

(FIRST SITTING OF THE ASSEMBLY IN FREE INDIA)

The Assembly met in the Assembly Chamber, Shillong, at 11 a.m., on Wednesday, the 17th September, 1947.

PRESENT

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the six Hon'ble Ministers and forty-six Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Sale of Lubricating oils by the Military Authorities to local firms

Srijut PURNA CHANDRA SARMA asked :

*143. (a) Are Government aware that Lubricating oils are sold by Military Authorities to local firms and that these firms are neither registered dealers nor do they pay sales tax of annas three per gallon as required under the Assam Sales of Motor Spirit and Lubricants Taxation Act, 1939 ?

(b) Do Government propose to take necessary steps to realise tax on such sales ?

*144. (a) Are Government aware that dealers, Mill owners, and tea garden owners are purchasing their requirements of Diesel Oil and Lubricating oil from Calcutta dealers and are thus evading the Assam Sales of Motor Spirit and Lubricants Tax with consequent losses to Assam Government revenue ?

(b) Do Government propose to take urgent steps either to extend the present scope of the Act by bringing necessary legislation so that all sales of Lubricants and Diesel Oil, etc., made in Assam, whether purchased in Assam or imported into Assam by any one from outside the Province are taxable under the Assam Sales of Motor Spirit and Lubricants Taxation Act ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

143. (a)&(b)—Reports have been received and Government are considering the question carefully.

144. (a)—No. Dealers cannot evade the tax. (Consumers like mills and tea gardens will not pay the tax as the tax is on sales and not on consumption).

(b)—The present Act already extends to all sales of lubricants and motor spirit inside the province, whether the lubricants and motor spirit are purchased in or outside the province.

Pay Commission for the Province

Maulavi ABDUL HAI asked :

*145. Will Government be pleased to state—

(a) Whether Government is intending to appoint a Pay Commission for the Province of Assam ?

(b) If not, why not ?

(c) Whether Government are aware that the low paid officers drawing pay between Rs.60 to Rs.90 per month are passing their days in great hardship during these days of scarcity and high price ?

(d) If so, do Government propose to increase their pay ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

145. (a)—Yes.

(b)—Does not arise.

(c) & (d)—The pay scales of all classes of employees under Government will be carefully examined by the Pay Committee which is going to be formed very shortly.

Maulavi ABDUL HAI: May I know when Government will come to a final decision ?

The Hon'ble Srijut BISHNURAM MEDHI: Government expects the Committee to submit the report within two months and the proposals that will be given by the Committee will be considered by the Government.

Maulavi ABDUL HAI: How long the Committee is sitting now ?

The Hon'ble Srijut BISHNURAM MEDHI: After the preliminary meeting, how the Committee will proceed on with the work, notice has been published inviting the different Associations and Heads of Departments to submit their memoranda. These memoranda on receipt will have to be scrutinised and the further sitting of the Committee has been provisionally fixed from 6th of October.

Maulavi ABDUL HAI: Is it a fact that Government has stopped giving these low-paid officers free ration from 1st of September ?

The Hon'ble Srijut BISHNURAM MEDHI: Sometimes the price goes up and sometimes the price goes down. In view of this as well as other difficulties and complaints regarding nature of rice and free ration supplied to officers, proposal has been made to give something like Rs.20 in lieu of these free concessions. Under this proposed arrangement the price of the various concessions granted in some cases and the benefit come up to more than what it would have come to if calculated on the existing concession. Sometimes the amount granted comes up to more than Rs.5 and sometimes more than Rs.3 and sometimes the emolument comes to less than Rs.2. In those cases where the emolument will be less the Government has proposed to compensate them to the extent of loss. Accordingly Government has written to some associations who submitted complaints ; and if the associations agree to accept the proposal, Government will pay cash in lieu of the concession as proposed with the compensatory allowance to those who will get less than previous emoluments.

Maulavi ABDUL HAI: May I request the Government to take early steps as regards giving them free ration and other concessions ?

The Hon'ble Srijut BISHNURAM MEDHI: I have already stated that in those cases where after calculation the benefit comes lower than what they used to get before, we will readily compensate them provided they are agreeable to accept the excess, otherwise we are thinking of continuing the previous arrangement.

Proceedings of the Meetings of the Government Servants' Association

Maulavi ABDUL HAI asked :

*146. Will Government be pleased to state—

- (a) Whether it is a fact that Government have issued a Circular prohibiting publication of the proceedings of the Meetings of the Government Servants' Association in the newspaper ?
- (b) Whether Government are aware that thereby they suppress the expression of real grievances of the public servants ?
- (c) Whether it is a fact that under Rule 19 of Government Servants Conduct Rules such publication is not prohibitive ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

146. (a)—No. But such matters are governed by Government Servants' Conduct Rules 19 and 23.

(b)—Does not arise.

(c)—Rules 19 and 23 prohibit such publication without previous sanction of Government.

Maulavi ABDUL HAI : Are not Government officers entitled to ventilate their real grievances ?

The Hon'ble Srijut BISHNURAM MEDHI : The question is whether we recognise these associations. The answer is if these associations make any representation, unless that representation is finally decided by Government, we do not expect Government servants to rush to the Press. For the elucidation of this point I will refer the hon. Member to the Government Servants' Conduct Rules. Rule 23 says : "No Government servant shall be a member, representative or officers of any association representing, or purporting to represent, Government servants or any class of Government servants unless such association satisfies the following conditions namely :—

(a) Membership of the association shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.

(b) The association shall not be in any way connected with any political party or organisation, or engage in any political activity."

This is very important, because some associations are encouraged by undesirable organisations and parties to create difficulty for the Government.

"(d) The association shall not except with the previous sanction of the Provincial Government, publish any representation on behalf of its members, whether in the Press or otherwise."

Any Government servant can represent to the Government but instead of doing that if everybody rushes to the Press then it becomes impossible for the Government to conduct things in this fashion. In most cases now they in league with the Communists spread false rumours in the public and published them in the Press. We cannot encourage that. Rules are already there in connection with publication of documents and communications to the Press in the name of Government servants.

Rule 19 reads thus:—

1. "No Government servant shall, in any document published under his own name or in any communication made to the Press under his own name or in any public utterance delivered by him, make any statement of fact or opinion which is capable of embarrassing—

(a) the relations between the Government or any Provincial Government and the people of India or any section thereof, or

(b) the relations between His Majesty's Government or the Governor General and any foreign country or the Prince or Chief of any State in India.

2. A Government servant who intends to publish any document under his own name or to make any communication to the Press under his own name or to deliver any public utterance containing statements in respect of which any doubt as to the application of the restrictions imposed by sub-rule (1) may arise shall submit to the Provincial Government a copy or draft of the document which he intends to deliver, and shall thereafter act in accordance with such orders as may be passed by the Provincial Government."

So we propose that Government servants will bind themselves in accordance with the rules laid down for the conduct of the Government servants.

Maulavi ABDUL HAI: Sir, as regards their own grievances—I am not speaking of political matters—but of their own grievances, if they submit their proceedings, will Government take steps that these will be published at once?

The Hon'ble Srijut BISHNURAM MEDHI: The whole idea is that if the Government think it desirable that it should be published Government surely will give permission, but if any and everybody without previous permission rushes to the Press before the Government comes to a decision regarding particular matter with a view to create confusion in the minds of the public with exaggerated statements, the Government cannot tolerate such hasty and rash action.

Maulavi ABDUL HAI: Is it not a fact that Government failed to give them permission although they always submitted applications?

The Hon'ble Srijut BISHNURAM MEDHI: It might have happened in the past but not during the regime of this Government. Government always take prompt action.

Maulavi ABDUL HAI: Are we to hope that this Government will take prompt action on such applications?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, we have already said that.

Contract between Government of Assam and the Irish Christian Brothers of St. Edmund's College, Shillong

Srijut DANDESWAR HAZARIKA asked:

*147. Will Government be pleased to state—

(a) The terms of contract between the Government of Assam and the Irish Christian Brothers of St. Edmund's College, Shillong where-by the B. T. Department was transferred from Dacca?

- (b) What authority the Government exercise over the B. T. grant paid to that college ?
- (c) Whether Government are aware that the Irish Brothers take for themselves a big amount from the B. T. grant as their own allowance and as interests on capital, etc., without any Governmental sanction ?
- (d) What measures Government propose to take to check the unauthorised expenditure of public money as stated above ?
- (e) Whether it is a fact that the Christian Brothers having only B. T. degrees of the Calcutta University are employed at fat allowance to teach the pupil teachers that are deputed there ?
- (f) Whether Government are aware that these Missionary Colleges in Shillong have pacts among themselves with regard to Scholarships and rate of fees, etc. ?
- (g) What measure Government propose to take against the arbitrary high rate of fees charged in Missionary Colleges in comparison with the Government colleges and other private institutions in the Province ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

147. (a)—The terms of Contract between the Government of Assam and the authorities of the St. Edmund's College, Shillong for the training of teachers, etc., are as follows :—

(i) That the College authorities will admit annually at least 20 teachers deputed or nominated by Government for training.

(ii) That Government will pay an annual contribution of Rs.5,000 for the first three years during which training takes place in the St. Edmund's College and Rs.8,000 thereafter to the Training College.

(b)—Government are required only to see if the condition at (i) is fulfilled by the College authorities on which the contribution is made.

(c)—The Irish Brothers take from the contribution Rs.120 per mensem only. As the B. T. College is not an aided institution and maintained entirely by the authorities of the St. Edmund's College Government sanction is not required for any expenditure incurred by them for its maintenance.

(d)—Does not arise.

(e)—Two Christian Brothers teach in B. T. class. One, the Principal, holds diplomas in Education from three Irish Training Colleges including the Highest degree in Education from an Irish University. The other was trained (1) in the Christian Brothers' Training College, Dublin, (2) Leinster College, Dublin, (3) B. T. First Class Practical, Calcutta University. Read M. A., Philosophy, Delhi University.

The allowances are—Principal Rs.90 per month, Second Brother Rs.30 per month.

(f)—There is no pact in existence regarding Scholarships, but the authorities of St. Anthony's College and those of St. Edmund's College charge equal rates of fees in their respective Colleges on agreement between themselves.

(g)—Government grants to Missionary Colleges are so low that in order to make reasonable provision for payment of teachers' salaries a reasonably high, not "arbitrary" rate of fees has to be charged by those College authorities. It is therefore not desirable for Government to interfere in the matter.

Srijut DANDESWAR HAZARIKA: Are Government aware that there are general complaint from the public regarding high fees charged by them ?

The Hon'ble Srijut GOPINATH BARDOLOI: The reasons have been already stated why it is possible that they are charging higher fees. Government have actually no authority to bring down the fees of the institutions which are not under them. Possibly they charge higher fees to make the institution self-maintaining.

Srijut DANDESWAR HAZARIKA: Will Government be pleased to note these complaints in the public interest and move the authorities for their consideration ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not think that Government will be justified in moving the matter that way. It may be a better way for Government to withdraw the aid rather than compelling an institution which is doing useful work to lower its fees on the basis of which it actually maintains itself. I could tell that the aids which are being given to these institutions are very much lesser in amount than those given to other institution elsewhere.

Assam Transport Enquiry Report

Srijut MAHENDRAMOHAN CHOUDHURY asked :

*148. Will Government be pleased to state—

- (a) Whether Part II of the Assam Transport Enquiry Report has been received by Government now ?
- (b) If so, what action Government are contemplating to take on the recommendations of that Report ?
- (c) At what stage the matter rests at present ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

148. (a)—Yes.

(b) & (c)—The organisation is in process of contraction after examination by a Committee. The matter is being examined by a Committee.

Maulavi ABUUL HAI: Since when, Sir ?

The Hon'ble Srijut GOPINATH BARDOLOI: Since the Committee has been at work. I think, since about a fortnight.

Maulavi ABDUL HAI: How long it will take to come to a final decision ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not sure, Sir, but the Government wish that it should be done as early as possible.

Mr. PRABHUDAYAL HIMATSINGKA: When was the report received by the Government ?

The Hon'ble Srijut GOPINATH BARDOLOI: The report was received some time before, about which I already made mention in reply in Question (a). But the question of the whole organisation is now being examined by the Committee, whether and to what extent it will be contracted if at all it is to be maintained and how it is going to be maintained and how it is going to be worked.

Srijut DANDESWAR HAZARIKA : Is it a fact that it is reported by the Enquiry Committee that some trucks were lost in transit from Dimapur to Rangamati ?

The Hon'ble Srijut GOPINATH BARDOLOI : I am not aware of this Sir, as this question does not arise here.

Expenditure in connection with representation before the Boundary Commission

Maulavi MAHAMMAD ROUFIQUE asked :

*149. (a) Will Government be pleased to state if it has incurred any expenditure in connection with the representation made before the Boundary Commission on behalf of the Government of Assam for retention of certain areas of the District of Sylhet in Assam ?

(b) If so, what is the total amount of expenditure ?

