister in-charge of

Forests).

Five members to form a quorum".

The motion was adopted.

Motion for the adoption of certain Privileges of the members

The Hon'ble the SPEAKER: We are now to take up the resolution of Mr. Faull and of others, but the motion of Mr. Chanda should get preference.

Mr. ARUN KUMAR CHANDA: Mr. Speaker, Sir, I beg to move:

"This House recommends to Government that the following privileges of the members of the House may be adopted and recognized whereby:—

- (I) If any member of the Assembly is arrested, detained, convicted or imprisoned on any criminal charge or otherwise, the information of such arrest, detention or imprisonment together with charges against such member shall be forthwith sent to the Speaker by the person or persons under whose authority or order the arrest, detention, conviction or imprisonment is effected;

- (II) If the Speaker, on information received as above or otherwise, is of opinion and if he thinks necessary after consulting the wishes of the Assembly that the presence of a member who has been arrested, detained, convicted or imprisoned is essential for the purpose of the proceedings of the Assembly or any Committee thereof, the Speaker shall inform the Provincial Government accordingly, and the Provincial Government shall take necessary steps forthwith to bring such a member on such escort as they may consider necessary or in any such other manner as they may think necessary before the Speaker, and such a member may attend such meetings of the Assembly or any Committee thereof as the case may be on such day or such days as may be required by the Speaker, provided that the Provincial Government may take such steps as they may consider fit for the custody of the member during the time the presence of such a member is necessary in the Assembly or a Committee thereof ;
- (III) That a member should be entitled to exercise all his rights and privileges as such as far as this is possible while in custody ; and
- (IV) Such further privileges as may be agreed upon after discussion between the Speaker and the Minister-in-charge of the Legislative may also be extended to a member who may be under arrest, detention, conviction or imprisonment."

Mr. Speaker, Sir, this is a very modest motion and I think is entitled to the support of every section of the House. What it seeks to achieve is that the rights and privileges of the members who have the misfortune or glory to be imprisoned or detained should be kept alive during their period of detention. When a constituency elects a member to the Legislature he blossoms forth as a full fledged representative of the constituency and comes to be invested with certain rights and privileges ; it is practically through him that the constituency speaks in the Legislature. In the circumstances, if a member is under detention but it does not become obligatory for him to resign and he is kept away from the House, the Legislature is thereby denied a definite privilege to which it is entitled from the member concerned through his participation in its deliberations. Therefore, Sir, this motion seeks to remove a keenly felt difficulty and bar by making it possible for a member under detention to exercise the rights and privileges of membership of the Legislature.

Sir, in this connection, it may not be out of place to mention here in what a state we find ourselves to-day after the declaration of the war. It will be noticed that although the war is being fought in the interest of freedom, democracy and all that bunk and balderdash heard in this House the other day, we find, in this unfortunate country of ours this war has spelled the end of what little freedom we possessed as also our civic liberties. Since the declaration of the war the country has been covered over with a net work of laws which are unknown to any forms of civilised jurisprudence—laws which are humiliating to the self respect of the nation—such-laws have been imposed upon the children of the soil and the life of the entire country has been subordinated to the whims and caprices of officials whose sense of responsibility is not among their strong points. So, in the present circumstances every combination of men is a conspiracy and every lover of freedom is a libel ! I submit that in the present circumstances it may be necessary for many self-respecting people to come into clash with such laws as are at present in force in the country—laws which have so little of law in them !

Besides not merely from the political point of view but from many other occasions may arise under which a member of this House may find himself in detention, and when such occasions arise, the House should decide what ways and means should be adopted so that their attendance in the House during the sessions may be secured. I submit, Sir, that although there may be no legislation at present on these lines it is for us to develop such conventions as add to the dignity of the House. This motion in itself embodies a very healthy convention, a convention which if adopted would further augment the prestige of the House. I may also submit a parallel case, Sir, in this connection? If the attendance of a person in detention is sought by a Court of justice he is unquestioningly produced before courts for the administration of Justice. I submit that this House is in no way less important than a Court of Justice. We sit here as a body of law-makers, and it is these laws that the courts administer. Where the presence of a member of the House is necessary for obtaining his advice a summons from this House should have the same force and sacredness as a summons from a court of law. So I submit that this is a question in which all sections of the House could combine without any violence to their feelings. The Hon'ble Leader of the House mentioned that this matter should be referred to the Privileges Committee, but I may tell the House that the question of this and similar privileges was discussed by the Privileges Committee and there was a recommendation that this matter should be brought up before the House, and it is in consonance of that recommendation that this question has been brought before this House. I the Hon'ble Leader of the House now desires that this should go back again to the Privileges Committee it will serve no useful purpose and will only cause delay. The House must have noticed that a precedent has also been created in this matter by the Legislature of Burma where a member who was accused of causing grievous hurt and was imprisoned was brought to the House at the desire of the House. So I submit that when such a precedent has already been established in one of the provinces and as it is a healthy convention we should not fight shy of it and whole heartedly adopt it.

