

**Proceedings of the Third Session of the First Assam Legislative Assembly, assembled under the provisions of the Government of India Act, 1935**

*The Assembly met at the Assembly Chamber, Shillong, at 2 p.m. on Friday, the 17th December, 1937*

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

**Scheme for water supply within the Jorhat Municipality**

**SRIJUT DEBESWAR SARMAH** asked :

\*96. Is Government aware that the Jorhat Municipality failed to supply water during the last four winters consecutively ?

\*97. (a) Is it a fact that during the last visit of the Hon'ble Minister in charge of Local Self-Government to the Jorhat Municipality, he promised to depute Experts to examine the situation and submit proposals for efficient water-supply ?

(b) Will Government be pleased to lay on the table copy of the Hon'ble Minister's last inspection note of the Jorhat Municipal Board and correspondence thereon if any ?

\*98. Will Government be pleased to state whether (a) any step has been taken to give effect to any of his suggestions or promises ?

(b) If so, what ?

(c) If not, why not ?

\*99. (a) Is it a fact that the Chairman of the Jorhat Municipal Board paid a visit to the Hon'ble Minister of Local Self-Government in October last in pursuance of a resolution of the Jorhat Municipal Board dated 24th September, 1937 ?

(b) If so, will Government be pleased to state whether it is a fact that the latter promised to send the Superintending Engineer to Jorhat to discuss and settle the Jorhat water-works problem ?

\*100. Will Government be pleased to state—

(a) Whether the Superintending Engineer came to Jorhat in the 1st week of November last and discussed anything regarding Jorhat water-works problem ?

(b) If so, what ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY** replied :

96.—Government are not aware that the Jorhat Municipality entirely failed to supply water but are aware that the existing water-supply system is inadequate to supply the needs of the town.

**SRIJUT DEBESWAR SARMAH** : The question is "Is Government aware that the Jorhat Municipality failed to supply water during the last four winters consecutively" ? I want the answer to that.

**THE HON'BLE REV. J. J. M. NICHOLS-ROY** : I am aware of the fact that the Jorhat Municipality failed to supply water during the last winter.

**SRIJUT DEBESWAR SARMAH:** Is Government aware that the Jorhat Municipality totally failed to supply water during the last four winters ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** I am not aware of that.

**SRIJUT DEBESWAR SARMAH:** Did the Hon'ble Minister enquire about this during his last visit to Jorhat ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** I enquired about the months of March, April and May.

**SRIJUT DEBESWAR SARMAH:** I want to know whether he enquired about the fact that the Jorhat Municipality failed totally to supply water during the last four winters ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** I did not enquire about the last four winters.

**MR. BAIDYANATH MOOKERJEE:** Is it not the duty of Government after the receipt of any question to enquire into the matter thoroughly ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** We do so when it is necessary, but I did not think it necessary to enquire whether during the last four winters the Municipality failed to supply water.

**MR. BAIDYANATH MOOKERJEE:** When the answer is that Government are not aware, I think it is absolutely necessary to enquire into the matter.

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** The question is whether Government are aware, and the reply is to that. It did not ask Government to enquire into the matter, and we did not do so because we did not find it necessary to enquire into the past.

**MR. BAIDYANATH MOOKERJEE:** Does it not naturally follow that when Government are not aware of any matter, there should be an enquiry ? The grievance is there, and the question is there.

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** That is a matter of opinion, Sir.

**MR. BAIDYANATH MOOKERJEE:** If it was not necessary, the answer should have been worded differently. The answer given here is not the proper answer.

**SRIJUT SARVESWAR BARUA:** Is the Hon'ble Minister aware that there have been complaints about this from the public of Jorhat ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** I am aware of that.

**SRIJUT SARVESWAR BARUA:** Did he make any enquiry into the matter ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** I made enquiry about last winter. I did not get any complaints about the failure in previous winters.

**SRIJUT SARVESWAR BARUA:** Was there a partial failure of supply during the last winter ?

**THE HON'BLE REV. J. J. M. NICHOLS-ROY:** Yes, there was.

**THE HON'BLE REV. J. J. M. NICHOLS-ROY** replied :

97. (a)—No.

(b)—A copy of the Hon'ble Minister's Inspection report is laid on the table. Government cannot undertake to lay on the table official correspondence arising from inspection notes.

## INSPECTION NOTE

*Note on the Jorhat Municipal Board.*

I visited the office of the Jorhat Municipal Board on 22nd May 1937. Khan Bahadur Keramat Ali, M.L.A., Chairman of the Municipal Board, was absent as he was called away to Dibrugarh on his professional duty. The Vice-Chairman, Srijut J. N. Baruah, B.L., was present at the office and gave me all the information I wanted.

2. The great question in this Municipality is the water-supply question. During the month of April and the first part of May the tank of the catchment area in which rain-water is stored for the supply of water to the whole town for the whole year, became totally dry. The inhabitants had to draw their water from a few tanks in the town. Most of the non-official gentlemen who came to see me at the hours fixed for interviews spoke to me about the complete failure of the Water-Works to supply water to the town. On the 22nd May, 1937, at 8 a.m. a deputation consisting of Srijut Nilmoni Phukan (the spokesman of the deputation), Rai Bahadur Heramba Prasad Barua, M.L.C., Dr. Abdul Hakim, Rai Sahib Sobha Ram Das, Maulavi Ubedulla, Secretary, Anjuman-i-Islamia, and also Secretary, Rate-payers' Association, and Mr. H. K. Roy, B.L., Assistant Secretary of the Rate-payers' Association discussed with me the question of water-supply in the town. They were all pressing me to look into the question and quickly help the town out of the difficulty. They discussed with me the following 3 proposals, viz. :—

- (i) the one proposed by the Superintendent of the Water-Works, Gauhati, to draw water from the Bhogdoi River ;
- (ii) a tube-well scheme which might be prepared by an expert ;
- (iii) a proposal to draw water by pipes from the Brahmaputra river which is at a distance of 7 miles from Jorhat.