(c) Is it a fact that Calcutta Barristers were engaged to represent the Government of Assam before the Boundary Commission ?

(d) Will Government be pleased to state why the Advocate General of Assam was not deputed for the purpose ?

(e) What is the total amount spent for having the services of the Calcutta Barristers ?

(f) Will Government be pleased to state what gain Government has derived by claiming and obtaining the four thanas of the Sylhet District now left with Assam ?

(g) Will Government be pleased to state what was the sanction behind the Government action in moving the Boundary Commission for retention of certain areas of Sylhet in view of the wide-spread Assamese feeling against retention of any part of the District ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

149. (a)—Yes.

(b)—The accounts have not yet been received in most cases, and two of the Calcutta Lawyers declined to accept fees. It is not possible yet to state the total cost.

(c)—Only one Calcutta Barrister (Advocate) was entertained.

(d)—For several reasons, particularly that this was not a legal issue and that the time programme was uncertain and the Advocate-General had other important business for Government in hand.

(e)—As stated in reply to Question (d) this cannot yet be said.

(f)—The Question is not very precise and any interpretation involves matters of opinion. It is plain that the Province has thus gained in area and population.

(g)—The whole principle of the Referendum and of the Boundary Commission was the ascertainment of the wishes of the people. Government also appointed a mixed Fact Finding Committee to supplement the bare Referendum figures.

Maulavi MAHAMMAD ROUFIQUE: With reference to (b) it has been stated, Sir, that two of the Calcutta lawyers declined to accept fees. May we know if these two Calcutta lawyers are from Assam ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, that is a fact.

Maulavi MAHAMMAD ROUFIQUE: May we know, Sir, besides Mr. Atul Gupta, was there any other Bengal lawyers engaged to represent Assam's case before the Boundary Commission.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, they were lawyers, of course, from the Province who were engaged there.

Maulavi MAHAMMAD ROUFIQUE: Is it a fact that Mr. Atul Gupta appeared along with some of his juniors and that these juniors too have to be paid by the Government ?

The Hon'ble Srijut GOPINATH BARDOLOI: There was one such junior from Assam.

Maulavi MAHAMMAD ROUFIQUE: My point is, whether besides Mr. Atul Gupta there are also juniors from Calcutta who appeared along with him and whether these too have to be paid by the Government.

The Hon'ble Srijut GOPINATH BARDOLOI: So far as our Province is concerned there is only one.

Maulavi ABDUL HAI: As regards (b), may I know what amount Government have paid so far ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am unable to say, Sir, excepting perhaps travelling allowances which might have been paid.

Maulavi ABDUL HAI: Is it not a fact that some amount has already been paid ?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already said that some amount might have been paid in the shape of travelling allowances and such things.

Maulavi ABDUL HAI: My question, Sir, is what is the amount that has been paid up till now.

The Hon'ble the SPEAKER: To whom ?

Maulavi ABDUL HAI: To those lawyers who were engaged.

The Hon'ble Srijut GOPINATH BARDOLOI: I am not in a position to say that, Sir ; the question wanted the total amount ; this total has not been worked out.

Maulavi MAHAMMAD ROUFIQUE: I have not finished, Sir. With reference to (c), before engaging the services of Calcutta Barristers, did Government make a search for Advocates from Assam to represent the case of Assam before the Boundary Commission ?

The Hon'ble Srijut GOPINATH BARDOLOI: The position is this, Sir. Mr. Gupta was arguing the case of Bengal and that was linked up also with this Province of Assam; therefore, Government thought that the best person who would take up their case would be the person who was actually doing the work.

Maulavi MAHAMMAD ROUFIQUE: For the purpose of representing the case of Assam before the Boundary Commission, do Government say that there is no other capable man from Assam to do the job?

The Hon'ble Srijut GOPINATH BARDOLOI: It is a matter of detail, Sir, which I cannot say.

Mr. HARENDRA NATH SARMA: May we know, Sir, if Mr. Himatsingka is one of the two Assam lawyers who declined to accept fees?

The Hon'ble Srijut GOPINATH BARDOLOI: I cannot say, Sir, presumably he may be one.

Mr. HARENDRA NATH SARMA: May we hear from Mr. Himatsingka himself, Sir, so that we may congratulate him?

The Hon'ble the SPEAKER: The hon. Member will please seek his reply from the Government and not from an individual Member.

Maulavi MAHAMMAD ROUFIQUE: In reply to Question No. (d), Government stated that this was not a legal issue and that the time programme was uncertain and the Advocate General had other important business for Government in hand. Do Government admit thereby that the present Advocate General is unable to represent the case of Assam?

The Hon'ble the SPEAKER: This question does not arise.

Maulavi MAHAMMAD ROUFIQUE: May I know from Government whether any of the Hon'ble Ministers of the Assam Government was in Calcutta in connection with this case?

The Hon'ble the SPEAKER: What is the relevancy here? Will the hon. Member point out the relevancy of this question?

Maulavi MAHAMMAD ROUFIQUE: I refer to (c) Sir, regarding engagement of Barristers. I want to know whether any Hon'ble Minister from the Government of Assam was then in Calcutta in connection with the affairs of the Boundary Commission.

Maulavi SAYIDUR RAHMAN: Perhaps the hon. Member wants to know what expenditure was incurred by the Government thereby?

The Hon'ble the SPEAKER: That will be a new supplementary question; if the hon. Member wants to put that question he can do so.

Maulavi MAHAMMAD ROUFIQUE: I will put that question, Sir.

The Hon'ble the SPEAKER: The question is: 'Did Government incur any expenditure on any Hon'ble Minister in Calcutta in connection with the Boundary Commission?'

The Hon'ble Srijut GOPINATH BARDOLOI: I think it might be, Sir.

Maulavi MAHAMMAD ROUFIQUE: May we know, Sir, who is that Hon'ble Minister ?

The Hon'ble Srijut GOPINATH BARDOLOI: I could not hear the hon. Member, Sir.

Maulavi MAHAMMAD ROUFIQUE: I want to know who is the Hon'ble Minister who went to Calcutta in connection with the Boundary Commission on whom additional expenditure was incurred by the Government.

The Hon'ble the SPEAKER: The Hon'ble Srijut Medhi.

Maulavi MAHAMMAD ROUFIQUE: Is it not a fact that the then Hon'ble Minister Mr. Baidyanath Mookerjee was also in Calcutta in this connection ?

The Hon'ble Srijut GOPINATH BARDOLOI: No, Sir, he was there while he was returning from Delhi. I may inform the hon. Member that I was also there returning from Delhi, but that expenditure was borne by the Constituent Assembly.

Maulavi MAHAMMAD ROUFIQUE: With regard to (f), it appears the Government required some population to be gained by the inclusion of certain thanas in Sylhet. Is it not a fact that the people of Assam wanted the separation of the whole District ?

The Hon'ble the SPEAKER: Order, order. I cannot allow that question to be placed before the House because it does not contribute to the public welfare now at any rate ; it rather helps to create bad feelings.

Babu KAMINI KUMAR SEN: Is it not a fact that the declaration of June 3rd provided that only Muslim majority areas should be separated ? There is no question of non-Muslim majority areas being transferred.

The Hon'ble the SPEAKER: I would request the hon. Members to leave out this matter.

The Hon'ble Srijut GOPINATH BARDOLOI: I may inform for the information of the hon. Members. The question of Goalpara was there and not only Goalpara but the question of Cachar itself was there, apart from the question of interpretation which was necessary on account of the Declaration of June 3rd and the Referendum that took place in the meanwhile.

Babu KAMINI KUMAR SEN: My hon. Friend, Sir, has asked what is the sanction behind this. What I want to point out is that this is provided in the Declaration of 3rd June that only the Moslem majority areas are to be transferred, and there was no provision for transfer of non-Muslim majority areas in this case.

Maulavi MAHAMMED ROUFIQUE: Is it not a fact, Sir, that some non-Muslim majority areas also have been added to Pakistan Zone ?

The Hon'ble Srijut GOPINATH BARDOLOI: These are all matters of technicalities. We all desire that now there must be change of hearts. We should not probably try to recollect things of the past in this respect which would otherwise continue a bad tension.

The Hon'ble Srijut BISHNURAM MEDHI: I may, Sir, make the position a bit clear. There was a claim by the Muslim League Party for inclusion of some portions of Goalpara and Garo Hills Districts and Barpeta Subdivision in the Eastern Pakistan Zone.

The Hon'ble the SPEAKER: These are all matters of general bitterness for all parties concerned. So, I think, I should request the hon. Members just to forget these things.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Refund of Collective Fines

Srijut KAMESWAR DAS asked:

572. (a) Will Government be pleased to state how and when they are going to give effect to their decision for refund of collective fines in connection with the disturbances of 1942 movement?

(b) Do Government propose to take prompt steps to refund the collective fines in the Barpeta Subdivision early?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

572. (a) & (b)—Orders have issued for the refund of the fines in all cases, the money to be paid to the credit of the custodian of the purpose concerned where the refund is for a purpose of collective benefit.

Srijut GAURI KANTA TALUKDAR: May I understand, Sir, from Government that if the orders for refund of the fines have been issued, why no payment has been made in that regard?

The Hon'ble Srijut GOPINATH BARDOLOI: In most cases such payments have been made, but only in certain cases where some difficulties have arisen, such payments have not yet been made.

Refund of Collective Fines

Srijut GAURI KANTA TALUKDAR asked:

573. Will Government be pleased to state—

- (a) Whether they have refunded the collective fines realised in connection with the last 1942 Movement?
- (b) The names of the villages in the Province (with the names of the district and the thana under which each of them falls) in which refunds have been made as well as the names of those villages in which refunds have not yet been made (showing the amount due and the amount paid to each village)?
- (c) Whether the refunds, if any, have been made to the individuals from whom the fines were realised or whether the refunds have been made to the villages concerned collectively?

574. If the reply to Question 573 (a) is in the negative, will Government be pleased to state—

- (a) The reasons for not refunding the collective fines yet ?
- (b) When they propose to do so ?
- (c) Whether Government are aware that the Bihar Government are returning the collective fines "to the men from whom the money was realised" ?
- (d) Whether this Government propose to follow the principle adopted by the Bihar Government ?
- (e) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

573. (a)—Orders have been issued in all cases.

(b)—Government have not full particulars, for the reason stated in answer to question (c).

(c)—In Sibsagar district individually, elsewhere for collective purposes. This was done according to representation received on behalf of the payers themselves.

574. (a) & (b)—Do not arise.

(c)—Government have no information.

(d)—No.

(e)—In some cases the course suggested was impracticable, since the fines were collected in lump by the fine-payers themselves and not by individual demand or coercive process, so that there is no record of realisation from individuals. In all cases the course is a difficult one to follow. So many changes will have taken place meanwhile, such as casualties and removal to other districts, and in some instances evidence of identity would be so hard to procure, that the result could only be that part of the fine would remain unrefunded; whereas collective refund ensures the return of all the money which was credited to Government.

Mr. HARENDRA NATH SARMA : As regards Question No. 573 (a), Sir the reply given is that orders have been issued in all cases. May I know to what effect these orders have been issued ?

The Hon'ble Srijut GOPINATH BARDOLOI : In the case of the Sibsagar District the payment has been ordered to be made to persons individually. Excepting that district the general order is that the refund should be made collectively for beneficial purposes.

Srijut GAURI KANTA TALUKDAR : May I know, Sir, why in Sibsagar District the method of payment has been different ?

The Hon'ble Srijut GOPINATH BARDOLOI : Because as a result of a representation on behalf of those people of Sibsagar that the payment should be made individually, that procedure was adopted.

The Hon'ble the SPEAKER : I think further elucidation will be helpful, because it is a matter of common knowledge of both the people as well as the Government that the police realised fines, seized cattle and did other such acts, but they did not grant receipts to evidence realisation or seizure. Was there any such direction from Government to meet such eventualities ?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, the money that was realised was credited to the Government coffer. Government is quite willing to make an enquiry if any specific cases can be proved that money was realised but was not credited to the Government coffer by police officers.

Maulavi MAHAMMAD ROUFIQUE: Do Government propose to refund the money to the people concerned with interest?

The Hon'ble the SPEAKER: There is difficulty to make payment on that principle (*laughter*).

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to refund all the collective fines, that have not yet been refunded, without further delay?

The Hon'ble Srijut GOPINATH BARDOLOI: I fully agree that it has got to be done and I can assure the hon. Member that it will be done. But if the hon. Member go through the printed replies given by Government, he will realise the difficulty of making early refund of the collective fines in some cases.

Srijut GAURI KANTA TALUKDAR: Then, Sir, is it the Government's decision that, excepting the district of Sibsagar, in other districts the payment should be made collectively?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, it is so.

Srijut GAURI KANTA TALUKDAR: I think, Sir, the money that was realised from the localities concerned by the people themselves and paid to the police, could easily be refunded to those localities collectively.