With these few words, Sir, I place my motion before the House for its acceptance.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: May I know whether Subhas Babu was allowed to attend the Assembly?

The Hon'ble the SPEAKER: The hon. member has been a member for 4 years and he ought to know the rules.

Maulavi ABDUR RAHMAN: May I put a question to the hon. mover? Whether if this question is carried this will militate against the existing provisions of law now in force in the country, *i.e.*, the Criminal Procedure Code or any other law which is in force?

Mr. ARUN KUMAR CHANDA: Not to my humble knowledge of law, Sir.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: Was Subhas Babu allowed to attend the Bengal Assembly?

The Hon'ble the SPEAKER: I may inform the hon. member that Mr. Subhas Chandra Bose is not a member of the Bengal Assembly. Further that no such resolution has yet been adopted by the Bengal Legislature. Mr. Bose was elected to the Central Assembly, but even there such a resolution has not been passed. So the question that has been put by him is perfectly irrelevant.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Mr. Speaker, Sir, I fully realise the force of the arguments in Mr. Chanda's speech when he put his motion before the House. When he replied to the

query of the hon. Mr. Abdur Rahman, Mr. Chanda's answer was not clear, whether these rules if adopted by this House will militate against the provisions of any law in existence at present. So I think that before we accept these rules we should be thorough. If we do not be thorough in these matter and subsequently it is found that the rules adopted by this House were *ultra vires*, then the House will be put in an embarrassing position. So, Sir, I beg to move an amendment to this motion "that the subject matter of this motion be referred to the Privileges Committee for consideration and report."

The Hon'ble the SPEAKER : I think that the amendment may be made in this form—"That this motion moved by Mr. Arun Kumar Chanda may be referred to the Privileges Committee".

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : I beg to move, Sir, that this motion moved by Mr. Arun Kumar Chanda be referred to the Privileges Committee.

The Hon'ble the SPEAKER : Amendment moved :

"That this motion moved by Mr. Arun Kumar Chanda be referred to the Privileges Committee".

Mr. A. WHITTAKER : Mr. Speaker, Sir, may I draw your attention and the attention of the Hon'ble mover to a case which may be taken as a precedent in India, namely the case of one Capt. Ramsay in the House of Commons. That case has been very recently before the Committee of Privileges of the House of Commons, and within the last ten days their decision has been made known. Capt. Ramsay was detained under an order of the Home Secretary, a member of the British Cabinet, and he was detained under certain provisions of the Defence of the Realm Act. His case was taken up by the Speaker of the House of Commons, who referred it to the Committee of Privileges. The decision of that Committee is that the continued detention of Capt. Ramsay under the Defence of the Realm Act without a trial does not constitute a breach of privileges of the members of the House of Commons.

I make no comments on the merits of the motion made by Mr. Chanda, but I would draw the attention of you, Sir, and other members of the Assembly to this most recent ruling.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, it is quite in the fitness of things that the learned Deputy Leader of the Congress Party should bring this question of privileges of members of the House on a contingency which is looming large unfortunately in the political horizon of India.

Mr. ARUN KUMAR CHANDA : The motion is not merely political, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It is indeed a very sad occasion when we have got to deal with a matter of privileges under the circumstances, which we all apprehend. The other day, or rather yesterday, my hon. friend mentioned that probably they will have to offer *satyagraha* as laid down by the Leader of the Congress, who is not a member of the party itself, namely Mahatma Gandhi. I wish, Sir, that such a step had not been taken by that great leader and that my hon. friends opposite had not been compelled to risk incarceration on the lines of the *satyagraha* movement. But having that in our view, we have got to consider what should be the position of those members who may unfortunately find themselves within the four walls of a jail; and a session of the House is impending.

But we have got our strict rules. We have got a Privileges Committee which is entrusted with the task of making recommendations to the House, and if the House accepts them, rules can be made binding on the House. You, Sir, this morning read out to the House that the Privileges Committee have already recommended that certain privileges can only be granted after legislation has been passed by the House. You also said that on an occasion like this, that is to say, if the imprisonment of a member is sought to be removed for the purpose of attendance in the House, that could only be done by a piece of legislation. So long as that recommendation of the Privileges Committee, which has been accepted by the House, remains, I doubt whether we can discuss the present motion fully now.

Therefore, Sir, I think it will be better if this matter is remitted to the Privileges Committee, who will make due recommendations not only on the privileges that are claimed, but also remove the bar of such a privilege not being granted without legislation. My hon. friend, Mr. Chanda, was kind enough to tell me that he could refresh my memory that this motion is in accordance with the recommendation of the Privileges Committee. I am not as fortunate as he is ; for although we, the Ministry, were given copies of the recommendations of the Privileges Committee in such small matters as regulation of admission cards for access to the galleries of the Assembly, up till now we have not had any intimation as to when the Privileges Committee sat and what were their recommendations on this very important point.

The Hon'ble the SPEAKER : Which point ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Chanda said that.

The Hon'ble the SPEAKER : The report was submitted and in that report they said, "these are the privileges which we can claim even without legislation and these others are the privileges which we can claim with legislation."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My point was entirely different. I dispute Mr. Chanda's statement that these very privileges now tabled before the House have been recommended by the Privileges Committee. Therefore, Sir, it is in the fitness of things that this matter should be considered by the Privileges Committee first and then discussed in this House.

Mr. ARUN KUMAR CHANDA : Mr. Speaker, Sir, I must confess that I am disappointed at the attitude taken up by the Hon'ble Leader of the House in regard to this matter. I made an appeal to the House that in a matter like this we might every one of us join and pass a motion, which would establish a very happy and healthy convention. It is also a great pity that the Hon'ble Premier has taken a restricted view of this motion by referring only to its political aspect.

Now, Sir, the motion is clear and unambiguous. It does not say that a person who may enjoy the privilege of being taken to the House while under detention should be convicted of any political offence only. Any offence committed by any member of the House, is what is stated in the motion. Occasions have occurred when more than one hon. member of this very House have gone dangerously near to imprisonment for non-political offences ! (*Laughter*) Therefore, in a matter like this I was led to think I would have the sympathy of all sections of this House.

Then, Sir, in the Cabinet itself I find at least two hon. members who have tasted the sweets of jail life and I thought that at any rate to these two the question of this privilege would appeal. One of them is our Hon'ble Education Minister. I find he is very busily engaged or is he determined

not to hear me ? (*Laughter.*) Sir, I say it is a great pity that the Hon'ble Leader of the House should have looked at this motion from a perverted angle of vision. He may have done so as the head of the Government and as Minister-in-charge of Law and Order intent upon preserving them. But if people like those who are sentenced to imprisonment are brought to the House under sufficient and adequate escort, I do not think that peace and order would be in any peril at all. So, Sir, I cannot understand his eagerness to remain adamant in this matter. Does he mean to merrily carry on his Government having tucked all us away.

As for the point raised by Mr. Whittaker, does he seriously want to say that this Assembly is absolutely of the same status as the Houses of Parliament ? It is absurd to refer me to this analogy. Sir, if it were so, we should not have in this constitution of ours a handful of foreigners thwarting the will of the people of the country (*Hear, hear*). If this House was really a House like the British Parliament in the real sense of the term, then my hon. friends on my left the members of the European group would not have been here to put such inseparable obstacles in the way of the realisation of our political ambitions in this province.

Sir, there is another little point I would like to refer to. I remember that my hon. friend Mr. Whittaker was pleased to cast a very cheap gibe the other day when some members on our side were speaking on a motion regarding the Removal of Members' Disqualification Bill. He said that when he full of Berlin he naturally hears lacerated Berlin calling ! Of course, Sir, as his head is Sir, it was not Berlin calling, but the stifled voice of bruised and degraded mother India calling—calling out to her unfortunate children to answer, which, alas, fall oftener than not on deaf ears ! Mr. Whittaker is welcome to his own little and cheap jokes. If we are determined to face the force of British brutality we may just as well live down their petty gibes. What I want to submit is that neither the dignity nor the prestige of this House will be lost if this motion be accepted by the Hon'ble Leader of the House. It may be that certain political events are looming very large on the horizon and we members of the Privileges Committee have suddenly been roused to action. I confess, Sir, we are at fault there, but our laches ought not to be taken advantage of by the Hon'ble Leader of the House ; on the other hand he should be generous as it behoves him and say that he has no objection to accepting a motion like this. An hon. friend just now reminds me that hon. Mr. Munday who is said to be defending the shores of India would be also drawing his emoluments whereas we who are on the verge of jail cannot ask for even such small mercies as the motion stands for ! Is it not a thousand pities ?