The Hon'ble Srijut GOPINATH BARDOLOI: Even in that case, Sir, the matters are not free from difficulties. For example, in Sorbhog some people wanted that the money that was realised from that area be utilised for some public purpose in that area. But the people in the north of this area wanted that the money that was realised from them should be refunded to them. Owing to these difference of opinions among the people themselves, some sort of arbitration was necessary and for this reason the refund of the collective fines could not be done without some delay.

Srijut HALADHAR BHUYAN: Collective fine distribute কৰিবৰ নিমিত্তে লক্ষ্য দিছে হয়, কিন্তু কি Head অত disburse কৰিব লাগে সেই বিষয়ে কোনো instruction দিয়া হোৱা নাই।

The Hon'ble Srijut GOPINATH BARDOLOI: গৱৰ্ণমেণ্টে তেনেকুৱা কোনো খবৰ পোৱা নাই। যদি Deputy Commissioner এ কিবা ভুল কৰিছে ক'ব নোৱাৰো।

Srijut HALADHAR BHUYAN: নগাৰৰ Deputy Commissioner এ এই সঞ্চক্কে wire কৰা স্তৰেও এতিয়ালৈকে একো ক'ৰা নাই।

The Hon'ble Srijut GOPINATH BARDOLOI: সেই সঞ্চক্কে একো ক'ব নোৱাৰো।

Srijut GAURI KANTA TALUKDAR: Then, Sir, Government shall have to overcome these difficulties, as mentioned by the Hon'ble Premier and the people concerned, otherwise it will cease to give the desired psychological effect intended for.

The Hon'ble Srijut GOPINATH BARDOLOI: The money will be repaid without delay to those localities where no such difficulties have arisen.

Srijut HARINARAYAN BARUA: যদি সেখে হয় বোৰহাটত এতিয়ালৈকে কিয় দিয়া হোৱা নাই ?

The Hon'ble Srijut GOPINATH BARDOLOI: বোৰহাটৰ সত্বে কৈছোঁ। ক'বাত হয়তো এতিয়ালৈকে দিব পৰা নাই।

Srijut DANDESWAR HAZARIKA: May I know from the Government whether they are aware that in Sibsagar district in some Mauzas the majority of the people want that the money should be spent in public purposes ?

The Hon'ble Srijut GOPINATH BARDOLOI: May be spent for public purposes. It will be difficult for Government to change the order of things. I think people might now agree to go together and get the money and then use it for public purposes.

Srijut DANDESWAR HAZARIKA: The Deputy Commissioner and the Subdivisional Officers find it to be a difficulty. Supposing in one Mouza collective fines amounted to Rs. 5,000 and there are applicants for one thousand only, what does the Government propose to do in such cases?

The Hon'ble Srijut GOPINATH BARDOLOI: As I said then, so far as Sibsagar is concerned, the difficulty was that they received from the payers themselves.

Sale of Lubricating oil by Military Authorities to local firms

Mr. PRABHUDAYAL HIMATSINGKA asked :

575. (a) Is Government aware that lubricants oil is being sold by the Military authorities at different places in Assam to local firms ?

(b) Is Government aware that these firms are not registered dealers and that no tax is being paid on such sales payable under the Assam Sales of Motor Spirit and Lubricants Taxation Act of 1939 ?

(c) If the answers to the Questions (a) and (b) above be in the affirmation, what steps Government propose to take for realising tax on such sales ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

575. (a)—The hon. Member's attention is drawn to reply given in the current session of the Assembly to a similar Question (Starred Questions Nos. 143 and 144) asked by Srijut Purna Chandra Sarma, M. L. A.

(b) & (c)—Government are making enquiries from the District Officers and will take necessary steps to prevent evasion of the tax, if any, in cases where such taxes are leviable.

Grant of food-grain license to Messrs. Shewlal Sambhudayal of Dergaon

Srijut DANDESWAR HAZARIKA asked :

576. (a) Will Government be pleased to state what class of food-grain license has been granted to Messrs. Shewlal Sambhudayal of Dergaon in the Golaghat Subdivision and the quantity of paddy they can keep in stock ?

(b) Is it a fact that after the issue of the recent Rice and Paddy (Road and River Movement) Control Order, 1946, the above firm obtained a permission from the Supply Department to transport 12,000 maunds (twelve thousand maunds) of paddy from North Lakhimpur to Golaghat on the ground that they purchased the same before the above Control Order was promulgated?

(c) If so, will Government be pleased to state whether any verification was made by Government before passing the said order?

(d) Have Government received reports to the effect that no time limit or anything of the sort having been given in the order, that 12,000 maunds of paddy have become a never ending business?

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

576. (a)—No food-grain license was issued in the name of Messrs. Shewlal Sambhudayal of Dergaon but two Agents cards for Dergaon and Golaghat were issued to the said Firm by the Deputy Commissioner concerned on behalf of M/S Brahmaputra Mills Limited, Dergaon. No quantity was mentioned in the two cards.

(b)—Prior to promulgation of the Rice and Paddy (Road and River Movement) Control Order, 1946, Messrs. Steel Brothers, Government Food Grain Agent allowed M/S Brahmaputra Mills Limited, Dergaon (not M/S Shewlal Sambhudayal, Dergaon) to remove 12,000 maunds of paddy previously purchased and stocked at Kalabari to meet the rice contract placed at the Mills.

(c)—Usual verification of stocks of the Mills was made by the officers concerned.

(d)—No such reports have been received.

Srijut DANDESWAR HAZARIKA: Are Government aware that Messrs. the Brahmaputra Mills Ltd. and Messrs. Shewlal Sambhudayal are the one and the same firm?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have no information about that. They are two different names in any way.

Srijut DANDESWAR HAZARIKA: May I know from the Government whether they deputed any officer to enquire whether there was actually twelve thousand maunds of paddy stocked at Kalabari?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The reply is there.

Appointment of Assamese in the Bengal and Assam Railway Services

Srijut GAURI KANTA TALUKDAR asked:

577. Will Government be pleased to refer to the reply given by them to Unstarred Question No. 245 asked by the Questioner during the last September Session of the Assembly (at page 1589 of the Assembly Debates) and state—

(a) Whether Government have asked the authorities of the Bengal and Assam Railway to give this Government the informations regarding the number of Assamese in the services of the said Railway?

- (b) Whether Government have requested the authority of the said Railway to fix a fair quota of posts in the different branches of services of the said Railway ?
- (c) If so, what response has been made by the Railway authority ?
- (d) If not, why not ?

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

577. (a)—In pursuance of Question No. 245 asked by the Questioner during the last September Session of the Assembly and the replies given thereto by the Government, the matter was brought to the notice of the Railway authorities for doing the needful.

(b)—Yes.

(c)—The reply from the General Manager, Bengal-Assam Railway, is as follows:—

“I would inform you that steps such as practicable are always being taken to secure adequate representation of Assamese in filling vacancies on this Railway.

In addition to publishing our advertisements for employment in leading Newspapers and Gazette of Assam, copies of such advertisements are sent to the Director of Industries, Assam, with a view to enable him to direct suitable Assamese candidates to apply for posts advertised.

Although no quota or percentage is fixed for the employment of Assamese candidates on the Bengal-Assam Railway, applications received from them have always been given full consideration.”

(d)—Does not arise.

***Srijut GAURI KANTA TALUKDAR** : Will the Government be pleased to state how the Director of Industries, who is said to receive advertisements on behalf of the General Manager, Bengal and Assam Railway, communicate it to the people of the Province ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : That is the reply of the General Manager, Bengal and Assam Railway as to what they are doing. The advertisements are published in the papers and in the Gazette. Moreover, the General Manager is giving an extra information by sending the advertisements to the Director of Industries. He did not need to do so. He could have published only in the papers and in the *Assam Gazette*

***Mr. HARENDRA NATH SARMA** : What has the Director of Industries to do with the Railway appointments ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : That is what the General Manager of Bengal and Assam Railway did, as I have pointed out, because perhaps he thought that the Director would be able to give out the information.

The Hon'ble the SPEAKER : The point is that after receiving the information what does the Director of Industries do ? How does he publish it among the people ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I cannot answer that off-hand. I may make an enquiry.

***Srijut GAURI KANTA TALUKDAR** : The question was whether Government have requested the authority of the said Railway to fix a fair quota of posts

in the different branches of services of the said Railway. The reply is that although no quota of percentage is fixed for the employment of Assamese candidates on the Bengal and Assam Railway, applications received from them have always been given full consideration. May I know whether any fixed quota or percentage is going to be fixed for the Assamese people in the Railway services?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is the reply of the General Manager, Bengal and Assam Railway. It is not the reply of the Government of Assam. We are only giving to the hon. Member the reply given by the General Manager to the Government of Assam, and the Government of Assam is doing all that is possible to do in moving the authorities that such a quota should be fixed. The Hon'ble Prime Minister and myself have met the Hon'ble Minister in charge of Railways at Delhi and pressed this point to him and he said that the matter was being considered.

***Mr. HARENDRA NATH SARMA:** Does this show to the charity of the Government to tackle the problem from time to time? The Director of publicity should have been referred to.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I said that this reply emanated from the General Manager.

***Maulavi MAHAMMAD ROUFIQUE:** Has the Government written to the General Manager that no useful purpose would be served by sending copies of advertisements to the Director of Industries?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This is a matter of opinion.

Mr. HARENDRA NATH SARMA: On a point of order, Sir. Whenever a question is put it is very easy to evade that by saying that it seeks an opinion. It is for you to decide whether a question asks for an expression of opinion or not. Now, Sir, this question put by my hon. Friend, Mr. Roufique, *viz.*, whether Government pointed this out to the General Manager or not, is certainly not one asking for any opinion. It simply wants to elicit the information whether Government did or did not point out this fact to the General Manager....

The Hon'ble the SPEAKER: The hon. Member raises the point of order and he himself decides it!

Mr. HARENDRA NATH SARMA: No, Sir, just to assist you I was analysing the question.

The Hon'ble the SPEAKER: It is always upto the Chair to decide whether a question is admissible or not.

Srijut GAURI KANTA TALUKDAR: I am grateful to the Hon'ble Minister for the attempts he has made to represent the case of the Assamese people at Delhi. But will it not be necessary to make some reference to the authorities of the Assam Railway also?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That has already been done, Sir. We have also discussed this matter with the Railway authorities here in Assam.

Maulavi MAHAMMAD ROUFIQUE: Did Government give any indication to the General Manager as to whom such advertisements should be sent for proper publicity in Assam?

*Speech not corrected.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The question of any dealings with the General Manager of the Bengal and Assam Railway does not arise now, because there will be the Assam Railway and we shall be dealing with the authorities in Assam.

Ayurvedic College at Munikul, Gauhati

Srijut GAURI KANTA TALUKDAR asked :

578. Will Government be pleased to refer to the Budget Speech of the Questioner published in the Assembly Debates of the 15th March 1947 at page 240 and state :—

- (a) Whether Government have taken any notice of the request made therein to take early steps to develop the Ayurvedic College at Munikul, Gauhati to a really useful Ayurvedic College for which demands have been made since 1937 ?
- (b) If so, whether Government have taken any steps to comply with this request and what are the steps undertaken ?
- (c) What steps they propose to take and when to raise the college to a full-fledged status ?
- (d) With a view to free the name of the College from foreign nomenclature whether Government propose to change its present name and call it "Gauhati Ayurvediya Vidyalaya" or "Gauhati Ayurvediya Mahavidyalaya"?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

578. (a)—Yes.

(b) & (c)—Yes. An Advisory Board has since been constituted and set to work out a plan.

The Advisory Board appointed a Touring Scheme Committee. The Committee recently submitted a scheme for the establishment of a College which is now under the consideration of the Government.

(d) The suggestion is noted for consideration when the question of naming the proposed College will arise.

Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Premier be pleased to state when this scheme for the establishment of a Ayurvedic College at Gauhati is expected to be implemented ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not quite follow....

Srijut GAURI KANTA TALUKDAR: We have taken a lot of time in appointing an Advisory Board and the latter drawing up a scheme and submitting the same. Now that the scheme has been submitted, can we not expect that the scheme will be worked out very soon ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is the intention of Government to work out the scheme as early as possible. The scheme is being examined, and we shall come, I suppose, in the next year's Budget with proposals for implementing this scheme to the extent it may be possible to do consistent with the finances of the Province. It will be the hon. Member's duty then to point out how it can be done better.

Commercial Carrying Company Limited and the United Motor Transport Company Limited

Srijut BIJOY CHANDRA BHAGAVATI asked :

579. (a) Are Government aware that there has been frequent breakdown of service vehicles carrying passengers on both the Gauhati and Sylhet lines of the Commercial Carrying Company, Limited and the United Motor Transport Company, Limited ?

(b) Will Government be pleased to state the number of instances of such breakdown of service vehicles during the past six months specifying the number of vehicles against each date ?

(c) Are Government aware that such breakdown is dangerous to the lives of the travelling public ?