MR. A. WHITTAKER : May I point out that hon. Mr. Munday resigned long ago ?

MR. ARUN KUMAR CHANDA : Thanks for the correction. He would not have resigned if he had anticipated the generous legislation of the other day ! Sir, let me express the hope again that our Hon'ble Premier may be generous in this case also and concede to our request. My hon. friend Maulavi Muhammad Maqbul Hussain Chaudhuri has had also the taste of jail life and I cannot understand why he of all persons should oppose this measure. I again make an earnest appeal to the House. We are asking that as we are the representatives of our constituencies, the causes of our constituencies should not go by default when we are in detention. It will be most unfair and unreasonable and even a breach of faith on the part of the Government to overlook the interests of the constituencies which have incurred expenditure and undergone infinite troubles for sending us as their representatives through elections legally and statutorily held. Government in fairness and justice ought not to say that when the member of any constituency is in jail, he should not be allowed to come in and join the deliberations

of the House—a privilege to which the House as much as he is entitled. I go further and say that having given a statutory right to the constituency to send its representatives it is incumbent on the part of the Government to see that its representatives act in the Legislatures. So, Sir, I say that it would be mean on the part of any Government to stand in the way of such a motion because it seeks nothing more than to ensure further rights and privileges of the members whoever they may be and do whichever section of the House they may belong. It is by establishing newer and newer conventions that we add to the status and the glory of this House of ours. I hope, after what I have stated before the House, the Hon'ble Leader of the House will relent and help in this motion being accepted by the House here and now.

Mr. A. WHITTAKER: Mr. Speaker, Sir. May I just intervene for a moment with regard to one point? The practices which are followed in the House of Commons are, I believe, well-known to this House. May I refer you, Sir, to the number of times on which you, Sir, quoted with respect the May's Parliamentary Practices, which, I do believe, deals most with the House of Commons' procedure?

The Hon'ble the SPEAKER: The answer to this is that should we be always following the British Parliament and not have our own convention?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. My hon. friend Mr. Arun Kumar Chanda has made a personal appeal to me but as this appeal has been couched in language, temper and in gesture so ill-befitting an appeal that I can not accede to his requests. He says that the stand that I have taken is very "mean". These are his own words.

Mr. ARUN KUMAR CHANDA: I beg to withdraw those words lest my temper be a means of defrauding the House of a valuable privilege. (*Laughter.*)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He has said that I am taking a mean advantage over the Opposition. Probably my hon. friend thinks that we are afraid to meet the Opposition, but the fact that we are sitting here and we are facing all the tactics of the Opposition for the last twelve days refutes him immediately. Sir, we have been regaled by various political philosophies or shall I say, various political creeds. We have heard only a few days ago that why should Assam incur an expenditure on a particular matter when other provinces have not taken any stand in that direction. Can I not reiterate the same and say why should Assam not lag behind in this matter when not a single province or even the Central Legislature have taken up the question of such privileges? Sir, the position which I take is this, that this is a quite serious matter and I quite agree with my hon. friend that there will be no jest in administration when we will not get the advantage of the Opposition for if, God forbid, my hon. friends undertake *satyagraha* and put themselves in jails, we will not get the benefit of their criticism. This political philosophy of *satyagraha* we do not encourage. Of course, my hon. friends are entitled to their own political conviction or political philosophy. We heard only the other day when one shining member from the Opposition said that India is just now divided into two categories "slaves in bondage" and "slaves in revolt". I can only say, Sir, that I know who are slaves in bondage who have mortgaged their very power of thinking, reasoning and conscience. This is due to the dictatorial subjection to one particular person in India. Whenever he says anything the whole of India has to abide by it and the group that is in front of me follows it. This is nothing but slave mentality. It is very easy to make criminations and recriminations. I am the last person