580. (a) Are Government aware that the workers of the Commercial Carrying Company, Limited and the United Motor Transport Company, Limited, served the Company with a strike notice demanding betterment of pay and prospects ?

(b) Is it a fact that through the intervention of the Hon'ble Srijut G. N. Bardoloi, the Premier of Assam, the threatened strike notice was withdrawn ?

(c) Are Government aware that the Companies have failed to comply with the conditions of compromise reached between the employees and the employers on the 13th August, 1946, in presence of the Hon'ble Srijut G. N. Bardoloi ?

(d) Is it a fact that the Companies have violated their promises of no victimisation as laid down in the said agreement ?

(e) Are Government aware that Srijut Nabin Chandra Das, Secretary of the Gauhati Branch Union, was transferred to Shillong although there was vehement protest from the Union against his transfer ?

(f) Is it a fact that the said Srijut Nabin Chandra Das is engaged to do work of higher responsibility and position, but his pay has not been compensated accordingly ?

(g) Is it a fact that in the preliminary award the Hon'ble Srijut D. Sarmah, Speaker, Assam Assembly, granted 2 months' pay as Puja Bonus on 30th September, 1946 ?

(h) Is it a fact that the arrear Puja Bonus of one month's pay has not been paid till now, thereby violating the award ?

(i) Will Government be pleased to state whether the award granted by Mr. F. A. Ahmed was notified in the *Assam Gazette* for public information ?

(j) Are Government aware that the said award has been violated by the Companies by not granting increment with effect from 1st September 1946 ?

(k) Are Government aware that the General Secretary of the Workers' Union Mr. P. N. Choudhury was transferred to Gauhati with a 12 hours' notice and subsequently placed under suspension as he wanted preparatory time for making necessary arrangements for his ailing wife and children before he could start for Gauhati ?

(l) Will Government be pleased to state whether they have received any complaint to the effect that the employees particularly Drivers and Handimen are suspended on flimsy grounds with a view to sabotage the legitimate Trade Union Movement ?

(m) Do Government propose to set up Enquiry Committee to enquire about all the above mentioned allegations ?

The Hon'ble Srijut RAM NATH DAS replied

579. (a)—Yes.

(b)—A statement of breakdowns of service vehicles for passengers only from September 1946 to February 1947 is placed on the table.

(c)—It might be so in some circumstances. Steps have been taken to prevent such breakdowns.

580. (a)—Yes.

(b)—Yes.

(c)—No.

(d)—Government are not aware.

(e)—Yes. Srijut Nabin Chandra Das was appointed as Assistant Steamer Transhipment clerk at Gauhati on and from the 1st March 1945. As owing to his negligence the Company had to caterain claims from the Steamer Company and the public, he was transferred to Sullberg in the General Office on 21st December 1946—where also he proved himself untrustworthy. He was again temporarily deputed to work as F.T.I. in the road but post-transportation. He is being tried now in the Store Department of the Company at Sullberg as a clerk.

(f)—No.

(g)—As the matter of bonus was beyond the terms of the arbitrator's reference, the question does not arise.

(h)—Does not arise.

(i)—No.

(j)—No. The provisions of the award have been carried out, i. e., the scales laid down have been introduced and every worker whose pay was below the minimum of the scales applicable to him has been given the minimum while every worker who has completed one year's service on a stage in the scale before 1st September 1946 has been given an increment.

(k)—Yes, before Babu P. N. Choudhury was elected as General Secretary of the Union. He was suspended for disobedience of orders. He saw the Manager of the Company with some representatives of the Union and expressed regret for what had happened and has already been allowed to resume his duties.

(l)—No.

(m)—Does not arise.

Maulavi ABDUL HAI: With regard to (g), may I know whether granting of two months' pay as Puja bonus was one of the items of the award given by Hon'ble Mr. Sarmah, the Speaker of the Assembly?

The Hon'ble Srijut RAM NATH DAS: My answer is "As the matter of bonus was beyond the terms of the arbitrator's reference the question does not arise".

Maulavi ABDUL HAI: My question is whether it was one of the terms of the award given by Hon'ble Mr. Sarmah?

The Hon'ble the SPEAKER: The reply is that it was not included in the terms of reference, and therefore even if it was given in the award.....

Maulavi ABDUL HAI: That is quite different, Sir. My question is whether it was one of the items of the award. That is not irrelevant.

The Hon'ble the SPEAKER: That is at any rate less relevant. The more proper question will be to request the Hon'ble Minister to read out the terms of reference.

Maulavi ABDUL HAI: I request the Hon'ble Minister, through you, Sir, to read out the terms of reference.

The Hon'ble Srijut RAM NATH DAS: In the terms of reference the arbitrator was requested to go to only two different points and the relevant portion of reference reads like this:—"after formulation of the time-scale and the service rules they shall be presented to Srijut Gopinath Bardoloi or in his absence to any person to be nominated by him". So, the reference was only formulation of the time-scale and the service rules and not to any other points, Sir.

Maulavi ABDUL HAI: Does not this matter of granting Puja bonus come under the rules formulated?

The Hon'ble Srijut RAM NATH DAS: According to legal opinion, it does not, Sir.

Maulavi ABDUL HAI: May I know, Sir, from whom legal opinion was taken and when?

The Hon'ble Srijut RAM NATH DAS: From the legal advisers of the Assam Government.

Maulavi ABDUL HAI: When was that opinion taken? May I know how the opinion was given?

The Hon'ble Srijut RAM NATH DAS: After we received this set of Questions we took the opinion of our legal expert.

Maulavi ABDUL HAI: Will the Hon'ble Minister be pleased to read out the legal opinion here?

The Hon'ble the SPEAKER: This is a matter between Government and their officer.

Maulavi ABDUL HAI: Is it not a fact that no legal opinion was taken in the matter?

The Hon'ble the SPEAKER: Government say that legal opinion was taken after this set of Questions was received.

Maulavi ABDUL HAI: Then, Sir, legal opinion was taken after receiving these Questions, but the Company was to give effect to the award before that, which the Company failed to do. May I therefore know why Government did not give effect to the terms of the award?

The Hon'ble Srijut RAM NATH DAS: We cannot compel the Company because the Company said that the granting of Puja bonus was not under the terms of reference.

Maulavi ABDUL HAI: Did the Company say so before receiving legal opinion or after that?

The Hon'ble Srijut RAM NATH DAS : Before that, Sir.

Makum-Ledo Road in Dibrugarh

Srijut BHADRA KANTA GOGOI asked :

581. Will Government be pleased to state—

- (a) The amount spent in the Makum-Ledo Road in Dibrugarh in the years 1945-46 and 1946-47 ?
- (b) The items of work in which the amount was spent ?

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

581. (a) & (b)—The information required is being called for from the Executive Engineer concerned and will be furnished as soon as received.

Tezpur-Charali, Tezpur-Biswanath and Tezpur-Hawaijan Routes

Srijut BIJOY CHANDRA BHAGAVATI asked :

582. Are Government aware—

- (a) That public representations to increase the number of buses plying between Tezpur-Charali, Tezpur-Biswanath and Tezpur-Hawaijan have been repeatedly made ?
- (b) That the present buses allotted in these lines are absolutely inadequate to meet the increasing demand of the travelling public ?
- (c) That there is no Railway connections in this part of the country from Tezpur to North Lakhimpur ?
- (d) That steamer service in this part is inconvenient and uncertain in the winter ?
- (e) That absence of other communication facilities is not taken into account in allotting buses in these routes ?
- (f) That the number of buses in these routes is less than the number in other districts where other means of communications are also available ?

583. Do Government propose to increase the number of buses in the Tezpur-Charali, Tezpur-Biswanath and Tezpur-Hawaijan routes ?

584. (a) Will Government be pleased to state, district by district, during the last three quarters the number of:—

- (1) private cars other than those of tea gardens ;
- (2) tea garden trucks and cars ;
- (3) private carriers other than those of tea gardens ; and
- (4) public carriages (passenger) ?

(b) Will Government be pleased to state, district by district, the quantity of petrol in gallons sanctioned in the last three quarters for:—

- (1) public carriages ;
- (2) private carriers other than those of tea gardens ;
- (3) private cars other than those of tea gardens ;
- (4) tea garden trucks and cars ;
- (5) Government Vehicles other than those of Assam Transport ; and
- (6) cars and trucks of Assam Transport.

- (c) Will Government be pleased to state the criterion of allowing this quota of petrol ?
- (d) Is it a fact that more petrol is sanctioned to tea gardens than to public carriages ?
- (e) Are Government aware that buses permitted to ply in Tezpur-Charali, Tezpur-Biswanath, and Tezpur-Hawaijan lie idle for want of petrol ?
- (f) Do Government propose to sanction requisite quota of petrol for the purpose of running some more buses in these routes ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

582. (a)—Yes.

(b)—Government are prepared to admit the inadequacy, but increase of services to meet the public demand must depend upon the petrol position from time to time.

(c)—Yes.

(d)—Yes.

(e)—No. This has throughout been a point engaging the attention of the transport and Petrol Rationing Authorities.

(f)—No. Many services have been closed down altogether because there was a parallel Railway route.

583.—Yes. When adequate petrol becomes available.

584. (a)—(1), (2), (3) & (4)—A *statement is laid on the Library table.

(b)—(1), (2), (3), (4), (5) & (6)—A *statement is laid on the Library table.

(c)—Rationing Authorities are guided by the second schedule of the Motor Spirit Rationing Order, 1941.

(d)—No, the average issue was 227.6 gallons per stage carriage (Public Carrier) and 137.5 gallons per tea garden vehicle for the quarter ending 31st July 1946 ; 260.3 gallons per stage carriage and 145.1 gallons per tea garden vehicle for the quarter ending 31st October 1946 ; and 272.1 gallons per stage carriage and 142.7 gallons per tea garden vehicle for the quarter ending 31st January 1947.

(e)—No bus is reported to be idle for want of petrol.

(f)—Yes, when the supply of petrol permits.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I want to point out that Question No. 576 was already asked under Question No. 465, and the same Questions have been printed twice. There must be some mistake in the office.

The Hon'ble the SPEAKER: I shall see to that. If there is any mistake, necessary correction slip will be issued.

Moulana Md. MUFAZZAL HUSSAIN: Sir, I wish to draw the attention of the House and the Government to the state of affairs in the Assam portion of the Karimganj subdivision.....

The Hon'ble the SPEAKER: Before that I want to mention one thing. I shall give the hon. Member a chance later.

Discussions re: non-receipt of replies to certain Questions

The Hon'ble the SPEAKER: I have had representations from various Members of various groups that answers to Questions put months before have not been received. The outstanding Questions were also sent to the Hon'ble

*Statement has been placed on the Library Table as it is too big and unwieldy to be printed at short notice.

Ministers concerned from the Assembly office after the last Session. Now, the hon. Members' grievance is that if after months they do not get answers to Questions it is an encroachment on their privilege in a way.

Then again, certain Members represented to me this morning that if Questions were put and Government sent those Questions to subordinate offices and they did not give replies and talk in public "well Questions have been sent to us but we do not care to reply", and Government sleep over the matter; in that case the position of the representatives of the people become rather awkward. Now, to-day we have an important piece of legislation coming before the House and the hon. Members of the House wanted that we should get through, to-day being the last day of the Session. In the circumstances, I am doubtful whether I should not adjourn the House for sometime for the Government to find out facts and would promise to the hon. Members that they would look into the matter and let the House know what step they have taken when the House sits next. I should be glad to hear from the Hon'ble the Leader of the House.

The Hon'ble Srijut GOPINATH BARDOLOI: I am very sorry to hear that any Question should have been left unanswered. As a matter of fact, so far as I am concerned, all the Questions that have come to me were seen by me and replies were also sent—of that I am perfectly sure. But I quite see that if any Questions have been left unanswered, well, there must be something wrong somewhere, and I am quite prepared to enquire into this provided the hon. Members will give me the Questions which were actually put and to which they have not got replies. It would facilitate the enquiry and would lead to the responsibilities being fixed on proper persons. Broadly, I could say, that nobody regrets it more than I do and I assure the House that I will look into the matter.

The Hon'ble the SPEAKER: We have a list and I will ask my office to give further details to the Hon'ble Prime Minister. Questions admitted those including of Sylhet Members are Starred 207, Unstarred Questions admitted are 1,070 and Short Notice Questions 2 only. Now, Questions that remained unanswered only of the remaining Members excluding the Sylhet Members of the House are Starred—32, Unstarred—170 and Short Notice Question—1. The Assembly Office will give the Hon'ble Prime Minister further details.

Srijut GAURI KANTA TALUKDAR: সভাপতি ডাঙৰীয়া যিটো কথা শুনিব খোজো। আনাব আগাম প্ৰাইমাৰী এডুকেশ্বন বিল (১৯৪৭) আৰু Assam Prohibition Bill কি অৱস্থাত আছে জানিবলৈ দিলে ভাল পাম।

The Hon'ble Srijut GOPINATH BARDOLOI: দুয়োখন বিল গৱৰ্ণৰ অনুমতি লৈ কামত পৰিণত কৰিব লাগিব। বোধকৰো Assam Primary Education Bill সম্বন্ধে ইয়াৰ গৱৰ্ণৰ অনুমতি হলেই কাম হাতত লব পৰা যাব। Assam Prohibition বিল সম্বন্ধে India Government ক শোধনা কি জানি দৰকাৰ হব পাৰে।

Mr. C. W. MORLEY: May I know what has exactly happened to the Assam Primary Education Bill?

The Hon'ble Srijut GOPINATH BARDOLOI: It has been sent to His Excellency for his assent. After the abolition of the Upper House perhaps it is likely that we shall have to take action on the Bill and we shall do that as soon as we receive assent from His Excellency.

Maulavi MAHAMMAD ROUFIQUE: Sir, as to how Questions put in the Assembly are disposed of by the Departments I should like to take this opportunity

to mention in the House, particularly with regard to one Question that I put. That was under the Agriculture Department. I sent certain Questions perhaps before the Budget Session for answer.....

The Hon'ble the SPEAKER: The Hon'ble Prime Minister has promised to look into the matter.

Maulavi MAHAMMAD ROUFIQUE: But this has some special feature in it. We put Questions to get answers on the floor of the House but I received a letter from the Under-Secretary with regard to a Question of mine saying that the matter was enquired into and the information was found to be not correct and he further asked me to furnish him with the source of my information. Sir, when I put a Question I send it to the Assembly Department for answers to be received on the floor of the House but instead of that they have done as I have stated. Is this regular, Sir?

The Hon'ble the SPEAKER: That was not regular but that can also be interpreted as paying special attention to the hon. Member.

Mr. C. W. MORLEY: Sir, just one point. Would it not be a better system for all Members, I think, to put a certain date within which the answers are to be given?

The Hon'ble the SPEAKER: Let us first try to have answers.

**Statement regarding alleged Harassment and Searches in Muslim houses
by Police and Military in Karimganj.**

Moulana Md. MUFAZZAL HUSSAIN: Mr. Speaker, Sir, I wish to draw attention of Government and of the House.....

The Hon'ble the SPEAKER: Is it a matter of special interest that the hon. Member wants to bring up before the House?

Moulana Md. MUFAZZAL HUSSAIN: Sir, I received a telegram from the Secretary, Karimganj Muslim League. The telegram reads:—

“Undue harassment seizure of rice indiscriminate searches in Muslim houses and arrests and firing by police and military have made life impossible stop Immediate intervention solicited”.

The Hon'ble the SPEAKER: When did the hon. Member get the telegram?

Moulana Md. MUFAZZAL HUSSAIN: Yesterday evening.

The Hon'ble the SPEAKER: Perhaps it would have been more helpful if the hon. Member would have seen the Minister concerned rather than taking the time of the House.

Moulana Md. MUFAZZAL HUSSAIN: I got it at night at 8 P. M.

The Hon'ble the SPEAKER: Even so perhaps the matter could be arranged with the Hon'ble Minister this morning.

Moulana Md. MUFAZZAL HUSSAIN: Mr. Roufique informed the Hon'ble Prime Minister this morning and he said that he also received a similar telegram.

The Hon'ble the SPEAKER: Is it the intention of the hon. Member to draw the attention of the Hon'ble Prime Minister?

Maulavi MAHAMAMD ROUFIQUE : I took the telegram to the Hon'ble Premier who said that he also received a similar telegram. Then I said that I might just mention about it and asked the Hon'ble Premier to kindly give a reply about an enquiry that will be instituted into the matter.

The Hon'ble the SPEAKER : Replies can be had on the floor of the House pertaining to matters of extraordinary nature. But the time of the House cannot be taken by seeking to read telegrams and things of that sort. It is not the procedure contemplated by the Assembly Rules. It is only in extraordinary cases that can be done. If harassment has been done by some officers the Hon'ble Prime Minister might look into the matter. Any way the reading of the telegram will have the desired object.

Statement re: appointment of Hon'ble Mr. D. Sarmah, as Dominion Agent in Manipur

The Hon'ble Srijut GOPINATH BARDOLOI : Before you take up other items of to-day's agenda, I want to make an announcement which touches the very character of the House and of the Members who are here. We all know that in the new set-up the Government have got to think of the future in terms very much different from the one that we used to bring in reference to our administration. With the withdrawal of the British authority in the States area, the question arose as to how the relationship between these States and the Union Government or those Governments which are indirectly affected by such relationship is to be determined. You might know that there are two States in our borders,—the State of Manipur and the combined States of Khasi Hills which are directly related with the administration of Assam and the welfare of the two people that inhabit these areas. Khasi Hills States are of course a conglomeration of States, but Manipur, as you know, is an important State by itself.

Now it has been the intention of the Dominion Government as well as the intention of this Government that the agency that is going to be exercised on behalf of these Governments in Imphal is exercised by a public man of eminence and integrity. When this question was discussed, Sir, we thought that if the Hon'ble Speaker who is now guiding our deliberations in the Assembly had condescended to take that responsibility, the Union Government as well as the Government of Assam would find in him a proper agency who on their behalf could spread that love and friendship which are so necessary to maintain between the rulers and the people of the State. I make no secret to the House when I say that it took Government sometime before the Hon'ble Speaker of the House could be persuaded to take up this responsibility. From the Government point of view we thought the responsibility which he would be exercising would in no way be less than any of us who are exercising in the administration of the Province. The question of a friendly understanding with the Naga people is also there and although it is quite true that he may not have direct jurisdiction over this question, a personality who can breed goodwill, in the opinion of this Government, will be a great asset for the fulfilment of that purpose. These are the considerations which promoted me to approach him to accept this great responsibility. The Union Government fall in with our view in our desire to place a public man in this responsible task. It is only after a great deal of persuasion that the Hon'ble Speaker was prevailed upon to accept this responsibility. We also felt that by virtue of the detached position which he now enjoys in the country as a public man, he would be eminently fit to discharge this responsibility. I could tell the the House that he has now been pleased to accept the offer. (*Loud cheers*).

In thinking of parting with his company we cannot but express on the side of the Government our admiration for the way in which he was dealing with the matters before the House. I am absolutely certain that the Opposition shall have reason to give as much credit to his respect for Parliamentary conventions in this House and for the fullest opportunity he gave to them to criticise the Government and the Government policy. These are conventions which grow in free institutions and I must say that the present Speaker has discharged his responsibility with great credit and contributed for the prestige and dignity of the House. We are therefore sorry to lose him, but when we think of a higher responsibility that has got to be discharged on behalf of the Province, I think, we should be prepared to part with his company, however painful it might be for us to do.

The next question that arises is the election of a Speaker. After mature consideration from this side of the House it was considered that it would not be proper to do so with only a day's notice for that agenda. A number of Members have already left this House in the anticipation that beyond the item in the agenda we are not going to transact any other business. It would not therefore be fair to those hon. Members who will be elsewhere to have such an important matter as the election of the Speaker of the Assembly without giving due notice to them. I have therefore to suggest to the hon. Members of this House that we do adjourn the proceedings of this House to a period when it may be convenient for us all to sit again. It may be that the Questions about which the hon. Members have made mention could be answered then. It may be that Government may put a short business for transaction during that period and the appropriate time that would possibly suit us all, would be some time during or sometime immediately before the Hills and Plains Week which is proposed to commence from the 5th of November. I thought we should not miss the opportunity of seeing the People of the Hills, the method of their lives and cultivating the ways by which we could be friendlier and more closer to them than we are now. So to suit you all, I would propose to the Hon'ble Speaker that the Assembly be adjourned till the 5th of November, when the Hills Week will start.

There is another matter which I want to make mention to this House. The Refugees in Delhi have been so many and the problem of accommodating them has been so great that the Hon'ble Pandit Jawaharlal Nehru sent me a wire last evening asking whether we could also accommodate some Refugees in the Military buildings that may be available here. The other day I gave a reply to my hon. Friend, Maulavi Abual Mazid Ziaosh Shams's question regarding this matter and said that the news was without any foundation; but now that I have received this wire I considered it necessary to inform you. I do not know how we are going to tackle this big problem. But we are taking up the matter.

Maulavi SAYIDUR RAHMAN: Sir, having heard what has been said by the Hon'ble Leader of the House, I from this side of the House wish to say a few words.

We are really very much pleased that our Hon'ble Speaker is going to fill up a position of higher responsibility. We wish him all success. So far we have been receiving very fair deal from him and there is no denying the fact that he discharged his duties as the Speaker very ably, very creditably and very successfully (*Applause*). We wish him success in his new sphere of life.

As regards the adjournment of the House, I can say from this side of the House that this side will have no objection if the House is adjourned till the 5th November as proposed by the Hon'ble Prime Minister.

Mr. C. W. MORLEY: Mr. Speaker, Sir, I feel very delighted that you have been offered this position, and we tender our sincerest congratulation in this respect. The Hon'ble Prime Minister and the hon. Maulavi Sayidur Rahman have already stated how impartial and how excellent has been your administration and I really cannot add more to that. I have known the Hon'ble Speaker for many years now and I can certainly say that I have never met anybody who is more impartial than as he has been in the controversial matters that have been coming before us in previous Sessions.

With these words, Sir, we offer our heartiest congratulations.

The Hon'ble the SPEAKER: Now you have heard the Hon'ble the Prime Minister. I have to part with your company, at any rate, for some time, and I do so with a very heavy heart. We, those who seek to put forward ourselves as servants of the people, have to consider ourselves as soldiers (*Hear, hear*). Wherever we are placed, we must discharge our duties faithfully and loyally to our country and to our people (*Hear, hear*). With that sentiment, I thought that wherever I am deputed to I must go and try to do my best. From this place, to which I was entrusted, I was trying to discharge my duties to the best of my abilities, and you are my judges. Friends, I have my human weakness and failing. If I failed at times, it is only left for me to beg of you to excuse me with the kindness that you have shown. I on my part shall always remember my association with you with the greatest pleasure and pride. I will always remember with pleasure the cheerful and hearty co-operation that I had received from each and every hon. Member of this House. It is my reward, and I shall cherish it for the remaining days of my life. Now gentlemen I would crave your indulgence to say few more words. We have achieved freedom; British domination is gone. If we have no tolerance for each other, if we cannot adjust ourselves, if we perpetuate our racial and communal jealousy, freedom has no meaning. We must have to learn to tolerate each other's views. We must try to shake off communal jealousy and bitter racial feelings. These we always sought to associate with our dependents. We used to argue that a dependent people develop these vices as a matter of course.

We sometimes cited that when France was under the heels of Germany only for two years or so, they developed many of the vices such as collaboration with aggressors which were unknown to the great heroic and freedom loving French people. Now when we are free we must get rid of our communal and racial bitterness. We must write a new chapter, we must try to adjust matters and tolerate each other's views. Without tolerance what is the meaning of civilisation? If we have to decide our arguments with anything else than reason, what is the meaning of civilisation? To my mind, toleration and social acts constitute the essence of civilisation. Probably I shall not be meeting you again in the next sitting of the Assembly. When I go to Manipur I go with the sole object of serving Manipur and thereby serve Assam and India (*applause*). How far I can succeed all depends upon Providence. I hope and trust, I will continue to have the same good-will and co-operation from you, Friends, which I have had the honour and privilege of having these years.

The Assam Land and Revenue Regulation (Amendment) Bill, 1947

The Hon'ble the SPEAKER: Next item is consideration clause by clause of the Assam Land and Revenue Regulation (Amendment) Bill, 1947.

As regards clause No. 1 we have no Amendment. So I put the question straight in respect of clause 1.

The question is:

"That clause 1 of the Bill, stands part of the Bill".

The question was adopted.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, the Amendment which stands in my name reads thus:—That in third line of sub-section (1) of the proposed section 160 of clause 2, after the word "those", the word "tribal" be inserted.

Now in the body of this proposed section, it is stated that the Provincial Government may adopt such measures as it deems fit for the protection of those classes who on account of their primitive condition and lack of education or material disadvantages are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance.

By inserting the word 'tribal', I have filled up a gap in the wordings of this Section. Sir, it is known that this Bill has been brought in order to safeguard the interest of the Tribal people. In the Statement of Objects and Reasons of this Bill it has been stated that this Bill was based on the Resolution of 1945, where the provision was made for constituting certain areas into belts for the protection of the Tribal people, but here the section has been kept vague, and if the section as drafted and proposed in section 160 adopted then it will keep loopholes for other people to take advantage. Now, in the Government Resolution of the 13th July, 1945, it has been specifically mentioned in paragraph 6 for the protection of Tribal classes. At the same time, statistics will be collected of villages in which the percentage of tribal classes have been in the Resolution. This is specifically mentioned about Tribal people. If we adopt this section as proposed there may be many classes of people who may be satisfied with some of these conditions. The conditions are given here that these people should be of primitive condition, lacking in education, material advantages and incapable of looking after their own welfare. If this Bill is passed, the Bill which was claimed by the Hon'ble Revenue Minister to have been based on the Resolution of 1945, then it should be clearly stated for whom this protection is meant. So I have brought in this Amendment for the purpose of specifying the class of people who should be entitled to get the benefits of the provisions embodied in this Bill. I do not see there is any controversy in this measure and I hope the Hon'ble Revenue Minister will accept my Amendment so that the loophole may be got over. Otherwise if this section is kept in tact as it is, I am afraid, it will open the flood gates for other people also to come in and claim the advantages which is sought to be given under this section.