to bring the debate to such level, but it naturally follows from such statements from the Opposition. There were some other invectives from the previous speaker but I would not further dilate on this point. As I said, Sir, this is a very serious matter. I would be the last person to take advantage of the situation. But at the same time, as the Leader of the House, I have got to see that the privileges and prerogatives of the members are enjoyed in a proper, fitting and regulated manner. Sir, we instituted the Privileges Committee with the idea that such matters will be discussed by them first. We have got the recommendations of the Privileges Committee, some of which we read this morning. But as I have already said, this matter of bringing members, who may unfortunately suffer imprisonment, before the House, is not in that report of the Privileges Committee. A recommendation is there to the effect that such privilege could only ensue after legislation. Have we got materials before us to go against that recommendation of the Privileges Committee? Will it be in fairness of things if this House at this last stage of the Session take up this question and try to pass a legislation without giving an opportunity to the Privileges Committee of deliberating over the matter and making their recommendation in the usual way? I do hope that my hon. friends will take up that side of the question as well. Of course my hon. friend Mr. Chanda very eloquently has said that no civilised Government ought to keep the members of the House behind the jails whose duty to their constituency is to represent their grievances before the Government and whose duty is to help Government in making laws. Did my hon. friends at the time when they contested the elections make a condition precedent that they will be allowed to play political "hide and seek" game? If they now choose going to jail should they not ask their constituencies to send other representatives? My hon. friends were insistent that those who will go to help the war must resign. Well, this is another form of war according to my hon. friends. If some of our European friends are going out to fight Germany for independence of England and India my hon. friends in the opposite are going to jail which is a sort of war for gaining independence for India! Well, the best thing for such hon. members who think that they cannot do anything by remaining in this House on account of the ukase which has been issued by Mr. Gandhi, is that before going to jail, first they should tell their own constituencies "that in pursuance of our political conviction we are going to jail; you better send some other persons to the House to represent your grievances there". But, Sir, I would ask the Province not to follow in the footsteps of my hon. friends. I still maintain that the matter is one which should be remitted to the Privileges Committee.

The Hon'ble the SPEAKER: The question is that the motion moved by Mr. Arun Kumar Chanda printed in the Order Paper be referred to the Privileges Committee.

The question was adopted.

Resolution for replacing the present system of transaction of business followed in District Treasuries

The Hon'ble the SPEAKER: Now we have got five minutes more. We may take up the resolution* that was moved by Mr. Blennerhassett. Mr. Faull was addressing the House when I adjourned the House. He may take five minutes to finish his speech.

*This Assembly is of opinion that the present system of transaction of business followed in District Treasuries, which results in considerable inconvenience and waste of time, and which further creates accounting difficulties for the public who have transactions with this Department, should be replaced by a more business-like procedure; particularly so as this would doubtless also save Government time, money and staff.

Mr. W. R. FAULL: Mr. Speaker, Sir, when I started to speak on Tuesday I mentioned how careful Government were when paying out money to the public and how hampered all seemed to be by the Assam Financial Rules.

No one will deny to Government the right to take precautions, but on the other hand, surely the public have equal rights when it is a case of paying money to Government, and strange to relate, it is not easy to pay money to Government. It may not be your lot, Sir, to have to pay money to Government and I will take the liberty now of detailing briefly what happens in the case of those who do.

These, Sir, are the all too familiar challans. This is an exact copy of one covering a payment of several hundreds of rupees. This, Sir, covers the actual payment of the minute sum of six pice. The big sum and the little sum were amounts on account of sales taxes on oils and lubricants, but in no circumstances are they acceptable under the one challan. The Rules were obviously not framed with a view to economy in stationery.

Now, if one is the representative of a Company or other Association, one is responsible to such for any monies paid out, and there is a case for a daily record duly covered by receipts for any payments made. And if in the course of business the monies are paid to Government one would naturally expect to get a receipt at the time such payments are made; particularly so if the payments are large and are made through a member of the Companies' staff. This, Sir, is the least one might expect in any good business practice, but as I mentioned before, it appears the Rules had no concern for good business practice.

The challan is first scrutinised by the Department concerned and here all the headings, etc., etc., are checked. Then the challan is taken to the Accountant, but for what purpose on this first occasion, no one really seems quite sure. However, when it gets the Accountant's blessing it is taken to the Treasurer and the money is then handed over, and against this one gets only the sight of some entries being made in a book, but never by any chance is a receipt obtainable at this time of parting with the cash. The challan then joins a host of others which accumulate all the morning while payments are being made. Only when the time for payments closes, do the challans go on another trip to the Accountant, and I believe that then all the details are entered in the different records. This done, the money can be said to be well and truly in the bag and receipts may be obtained. Meantime for hours, even days, the public has to trust implicitly a Government which is not prepared to place a modicum of trust in the public.

In this connection the Finance Department writes:—

“No instance has come to the notice of Government in which a sum tendered at a Treasury has been disowned by the staff.”

Note, Sir, the implicit trust in the staff and again the complete lack of trust in the public whose money is in concern. It is apparently true the Government framed the Rules to ensure that in no circumstances will Government or its servants be responsible for the loss of money.