Therefore, if my Amendment is accepted the Bill will give the protection to those Tribal peoples who can satisfy the conditions laid down in this section. With, these words, Sir, I commend my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in the third line of sub-section (1) of the proposed section 160 of clause 2 after the word 'those', the word 'tribal' be inserted".

Srijut KARKA DALAY MIRI: মাননীয়া সভাপতি ডাঙৰীয়া, মই শুধৰণি
Amendment Bill খন যেনেদৰে আনিছে তাৰ পৰা ট্ৰাইবেল বিলাকৰ protection নহ'ব,
ইয়াৰ দ্বাৰা সকলো সম্প্ৰদায়ৰ কাৰণে এটা বাস্তৱে খুলি দিছে মাথোন। যি বিলাক মাটি

ট্ৰাইবেলৰ কাৰণে বিজাৰ্ড কৰিব খুজিছে সেই বিলাক তেওঁলোকৰ কাৰণেইহে হ'ব লাগে । মি জনে এই শুধৰণি পুস্তাৰ আনিছে তেখেতে পৰিষ্কাৰ কৈ 'ট্ৰাইবেল' কথাটো স্তম্ভটো দিব খুজিছে । যদি সেয়ে নহয় তেন্তে যদিও ট্ৰাইবেলৰ কাৰণে মাটি বিজাৰ্ড কৰিব খুজিছে তৰিখাত ই ট্ৰাইবেলৰ উপকাৰত নাহিব । কাৰণ ট্ৰাইবেল সকলে মাটিৰ মূল্য নুবুজে আৰু তেওঁলোকে সেই মাটি মনলৈ নাযাব । তাৰ ফলত অন্যান্য সম্প্ৰদায়ৰ মানুহে ট্ৰাইবেলৰ কাৰণে বিজাৰ্ড কৰি বখা মাটি ভোগ কৰিব । সেই কাৰণে ট্ৰাইবেল শব্দটো স্তম্ভটো দিলে ই ট্ৰাইবেলৰ উপকাৰত আছিল বুলি মই বিশ্বাস কৰোঁ ।

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, I rise to oppose the Amendment proposed by my hon. Friend Maulavi Mahammad Roufque. Any body who is acquainted with the conditions of the rural population and also the peasantry of Assam will agree with me that Tribals, Scheduled castes and ex-tea garden labour people owing to their poverty and ignorance, need protection from outside.

It is known to all, Sir, that more in villages where these people reside, they cannot maintain their land wherever they got land owing to indebtedness and poverty. They also cannot have money to acquire new lands. I feel it must be the concern of all to look to the interests of these backward people and I think it is with this end in view that Government have provided measures for their protection. If the Amendment is accepted, the benefit will go to the Tribals only and not to other poor classes. On the contrary if this provision is retained as it is, the benefit will go not only to the tribal people but also to the other backward classes. Therefore, Sir, my hon. Friend's purpose will be achieved if the provision is retained as it is. —

With these words, Sir, I request the hon. Member to withdraw his Amendment.

Srijut DHARANIDHAR BASUMATARI: মাননীয় সভাপতি মহাশয়, বৰফক চাহাবে যিটো Amendment আনিছে তাৰ কাৰণে অৱশ্যে মই তেখেতক ধন্যবাদ দিছো, কাৰণ তেখেতে ট্ৰাইবেলৰ কাৰণে অল্প ভাবিছে। কিন্তু তেখেতে ভাবিছে যে communal basis ত ট্ৰাইবেল বিলাকে protection দিচাৰিছে। তেখেতৰ এই ধাৰণা ভুল। আমি বিচাৰিছো economic protection—আমাৰ আৰ্থিক অৱস্থা কেনেকৈ ভাল কৰিম সেই কাৰণে বিচাৰিছো। আমি এটা সাম্প্ৰদায়িক ভাৱ লৈ আমাৰ জাতিক বক্ষা কৰিবৰ কাৰণে ভবা নাই। আমাৰ ট্ৰাইবেল সকলক কেনেকৈ বক্ষা কৰিব পাবো তাৰ কাৰণে আমাৰ leader সকলে দাবি কৰাৰ কথা শুনিছিলো। বোধহয় ইয়াৰ নিমিত্তেই যেতিয়া Congress-Coalition Government ৰ হাতৰ পৰা মুছলিম লীগৰ হাতলৈ গ'ৱাৰ মেণ্ট আহিল তেতিয়া কি ভাবে তেওঁলোকে কি কৈছিল তাক সকলোৱে জানে। অৱশ্যে এতিয়া সেইটো কথা উল্লেখ কৰাৰ প্ৰয়োজন নাই। যেতিয়া আমাৰ মানুহে দেখিলে যে হাজাৰ হাজাৰ লাখ লাখ বিদেশী মানুহ আনি য'ত ট্ৰাইবেলৰ মাটি আছে তাত বহুৱালেহি, তেতিয়া আমাৰ leader বিলাকক তেখেত সকলে কোৱা শুনিছিলো যে ট্ৰাইবেল আৰু অন্যান্য অনুন্নত জাতি সকলক উন্নত কৰিবলৈ যত্ন কৰিব। তেতিয়া আমি দেখিলো যে তেওঁলোকে Tribal Belt কৰিবলৈ বিচাৰিছে। ১৯৪৫ চনত এটা agreement কৰিহে তেওঁলোকে এটা Tribal Belt কৰিব খুজিছিল। কিন্তু তেওঁলোকে তাকো কৰি নুঠাত মই ইয়াকে ভাবো যে তেওঁলোকে হয়তো আমাক protection দিবৰ কাৰণে sincerely ভবা নাছিল। যদি আমাৰ নিমিত্তে তেওঁলোকে ভাবিলে হেতেন তেন্তে আমাৰ ইমান দুৰ্দৃশা নহল হেতেন। আজি যি বিলাক পমুৱা আহিছে সিহঁতক ট্ৰাইবেল বিলাকে ভয় কৰিব লগীয়া হৈছে আৰু

সেই কাৰণেই protection দিচৰা হৈছে। আৰু আমি ভাবিব লাগে গোটেই অসমৰ কথা। আমি কেবল ভাবিব নানাগে ট্ৰাইবেলৰ কেনেকৈ উন্নতি হয়— আমি 'ভাবিব লাগে গোটেই অসমৰ কেনেকৈ উন্নতি কৰিব পাৰো আৰু এই কাৰণেই বোধহয় আমাৰ মন্ত্ৰী ভ্ৰূহীয়াই এই Bill ত উল্লেখ কৰিছে যে যিবিলাক অনুন্নত বা backward জাতি আছে— যিবিলাক জাতি আৰ্থিক অৱস্থাত আৰু শিক্ষাত পিচ পৰা তেনেবিলাক সম্প্ৰদায়ক সুবিধা দিব। সেই বিলাক জাতি backward হ'ব নহ'ব, তেওঁবিলাক হ'ব লাগিব primitive বা আদিম অধিবাসী। সেই আদিম অধিবাসী বিলাকৰ ভিতৰত যিবিলাক শিক্ষাত পিছপৰা বা যিবিলাকৰ আৰ্থিক অৱস্থা বেয়া তেওঁবিলাকক সুবিধা দিব লাগে। আমি কেবল পমুৱা আৰু বিপন্নী বিলাকলৈ ভয় কৰিছে ট্ৰাইবেল belt বিচাৰিছে। ইয়াত কি হিন্দু কি ট্ৰাইবেল কি অনুন্নত সকলোকে এই protection লাগে আৰু ইয়াত আপত্তি কৰিবৰ মই কোনো কাৰণ দেখা নাই। তেখেত ভ্ৰূহীয়াই (referring to Srijut Karka Dalay Miri) কৈছে যে এইটো কৰিবা লৈ আমাক আগলৈ সকলোৱে exploit কৰিব। মই কওঁ যে মানুহে মানুহক exploit কৰাটো সাধাৰণ কথা। সকলো জাতিৰ ভিতৰতে এইটো আছে— কৰ্মিতাই কলিতাক, বানুনে বানুক exploit কৰিব লাগিছে।

Maulavi MAHAMMAD ROUFIQUE: Why do you want protection then ?

Srijut DHARANIDHAR BASUMATARI: বাক সেইটো মই পিচত কম।

পতিকে আমি তান কাৰণে ভয় কৰা নাই। হিন্দু হওক, মুসলমান হওক, খৃষ্টিয়ান হওক, যিবিলাক আৰ্থিক অৱস্থা আৰু শিক্ষাত অনুন্নত সেই সকলো বিলাকৰে কথা কৈছো। এনে কোনো জাতি আছেনে যি অইন এটা জাতিক exploit কৰিবলৈ নিবিচাৰে? এতিয়া আমি কেবল এটা জাতিৰ কথা কৈছো ভাবিব নানাগে— আমি ভাবিব লাগে কেনেকৈ আমি গোটেই খন অসমৰ উন্নতি কৰিব পাৰো। আপোনালোকে ভাবেনে যে এটা জাতিক পিচ পেলাই আন এটা জাতিয়ে উন্নতি কৰিব পাৰিব? তেনেকৈ এখন দেশ ৰক্ষা কৰিব পাৰিব বুলি আপোনালোকে ভাবেনে? এখন দেশৰ উন্নতি কৰিবলৈ হলে সেই দেশৰ জাতিবৰ্গ নিবিৰ্বশেষে সকলো সম্প্ৰদায়ৰে উন্নতি কৰিব লাগিব। আমি সদায় কৈ আহিছো যে অসমৰ কোনো মানুহকে ভাৰত গৱৰ্ণমেণ্টৰ মেম্বৰ কৰা হোৱা নাই, কোনো এজনক গৱৰ্ণৰ কৰা হোৱা নাই। সেইটো কিয় কৰা হোৱা নাই? ইয়াৰ প্ৰধান কাৰণ হৈছে আমি backward। যদি সেয়ে হয় তেন্তে আমি সকলোকে উন্নত কৰিব লাগিব। মোৰ বিশ্বাস কোনো গৱৰ্ণমেণ্টে এটা জাতিক পিচ পেলাই ধৰলৈ ইচ্ছা নকৰে আৰু কোনো progressive গৱৰ্ণমেণ্টে এনে কৰিব বুলি সন্দেহ কৰা উচিত নহয়। যদি সৰ্টাটিকৈয়ে পিচ পৰা জাতিবিলাকক উন্নত কৰিব খোজে তেন্তে গৱৰ্ণমেণ্টে উন্নত কৰিব পৰা ক্ষমতা হাতত ল'ব লাগিব। সেই কাৰণে গৱৰ্ণমেণ্টে প্ৰথমতে ট্ৰাইবেল area ৰ ভিতৰত বাস্তা-ঘাট, শিক্ষা প্ৰাস্তা, আদিৰ উন্নতি কৰিবলৈ ব্যৱস্থা অনতিপলম হাতত ল'ব লাগে। আৰু ইয়াকে কৰিলেই অনুন্নত জাতি বিলাকৰ উন্নতি হ'ব বুলি আশা কৰোঁ।

Srijut GAURI KANTA TALUKDAR: মাননীয় সভাপতি মহোদয়, মাননীয় বন্ধু বন্ধিক চাহাবে যিটো সংশোধনী প্ৰস্তাৱ দিছে তাত তেখেতে ১৯৪৫ চনৰ সকলো পাৰ্টিৰ সিদ্ধান্ত (agreement) মতে যিটো প্ৰস্তাৱ লোৱা হৈছিল সেইটো অস্পষ্ট কৰা হৈছে বুলি দোষাৰোপ কৰিছে আৰু ট্ৰাইবেল সকলৰ নাম সুকীয়াকৈ উল্লেখ নকৰাৰ কাৰণে ট্ৰাইবেল সকলৰ অনিষ্ট হ'ব পাৰে বুলি সন্দেহ কৰিছে। মই তেখেতক ক'ব খোজো যে ট্ৰাইবেল সকলৰ অনিষ্ট হ'ব মতে যিটো প্ৰস্তাৱ গ্ৰহণ কৰা হৈছিল এতিয়া এই বিলত primitive আদি শব্দ যোগদিয়াত ই অতি গুৱলা হৈছে আৰু তাৰদ্বাৰা সেই প্ৰস্তাৱৰ উন্নতি সাধন হ'ব কৰা হৈছে। যোগদিয়াত ই ট্ৰাইবেল সকলৰ কোনো অনিষ্টতো ঘটাব নোৱাৰেই, বৰং যি সকলে শিক্ষা আৰু আৰ্থিক অৱস্থাত পিচ পৰি আছিল আৰু যি বিলাকে মাটিৰ পৰা বঞ্চিত হোৱাৰ কাৰণে উন্নতি কৰিব পৰা নাছিল সেই সকলৰ উন্নতি কৰিবৰ কাৰণে হে এই Bill অনা হৈছে। ইয়াত স্পষ্ট ভাৱে