I have tried to find out why when I pay, say Rs. 100, to a person with authority to accept this sum, this same person cannot grant me a receipt for Rs. 100. That is all we want and nothing more. In this connection the Finance Department contents itself by saying:

“The money presented (note the word ‘presented’) into the Treasury has to pass through more than one hand, and entries have to be made

in more than one register. The Treasury staff has to deal with the examination of claims for payments, besides attending to other miscellaneous work. A few hours delay in granting receipts is therefore inevitable."

But, Sir, what these remarks have to do with the simple operation of acknowledging receipt of a certain sum of money is absolutely beyond my comprehension. To say more staff will be required seems ridiculous. It will take the receiving clerk a matter of moments to grant an acknowledgment and the Department will in no way be hindered by the granting of such acknowledgment.

Hours, or perhaps days, pass and the payer comes back for his receipt and in one Treasury not many hundreds of miles from Shillong, he will perchance find this receipt in an old plucking basket on the Treasury verandah, among its friends and thousands of others that have long since been abandoned by the owners in despair.

Sir, during the course of my inquiries in this connection I tried to help by offering to make payments by cheque, but alas, I found Government unwilling to trust me or any of the concerns I represent even to this extent.

Speaking on the matter of cheques, Sir, and in view of the fact that Government complains of the amount of time now required to count the new one rupee notes, I beg to suggest that the acceptance of cheques from approved parties would remove at least half this difficulty.

Sir, we are harassed, we have our time wasted, and while we must trust implicitly we are not trusted to the minutest degree; and we are refused any assistance in our difficulties, all because of the Assam Financial Rules.

It has been moved:

"This Assembly is of opinion that the present system of transaction of business followed in District Treasuries, which results in considerable inconvenience and waste of time, and which further creates accounting difficulties for the public who have transactions with this Department, should be replaced by a more business-like procedure; particularly so as this would doubtless also save Government time, money and staff." And I feel sure that there is not one member in this Assembly who will not support this resolution in its entirety.

(Here the clock struck 4 p.m.)

Discussion on Srijut Omeo Kumar Das's question on the alleged help rendered by some Government Officers in the matter of election for the Darrang General Constituency of the Assam Legislative Council.

The Hon'ble the SPEAKER: It is past 4 p.m., hon. Mr. Omeo Kumar Das wanted to start a discussion for half an hour on the answers given to some of his questions*. The hon. member should remember that the discussion should be finished within half an hour. No vote will be taken. There will be only a debate.

Srijut OMEO KUMAR DAS: Sir, I have no vindictive motive in bringing this question at this stage. But I cannot but refer to the manner in which the recent election to the Assam Legislative Council from the Darrang General Constituency was conducted. The whole paraphernalia of the administration was let loose.

*See foot-note of page 1773.

We hear of Nazi activities and we find an instance of Nazi activities here. The Police Officer, the Subdivisional Officer and the Deputy Commissioner all of them went to the houses of voters and asked them to vote for certain candidates. One of the candidates remarked and it was published in the paper that there was no necessity of carrying on the electioneering campaign and that there was no necessity for depositing five hundred rupees. The Deputy Commissioner in his garrulous confidence confided to some one who went to interview him that the Hon'ble Ministers were daily sending demi-official letters. Sir, this was reported in the papers and, of course, there was no contradiction. Then the Sub-Deputy Collector of the Tezpur circle went to some voters personally. I went to his place and asked him personally to refrain from these illegal activities. But the next day again he went to some of the voters. This gentleman who gained notoriety in an opium case of Mohondijua compromised the position of Sir Saadulla. He went to Government officers and told the voters to vote for certain candidates.

The same thing was repeated in Sibsagar. At Sibsagar I sent a telegram to the Government on the 5th October complaining that some officers of the Government were actively helping a candidate. I asked the Government to issue a circular. The Government replied that they saw no cause to issue such a circular and that a circular was issued in 1938 drawing the attention of all Government officers to the relevant rule in the Government Servants' Conduct Rules. There is a feeling among the Government officers that they are servants of the party in power. It is a disgrace to democracy that executives who are entrusted with the running of administration are taking part in an electioneering campaign. It is a disgrace to the whole administration. I have already said that I have no vindictive motive against these officers. But I would suggest that instructions be issued to Government officers drawing attention to the Government Servants' Conduct Rules to refrain from illegal activities. I hope Government will take this matter very seriously.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, I did not want to take part in the discussion to-day but when this matter was referred to by my friend Mr. Omeo Kumar Das, this reminded me of a case which I witnessed myself when I had gone to Silchar in connection with the bye-election in the Labour Constituency.

Sir, as far as that instance is concerned no proof is necessary because what I say is perfectly true and cannot be denied even by those Government officers who were present on the spot. There is a small river near Kattal Tea Garden, and the access to that garden.....

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: On a point of order, Sir. These questions relate to the election to the Assam Legislative Council for the Darrang General Constituency. Is the hon. member entitled to refer to what happened somewhere else?

The Hon'ble the SPEAKER: I do not think other matters can come in this connection.

Mr. FAKHRUDDIN ALI AHMED: It concerns the general conduct of the Government servants.

The Hon'ble the SPEAKER: The conduct of Government officers in connection with a particular election.

Mr. FAKHRUDDIN ALI AHMED: If the Hon'ble Minister is so scared of this particular instance I do not like to pursue it.

The Hon'ble the SPEAKER: The Hon'ble Minister has stood upon his right,

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr Speaker, Sir, I am obliged to my hon. friend Sriyut Omco Kumar Das who tabled these questions. As we could not supply him with all the details required, he has taken this opportunity, under rule 40, to raise a discussion.

How a Government servant should conduct in elections is well-known to every member of this House. There is a set of rules called the Government Servants' Conduct Rules where it is definitely laid down that no Government servant should interest himself in any party politics or take side of any particular candidate in an election. (*A voice:—Mr. Raigiri is illustration !*). This is an instruction to all Government servants. But if a particular Government servant in his zeal for a particular cause goes beyond it and interferes in political matters, either in electioneering campaign or any other affair, he is liable to be punished. (*A voice:—What punishment are you going to inflict on them ?*) I am awaiting the report from the Deputy Commissioner.

My hon. friend in tabling these questions enquired whether we had seen an article which appeared in a paper called "Assam Sevak". I need not tell hon. members that "Assam Sevak" is the mouthpiece of the Congress Organisation in the Assam Valley. They had therefore put only one side of the case. As soon as we received those questions we asked the Deputy Commissioner for a detailed report on the allegations made. My hon. friend said that a particular Sub-Deputy Collector, in spite of the warning from my friend, was so foolish as to take the help of a pleader friend of my hon. friend Mr. Das, and went the next day to canvass for a particular candidate. I have got to get his explanation.

The next allegation that has been made is that the Subdivisional Officer of Mangaldai actively helped a particular candidate in that election. Sir, here also I am awaiting an explanation from the officer concerned.

Babu RABINDRA NATH ADITYA: On a point of information, Sir. Question No.1 (f) relates to some demi-official letters alleged to have been written by some Hon'ble Ministers to some high officials of Government, especially the Deputy Commissioner, Darrang, to help certain candidate in the said election. Has the Hon'ble Premier no information on this matter too and is he awaiting any report from any quarter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend need not have been impatient. I was coming from the lowest to the highest grade of officers. I began with Sub-Deputy Collector, then I would have referred to Extra Assistant Commissioner, then to the Subdivisional Officer, then the Deputy Commissioner, and last of all to the Hon'ble Ministers.

The Deputy Commissioner, Darrang, is alleged to have received demi-official letters from the Hon'ble Ministers. I have enquired from each Hon'ble Minister who are now in my Cabinet, and all of them deny that they ever issued any demi-official letter to any Deputy Commissioner whatsoever. The same Deputy Commissioner came up to Shillong about 15 days ago for the purpose of treatment as he was ill and saw me. I enquired from him whether he received any private or demi-official letter from any one of us. He said that he did not receive any. Therefore, Sir, the allegations, so far as the Ministry or the Deputy Commissioner is concerned are not based on any solid foundation. Probably as the Deputy Commissioner happens to be the elder brother of one of my Hon'ble colleagues, the rumour was afloat that he was backing the Government candidate. In the first place, Sir, the Government Party did not set up any candidate. If somebody stood in the election, it was as an Independent that he stood. My hon. friend has said that there were four candidates who contested in

that election. We all know that the sitting member was a candidate, another domiciled Bengalee was a candidate, then we had two candidates who stood originally as Independents. One candidate was supported by our friends of the Congress Party. The other candidate probably got help from some of our supporters. But it is far from truth to say that he was a Government candidate, or that the United Party, which forms the party behind Government, had any hand whatsoever in running this election.

Sir, it so happened that during the election time I had to undertake a tour for looking into the matter of settlement of waste lands to landless people. While I was at Mangaldoi, two rival candidates, who contested in that election, came to me. I plainly told them, "It is your own goose, you can cook it as best as you can".