কোৱা হৈছে যে—“the Provincial Government may adopt such measures as it deems fit for the protection of those classes who on account of their primitive condition and lack of education or material advantages are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance.” ইয়াৰ পৰা বুজা গৈছে যে ট্ৰাইবেল সকলৰ উন্নতি কৰা হ'ব আৰু তেওঁলোকৰ নিচিনা যদি কোনো দুৰ্ভাগীয়া পিচপৰি থকা সম্প্ৰদায় থাকে তেনেহলে তেওঁলোকেও ইয়াত সুবিধা ল'ব পাৰিব। কাঙ্ছেই ইয়াত তেওঁলোকক কোনেও শোষণ কৰাৰ কোনো কথা নাই।

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, this Amendment seems to me to be a dangerous one in the sense that it wants to divide the Tribal people into two categories, *viz.*, educated Tribal and less educated Tribal people. This Amendment intends to drive a wedge between the Tribal people of different stages of civilisation and culture. I may read out the relevant wording again from the Bill: “.....for the protection of those classes who on account of their primitive condition and lack of education or material advantages are incapable of looking after their welfare.....” If this Amendment is accepted and the word 'tribal' is added it will deprive the educated Tribal people of the benefit given to the other Tribals in the Tribal Belts to be constituted under this Bill. The effect of this Amendment of my hon. Friend the Mover is to deprive the educated and more advanced Tribal people of the benefits that Government intends to give to all classes of Tribals. This Amendment as well as the other Amendments brought forward will clearly indicate that none of them are for the benefit of the Tribals but they are merely a delaying tactics.....

Maulavi MAHAMMAD ROUFIQUE: Sir, I protest against the use of the words 'delaying tactics' alleged to be resorted to by us. On the other hand it is the Hon'ble Revenue Minister who is guilty of committing this delaying tactics, as he could not move the Bill in time for his failure to supply us with copies of the Bill seven days before, as required by rules.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I merely place the facts and draw the attention of the House to the various Motions that had been moved by the hon. Member since this Bill had been introduced in this House, and leave the House to draw its own conclusion and see if these facts do not clearly indicate the intention of the hon. Member to delay the passing of this Bill.

This first Motion moved was to send the Bill for circulation to elicit public opinion so that it may not be considered at all in the present Session of the Assembly, and the second Motion was to send the Bill to a Select Committee so that it may not be passed in the present Session. The other Amendments that have been submitted also clearly indicate that they are not in the interests of the Tribals and backward classes of people. The hon. Mover of the Amendments wants to remove the restrictions imposed in this Bill for the benefit of the backward Tribal people and for protecting their interest in lands. I do not propose to show in detail how these Amendments are against the interests of those backward Tribal people, as the hon. Member has proposed to withdraw all the Amendments, as they are apparent on the face of them.

Maulavi MAHAMMAD ROUFIQUE: On a point of information, Sir, may I know whether.....

The Hon'ble the SPEAKER: The Hon'ble Minister is not yielding.

The Hon'ble Srijut BISHNURAM MEDHI: Now the second point that I want to make clear in this House is that the word 'tribal' had not been defined

in the Bill itself. The addition of the word 'tribal' instead of improving the Bill, will restrict the purpose of the Bill and deprive the benefit of protection to backward classes such as scheduled Castes, ex-tea tribes such as Saothals and other tribes who are equally backward. This Bill seeks to protect the backward classes of people which include also those belonging to the scheduled Castes who want to settle in land as agriculturists, as many of them are landless and are as backward as the tribals. In these tribal belts we want also to include the ex-tea garden tribes and other backward communities mentioned in the Resolution itself. These people were defined as 'tea garden tribes' in the Census statement of 1940 and so Government has taken into consideration the cases of all these backward people. The general idea was that the Government after due consideration will notify the classes of people who are still in the primitive stage of civilisation and who need and deserve protection under the proposed Bill in order to enable Government to give the benefit to all the backward communities who require protection. These classes, who on account of their primitive condition and lack of education and material advantage, are incapable of looking after their welfare and protecting themselves against the aggressive elements. This will be the sole criterion to ascertain whether in a particular block certain classes of people come under the definition that is given in this Bill. After making due consideration the Provincial Government by notification in the Official Gazette will specify the classes of people whom it consider thus entitled to protection as provided in this Bill. We do not want to keep the advanced people among the Tribals to remain separate so that other backward Tribal people may have association with their more advanced brothers. We want to keep all those people who are unable to protect themselves so that they may develop in their own way and get other facilities without being oppressed by people from outside, I mean the aggressive elements including the Caste Hindus and others. That is why the words "the backward classes" have been purposely used in the heading of this Bill. In the district of Nowgong there are certain classes of people who may be called backward and in other Districts like Goalpara, there are other classes of such people who need protection. The very fact that the word 'tribal' has not been defined will clearly show that the Government will enquire and find out the classes of people who require protection under the Bill in the respective belts or blocks; for instance the Kacharies after some improvement is known as Charanias. Does the hon. Member mean to say that the Charanias should not be given the benefit provided under the Bill in the belt or block although they are in the same stage of civilisation and are still in the primitive condition? They evidently require protection from the aggressive elements of the society. In view of this I submit, Sir, that the Government after a good deal of consideration of all these matters, have not used the word "tribals", in the Bill in order to enable Government to give the benefit to all the backward communities and classes who require protection so that they may develop in their own way and march together with their more advanced sections and form a prosperous Assamese nation. With this idea this Bill has been introduced and give protection to the Tribals and other backward communities in the Province. In view of this I hope my hon. Friend will withdraw his Amendments.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, I rise on a point of order. Whether the Hon'ble Revenue Minister may now shift his ground and give a totally different interpretation which is inconsistent with the Statement of Objects and Reasons and not consistent with the provisions in the Statement of 1945, on which this Bill is based. Now he is going to make it so elastic as to include all classes of people inhabiting Assam.

The Hon'ble the SPEAKER: I quite follow the point of order. Where the Statement of Objects and Reasons were stated this same Bill was also included. Where

This proposed section 160(1) attempts at the protection of all classes of people who are called primitive and who are incapable of looking after themselves. This also was incorporated in the same Bill. Therefore this point of order cannot arise. As the Hon'ble Minister read the Statement of Objects and Reasons, he read this proposed section also. He should have taken the earliest opportunity to enter protest. Now it is too late.

Does the hon. Member propose to press his Amendment?

Maulavi MAHAMMAD ROUFIQUE: I do not propose to press the Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment? (Voices—Yes)

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

Adjournment

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

(After lunch)

The Hon'ble the SPEAKER: I have to invite the attention of Government as well as the hon. Members to one thing. As the hon. Members have already heard, the Session will be adjourned to-day till 11 a.m. on 5th November, which will be a short Session of about six days. We have the Puja holidays from 19th to 30th October both days inclusive. 31st is a Friday. So, all notices of Government as well as non-official business, including Questions, shall have to reach the Assembly office on or before the 3rd October. Otherwise we cannot frame the Provisional Programme and send copies of the same to the hon. Members. This will leave for the Assembly office to take necessary steps only six working days before the Puja holidays.

We now take up item No.2 of the list of Amendments.

Maulavi Md. NAZMAL HAQUE: Mr. Speaker, Sir, the Amendment standing in my name is similar to that moved by Mr. Roufique, and as the Government want to create belts or blocks for classes other than the tribals, I do not like to move this Amendment.

The Hon'ble the SPEAKER: We come to item No.3, the Amendment standing in the name of Maulavi Mahammad Roufique.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, after what we have heard from the Hon'ble Revenue Minister in connection with my first Amendment, we have decided not to move any further Amendments. We do not propose to give him any more opportunity to hurl attacks on us and make insinuations which are, to say the least, unbecoming and uncalled for. I am sorry, the Hon'ble the Revenue Minister, under the cover of this discussion, took advantage to drive a wedge between us and the Tribal group, which is now sitting along with them. These amendments were conceived with the best of spirit and intention, but I have found that the Hon'ble Revenue Minister deliberately misunderstood and conveniently misinterpreted our intention.

Now, Sir, we believe that the provisions of this Bill are not consistent with the.....

The Hon'ble the SPEAKER: The hon. Member will get an opportunity of having his say when the Motion will be moved for passing of the Bill.

Maulavi MAHAMMAD ROUFIQUE: Yes, Sir, with these words, I beg to say that from our side no Amendments will be moved.

The Hon'ble the SPEAKER: Then we come to item No. 8, the Amendment standing in the name of Srijut Dandeswar Hazarika.

Srijut DANDESWAR HAZARIKA: Sir, I beg to move that in the third line of sub-section (2) (c) of the proposed section 163 of clause 2, for the words "the district" the words "the province" be substituted.

Sir, my intention in moving this Amendment is perhaps quite clear to the hon. Members of the House. By limiting the scope to a district sometime it will be difficult on the part of some people who are residing just near the border of some other district to come and settle in the belt or block which has been created by the Government for the purpose of backward classes. So in order to give facilities to those people, who reside in other districts but are backward and who may get a chance to come and settle there, I have brought this Amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in the third line of sub-section (2) (c) of the proposed section 163 of clause 2, for the words 'the district' the words 'the province' be substituted."

The Hon'ble Srijut BISHNURAM MEDHI: The whole idea in not inserting the word 'province' was that it will be difficult for the local officers, from the administrative point of view, to ascertain the needs of the people living in other districts. But, if the House actually wants, then I have no objection in accepting the Amendment, but in that case we shall have to frame and issue certain rules and regulation for certificate of the respective district officer for the persons concerned. I will leave this point to be decided by the House as I myself feel that sometime people from other districts may have to come if land in that district is not available.

Srijut DHIRSINGH DEURI: এই প্ৰস্তাৱ সম্বন্ধে মই কব খোজো যে district ৰ বাহিৰৰ পৰা ট্ৰাইবেলেই হওক বা Backward class এই হওক, আহিব পৰা আইন থাকিলে কিছুমানে অইন জিলাৰ মাটি বিক্ৰি কৰিও ইয়াৰ সুবিধা লব পাৰে। তেনেকুৱা হলে গৱৰ্ণমেণ্টৰ পক্ষে বা গৱৰ্ণমেণ্ট অফিচাৰৰ পক্ষে মাটি distribute কৰিবলৈ টান হব। সেই কাৰণে এই Amendment টো মই গ্ৰহণ কৰিবলৈ নকওঁ।

Srijut GAURI KANTA TALUKDAR: এটা কথা ভাবি চাব লগা হৈছে যে কোনো জিলাত যদি সবহ ট্ৰাইবেল মানুহ থাকে আৰু তেওঁলোকৰ যদি তাত মাটিৰ নাটনি হয় তেন্তে এই Amendment ৰাখিলে ওচৰৰ জিলাত তেওঁলোকৰ মাটি - পাবলৈ সুবিধা হব।

The Hon'ble the SPEAKER: পাব নোৱাৰে বুলি ইয়াত কিবা প্ৰতিবন্ধকতা আছে নেকি ?

Srijut GAURI KANTA TALUKDAR: আছে। This provides that the *bonafide* needs of members of the classes notified under sub-section (2) of section 160, who are living elsewhere in the district.....Sir, by this section it is meant to confine the intended people seeking land to a certain district and the Amendment wants that the people of this category who are living in any part of the Province be allowed to get land falling within a constituted block or belt. I believe the fear entertained by our hon. Friend Srijut Dhirsing Deuri that some people may go to a different district after selling his lands in his home district can be prevented as the Hon'ble Revenue Minister has said by the issue of a certificate by the Deputy Commissioner of the district from which he comes and if he can procure the certificate of good faith that he has gone there not with a view to make money but he is really in need of land, in that case he will get the land. In view of this the Amendment moved by my Friend Srijut Dandeswar Hazarika should be accepted and as the Hon'ble Minister for Revenue has said, rules may be made accordingly.

The Hon'ble the SPEAKER: What does the hon. Member propose to do ?

Srijut DANDESWAR HAZARIKA: When there is a division of opinion, I do not like to press.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment ?

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

Srijut DANDESWAR HAZARIKA: Sir, I beg to move that in the second line of sub-section (1) of the proposed section 165 of clause 2, after the word "occupied" the words "such land before or after the passing of this Act" be added and the word "it" in the beginning of the third line be deleted.

Mr. Speaker, Sir, my intention in bringing this Amendment is only to make the provision more clear.