Sir, though the law is absolutely clear, though ordinarily it is not expected that Government servants will conduct themselves against the spirit of the law, when at a particular time it was definitely proved that certain Government officers were taking part in the elections in 1938, another circular pointing to the penalties that may be enforced for dabbling in politics by Government officers was issued. So, this Government do not think it necessary to issue any subsequent reminders to that circular of 1938. Moreover we had absolutely no time. My hon. friend Srijut Omeo Kumar Das said that he sent a telegram on the 5th October from Sibsagar. I have been tired of telling both sides of the House that according to the Evidence Act a telegram has got no evidential value whatsoever. It does not bear the signature of any one. It is stated in the telegram form itself that the Telegraph Office does not vouchsafe for the correctness of the transmission of the message it receives. Unless a telegram is confirmed by a subsequent letter containing the signature of the sender, Government do not generally take any action whatsoever. They cannot take any action even if Government wanted to do anything. The election was held on the 18th, and there was no time for any circular to reach Government officers in Sibsagar before the 18th, even with extreme expeditions. Therefore, Sir, it cannot be deduced that Government were callous or indifferent to the allegations made against the Government officers. As I have already said, I have been awaiting a reply from the Deputy Commissioner. If I find that any particular Government officer had acted against the Government Servants' Conduct Rules I can assure my hon. friends that he will suffer the penalty imposed for such conduct.

***Babu RABINDRA NATH ADITYA:** Can we contribute to this debate after the Hon'ble Minister has replied, Sir?

The Hon'ble the PEAKER: It is a peculiar debate in which there may be only speeches but no division. So I think the hon. member may speak for a few minutes, but we shall have to close at 4-30 p.m.

***Babu RABINDRA NATH ADITYA:** The Hon'ble Premier has defended their course of action and perhaps he has also got a soft corner for his officers as is evident from the tone of his speech. Sir, these things are happening very frequently and since after the inauguration of the Provincial Autonomy, in several elections there have been innumerable complaints against Government officers taking this side or that side. That shows Government officers have somehow or other got the idea that their prospects and promotion of service depend on these things. It may be, and I do not dispute it, Sir, that there are officers who are just and fair, but it is not enough that the officers should be just and fair but the public must feel that the officer is going rightly. If that impression cannot be created by the officer in the minds of the public then it must be presumed that there

is something wrong. If the confidence in their neutrality and impartiality is shaken, certainly it should be taken that the Government is not working rightly.

It is difficult to prove these allegations when an officer goes to a particular individual or calls at an individual and gives him a whisper. There is no record behind it. It is impossible to prove by records. But there are allegations against these officers, that they have not acted in the way they ought to have. This, I think, is sufficient and the Hon'ble Premier will please take note of these things.

Srijut OMEO KUMAR DAS : I want to say at the outset, as I have said already, that I have no vindictive motive against any officer. The Deputy Commissioner of Tezpur is a good soul and he is a simple minded man. In his usual garrulous confidence he confided to some persons who went to him for interview. But I want the Government to issue a warning to the officers who in their zeal carried on these illegal activities in direct contravention to the rules prescribed for regulating the Government servants' conduct.

Now I should like to mention another matter, Sir. Capt. Hem Barua has been a victim because his wife used her franchise freely. Let me mention here that the Government sometime ago refused to send him to war because they could not spare his able services.

The Hon'ble the SPEAKER : All these things ought to have been introduced in the beginning of the debate.

Srijut OMEO KUMAR DAS : Now why was he sent to Barpeta as Assistant Surgeon ? What happened was that the same Government which could not spare him for the war sometime ago, transferred him to Barpeta ? This was also alleged in the paper.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am obliged to my friend Srijut Omeo Kumar Das for his statement that he is not vindictive and also that he does not want these over-zealous officers to be punished. If I really find that these people break law as contained in the Government Servants' Conduct Rules, I shall see that they are punished.

My friend has mentioned the case of Capt. Barua. I am very glad to take this opportunity to say that this so-called victimisation meant promotion for him. He was an Assistant Surgeon in charge of the Mental Hospital, Tezpur and he would have remained there, but this Government out of the "vindictiveness" promoted him to be a Civil Surgeon.

Srijut OMEO KUMAR DAS : After much representation through many influential friends that he was made Civil Surgeon.

Prorogation of the Assembly

The Hon'ble the SPEAKER : I shall now read the prorogation order of His Excellency the Governor.

"In exercise of the power conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I Robert Niel Reid, hereby prorogue the Assam Legislative Assembly at the conclusion of its meeting of the 2nd rd November 1940.

Shillong :

The 21st November 1940.

R. N. REID,
Governor."

The Assembly was then prorogued.

SHILLONG.

The 23rd January, 1941.

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