The Hon'ble the SPEAKER: Amendment moved :

"That in the second line of sub-section (1) of the proposed section 165 of clause 2, after the word 'occupied' the words 'such land before or after the passing of this Act' be added and the word 'it' in the beginning of the third line be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I would like to draw the attention of the House to the full implication of this Amendment and if the House accepts it, I will have no objection to accept it with certain modification. This Amendment aims at giving retrospective effect and if the House is prepared to accept it, retrospective effect can only be given in cases where the occupation was made deliberately and in defiance of law. On this condition, I think, it will be fair to give retrospective effect to the Bill. I will read the whole clause as it will stand after the Amendment :

"In the case of unsettled land, any person who without valid authority has encroached upon or occupied such land before or after the passing of this Act shall be liable to ejection forthwith."

If it is not accepted in the form I have suggested, there will be hardship to many.

The Hon'ble the SPEAKER: What does the hon. Member want to do ?

Srijut DANDESWAR HAZARIKA: To the suggestion made by the Hon'ble Revenue Minister I have no objection.

The Hon'ble the SPEAKER: We have one Amendment before us which was formally moved. It is a formal piece and particularly in the case of legislation formality will have to be strictly observed ; otherwise one does not know where we stand.

Srijut DANDESWAR HAZARIKA: Sir, in view of what has been stated by the Hon'ble Revenue Minister, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment ?

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

Srijut DANDESWAR HAZARIKA: I beg to move that in the first line of sub-section (3) (b) of the proposed section 165 of clause 2, after the word "notice" the words "in writing" be added and in the last line for the word "the" the words "receipt of such" be substituted.

Sir, it is not clear how the notice would be served and how many days would be given from the issue or the receipt of the notice, and in order to make that clear I move this Amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in the first line of sub-section (3) (b) of the proposed section 165 of clause 2, after the word 'notice' the words 'in writing' be added and in the last line for the word 'the' the words 'receipt of such' be substituted."

The Hon'ble Srijut BISHNURAM MEDHI: To me the addition of the words "in writing" after the word "notice" seems redundant. However, I have no objection to adding these words. In the subsequent part of the Amendment I am also prepared to accept the Amendment as "from the date of receipt of the notice" but I do not want to add the word "such" because that may give some scope relating to receipt of the crops and such other things. This is only a verbal change.

The Hon'ble the SPEAKER: Yes, it is only a verbal change. Does the House agree to the substitution of the words "in writing" and "from the date of receipt of the notice"? I take it the House has agreed to this verbal change.

Now I am putting it as a question.

The question is:

"That in the first line of sub-section (3)(b) of the proposed section 165 of clause 2, after the word 'notice' the words 'in writing' be added and in the last line for the word 'the' the words 'receipt of the' be substituted."

The question was adopted.

Srijut DANDESWAR HAZARIKA: I beg to move that in the first line of the proposed section 171 of clause 2, after the word "may" the words "by notification in the Official Gazette" be added.

I move this Amendment with a view to making the provision more clear.

The Hon'ble the SPEAKER: Amendment moved:

"That in the first line of the proposed section 171 of clause 2, after the word 'may' the words 'by notification in the Official Gazette' be added."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, this is of course the usual procedure that is being followed in regard to any rule that is framed and if my hon. Friend insists on having these words I may agree to this; but it is not necessary.

The Hon'ble the SPEAKER: The question is:

"That in the first line of the proposed section 171 of clause 2, after the word 'may' the words 'by notification in the Official Gazette' be added."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 2 of the Assam Land and Revenue Regulation (Amendment) Bill, 1947, as amended stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That the Title and Preamble of the Assam Land and Revenue Regulation (Amendment) Bill, 1947, stand part of the Bill."

The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that the Assam Land and Revenue Regulation (Amendment) Bill, 1947, be passed.

In moving this Motion I thank my hon. Friend Mr. Roufique for withdrawing all the Amendments. I, as a matter of fact, did not insinuate anything, but I wanted to place the facts before the House to see whether the proposed Amendment is liable to such an interpretation. If the Amendments are put in their proper perspective, the House may be in a position to appreciate and have its own conclusion. I was only placing both sides of the shield so that the Tribal Members of the House can also appreciate the view of the Government as well as the view of Mr. Roufique. In that statement I stated that the various Amendments put by the hon. Member were going against the Resolution, and that statement of mine was based on fact. I only wanted to draw the attention of the House to paragraph 6 of the Resolution which says "At the same time statistics are being compiled of areas of cultivable waste, additional information will be collected of all villages in which the percentage of persons of the tribal classes (as defined in the Census Instructions, 1940) exceeds 50 per cent, and of the areas in those villages occupied by tribals and others". That is why we have put in the Bill the words "predominantly inhabited by the people of that class." These words have verbally been taken from paragraph 2(c) of the Resolutions. The Amendments that was put by my hon. Friend Mr. Roufique was against the Resolution that was adopted by Government to which the hon. Member was a party and Sir Muhaminad Saadulla was the Leader of that party, which formed the Government. That Resolution was adopted by the Government of which his leader was the Premier.

Maulavi ABDUL HAI: On a point of information, Sir, that was a United Party and not the Muslim League Party.

The Hon'ble Srijut BISHNURAM MEDHI: You were a party to that party and the Resolution was on the basis of 50 per cent.; but the Amendment now seeks to make it 75 per cent. It means that by this Amendment the Mover wants to modify the agreement that was entered into by the Leader of the Opposition who fixed it at 50 per cent. I am however very glad that the hon. Member has agreed to withdraw all the Amendments. Let us work for the benefit of the backward classes. We do not want that the Caste Hindus and some other people who are now more advanced should enjoy all the benefits; but on the other hand we should help people of all backward communities to develop themselves and make Assam a happy and contented Province. At the end I again thank the Mover for withdrawing all these Amendments.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, I am really happy to hear from the Hon'ble Revenue Minister that he did not mean to make any insinuation against the Movers of the Amendments or against the Party. As I said before, Amendments were conceived in the best of intentions and not with a view to obstruct the passing of this Bill. Now, the word, 'tribal' which I wanted to insert in the Bill was not accepted by the Revenue Minister and he trotted out arguments that the word 'tribal' was not definite, therefore he could not accept it.

Now, may I ask if there is no definition of this word 'tribal'. How is it that this very word has been used not only in the Resolution of 1945 but this very word has been incorporated in the Statement of Objects and Reasons of this Bill? There was no question of giving benefit to any other classes of people.

Now, the protection of the Tribal people in paragraph 6: if the definition of the word was not known to the Government of 1945 and if it is still not known to the Government of the year 1947, how is it that this word has been used in the Statement of Objects and Reasons? Here in this Bill the word tribal was mentioned but now Government has departed from that policy. Now they have enlarged the scope of the Bill so as to include as many classes of people who may be lacking in education and who may be suffering from some other disadvantages. That is why I raised the question that this Bill is *ultra vires*, and the provisions contained therein are inconsistent with the Statement of Objects and Reasons.

Now, about the merits of the Bill. Our Friend, the Hon'ble Revenue Minister said that there should be classes of people who should be given protection. But in these days it has been dinned into our ears that there is no special thing, special protection, special classes—all these things were spoken from the Treasury Benches for our information and enlightenment. But what do you find here to-day? Government in this particular case has admitted the necessity of giving protection to some special classes of people for some or other grounds! Anyway, the Government do admit that there may be persons or classes of people, who need protection even after the 15th of August. But Government changes its views and gives a different argument when the appeal or claim comes from other parties.

Now, when the provision of this Bill will be put into operation the result will be this: that all the districts of Assam will be divided into some compartments. There will be states within states and districts within districts. Is it not that the Government is going against the theory of oneness of the people which was being all along advocated here? You all said that the adult suffrage was the panacea of all ills, that a man is heir to in political life but where has that argument gone now?

Now, the Bill has been passed; we have nothing but good wishes for the authors of the Bill. Let this Bill be put into operation and let them achieve the object which they may have in view. I know some classes of the people will suffer. There will be lot of eviction under orders of the Hon'ble Revenue Minister, who has specialised himself in the art of eviction and I hope that he will carry on his eviction campaign in such a manner that injustice is not done to any class of people while trying to do justice to another class.

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

The Hon'ble the SPEAKER: Any other hon. Member taking part?

(After a Pause)

Then I put the question.

The question is:

"That the Assam Land and Revenue Regulation (Amendment) Bill, 1947, be passed."

The question was adopted. (Applause).

The Hon'ble the SPEAKER: Now, gentlemen, do we take up discussion of the Model Provincial Constitution?

(Voices—It is not necessary).

Then is it the sense of the House that further discussion on this is not necessary at this hour of the day?

(Voices—Yes, that is the sense of the House).

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, the Hon'ble Revenue Minister wants to say something with regard to the Bill which has been passed just now.

The Hon'ble Srijut BISHNURAM MEDHI: This Bill is predominantly for the protection of the Tribal people. As a matter of fact, they form the largest number of population inhabiting the Province. We have not only to see to the welfare of the plains people, but we are to look to the interest of the hills people, and if it is possible we would like to bring some of them into the plains and train them up in the modern art of improved agriculture; along with that we will look to the interest of other classes of people also without interfering with the rights and privileges of the Tribal people, so that these backward and primitive classes, who are lagging behind and are undeveloped and uneducated, may be given the advantages in the same manner which the plains people have been enjoying. We will try to bring them and give them scope to develop in the midst of those backward communities in the same stage of civilisation so that they may not remain in a compartment exclusively with the tribal only. We are always, as a Congress Government pledged to look to the interest of the minorities, undeveloped educationally or otherwise, backward communities and it is the duty and responsibility of the Government to give all opportunities to them so that they may develop with great speed and sit side by side and compete with us, the more advanced brothers of Assam; that is how we want to make Assam a happy and prosperous Province in India.

It may be known to the Members that the Statement of Objects and Reasons of this Bill does not form part of the Bill. The word that is being used in the body of the Bill is the backward classes which is very important; that is to be considered.

The Statement of Objects and Reasons is only formal. My hon. Friend will not misunderstand me when I did not add the words "tribals as well as other backward classes" who are in same stage of civilization. Statement of Objects and Reasons included only the predominating factor for which this Bill is introduced. This, as I have already stated is predominantly in the interest of the Tribal people which form a large number of the population inhabiting Assam. We wish that all those people who are backward should also receive protection, that is, those people other than the Tribals, such as the Santhals and the Scheduled Caste people who are really backward and who are not in a position to compete with their more advanced brothers in Assam. These factors will be considered by the Government and Government will notify in the Gazette who are the persons who are really entitled to the protection under this Bill.

Srijut KARKA DALAY MIRI: ভীল, তামিল, তেলেঙ্গা আদি যি বিলাক labourer আছে তেওঁবিলাকে ইয়াত কি হিচাবে মাটি পাব পাৰিব ?

The Hon'ble Srijut BISHNURAM MEDHI: তাৰ দুটা class আছে। সিহঁতৰ ভিতৰৰ যি বিলাকে বাগিছাত কাম কৰে সেই বিলাকক মাটি দিবলৈ গৱৰ্ণমেণ্ট বাধ্য নহয়। কিন্তু যি বিলাক ইয়াতে born and brought up আৰু যি বিলাকে বাগিছাৰ বাহিৰত মাটি লৈ স্থায়ী বসতি কৰি খেতি কৰি আছে আৰু যি বিলাক স্থায়ী বাসিন্দা landless, সেই বিলাকক মাটি দি অসমীয়া কৰি লব পাৰিলেহে আমাৰ এটা জাতি গঠন কৰা সম্ভৱ হ'ব। সেই বিলাকে বিভিন্ন দেশৰ পৰা আহি আমাৰ দেশকে নিজৰ দেশ বুলি আকোৱালি ধৰিছেহি। আমি সেই বিলাক মানুহক নিজৰ কৰি লব লাগিব আৰু সিবিলাকৰ interest আমাৰ নিজৰ interest বুলি ভবা উচিত হ'ব।

The Honble The SPEAKER : We have now come to the close of business. I have again to express my gratitude for all the hearty co-operation that you extended to me while I have been occupying this position and for which I am thankful. I also solicit your forgiveness for all possible shortcomings on my part.

Mr. PRABHUDAYAL HIMATSINGKA : Sir, in connection with the Bills that have been passed here into Acts we should like that copies be printed so that they may be available to the public in time, particularly I would mention the Assam Sales Tax Act and the Assam Pure Food Act.

The Hon'ble the SPEAKER : That will be done in due course.

Mr. PRABHUDAYAL HIMATSINGKA : In due course that may be in 1948, Sir.....

The Honble the SPEAKER : All right, the Government will take note of the hon. Member's request.

The House stands adjourned till 11 A. M., on wednesday, the 5th November.

Mr HARENDRA NATH SARMA : Is it a recess, Sir ?

The Hon'ble the SPEAKER : No, it is not a recess but an adjournment of this Session till the 5th November.

Adjournment

The Assembly was then adjourned till 11 A. M., on Wednesday, the 5th November, 1947.

SHILLONG :
The 12th December, 1947.

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