I went round the town with the Deputy Commissioner, Mr. Goswami, and also with the Vice-Chairman. I had discussions with them, and with several other gentlemen of the town, in regard to this matter.

Fortunately for the present as rain has been falling for the last few days, a certain amount of water has gathered in the tank of the catchment area and the town is getting a supply but not enough, from the public taps, as it appears there is not enough water running through the pipes.

3. The whole Water-Works scheme will have to be examined by an expert. The present plant cannot supply the whole town. It is not big enough even if there was a source from which water may be drawn. It appears that the question of water-supply will have to be examined and a proper scheme prepared by an expert. The present plant was set up when the town was small. Now the town has a population of about 10,000, and perhaps a bigger plant is necessary or another overhead tank may have to be installed in order to supply water throughout the whole town.

4. The Superintendent of the Gauhati Water-Works prepared a scheme to draw water from the Bhogdoi River, but many gentlemen are against drawing water from this river as in winter it becomes very shallow and is not clean. That scheme was sent to Government for examination, but through some misunderstanding it has been delayed. The Board wanted to know whether the Government (Public Works Department) approve of the scheme, but the Government seem to think that the Board

wanted money only as a loan from the Government amounting to about Rs. 15,000. The Board may be and I think will be, able to get the money even by borrowing from private sources to finance the water-supply scheme.

5. The present demand for water-tax is Rs. 17,185, and if the scheme for water-works be good, it may be increased to over Rs. 20,000. The Board will be able to pay the interest, as well as a certain amount of the loan, from the water-tax every year. The whole question now is the source from which the water is to be drawn. After this the scheme should be prepared to supply the whole town. It looks very clear to me that this town cannot depend on rain-water only that will be collected in the tank in the catchment area. This tank is not deep enough to tap the underground water. There are several tanks in the town that are not dry even in the driest season and they give good water to the inhabitants. From these tanks the inhabitants of Jorhat were drawing water when the tank from which the Water-Works was getting its supply ran totally dry. These tanks are :—

- (1) The tank behind the old distillery and in front of the Industrial School ;
- (2) The old Ahom Rajas' tank, and
- (3) several other small tanks in the town.

I have myself seen these tanks. Many of the gentlemen with whom I discussed the matter thought that the water from these tanks was potable. If the tank in the catchment area be made deeper and wider it appears to me that the question of the source of water-supply will be solved, but I was told that there was a sort of a technical objection raised by a certain Public Works Department Officer in former years which prevented the Board from making this tank wider and deeper like the other tanks which are now existing in the town.

6. I am told by several gentlemen that the level of the Bhogdoi River is higher than some parts of the town of Jorhat. This shows that there is a water level underneath the town of Jorhat which can be reached by digging this catchment area tank deeper than it is now. I want Secretary, Local Self-Government, to get the opinion of the Public Works Department in this regard.

7. I have suggested to the Municipal Vice-Chairman to make a small trial boring in a certain corner of the catchment area tank until water is reached, and to send that water to the Pasteur Institute for analysis, and to send also some bottles of the water from the old Ahom Rajas' tank and from the tank behind the old distillery. There has been some discussion about the quality of this water, but this matter cannot be decided unless the water is actually analysed. If it be found that the water from the well to be dug inside the catchment area, tank is not potable, or cannot be made potable, then another scheme may be tried, *i.e.*, a trial boring of a tube-well to the depth of 200 to 300 feet. I was told that in the Desoi-Parbatia Tea Company, Limited, at Duklungia, near Mariani, a tube-well was sunk to the depth of about 398 feet and the water from it was first considered unfit for drinking, but afterwards by a certain process, it has been made fit for human consumption. My office in Shillong will please write to the Manager of that Company and enquire about this, and also regarding the cost of sinking such a tube-well. Mr. Nilmoni Phukan who came with the deputation as their spokesman wrote to me that in 1928-29 the Assam Oil Company

engaged an Australian Geological Party to make a survey of several parts of Assam and that Party made a survey of Jorhat town also. They carried on boring operations close to the Jorhat Court House building in about 1911. This Party left an elaborate report with the Assam Oil Company giving detailed information about water-bearing strata at different places. Secretary, Local Self-Government, will please write to the Manager of the Assam Oil Company asking him whether they possess any such record, and whether they can supply us with the same.

8. I think Messrs. Scott and Saxby of 19 British India Street, Calcutta, are expert tube-well drillers. During my former Ministry I think we had to deal with them in connection with a certain Municipality. We might write to them and ask them whether they or any other tube-well drillers would be willing to come to Jorhat and make a trial boring on condition that if water be found which is potable or which can be made potable by any process which they can guarantee, the Municipality will give them the contract for the work. Public Works Department may also be asked to examine the scheme that was prepared by L. M. Das, Superintendent of the Gauhati Water-Works. That scheme is already in the possession of the Public Works Department Secretariat at Shillong.

9. As this matter is very urgent my Local Self-Government Office will take up this matter IMMEDIATELY.

J. J. M. NICHOLS-ROY,

*Minister, Local Self-Government.*

22nd May 1937.

SRIJUT DEBESWAR SARMAH: Did the Hon'ble Minister have a talk with the Vice-Chairman of the Municipality and other gentlemen of the town on the subject?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir.

SRIJUT DEBESWAR SARMAH: Did he make a verbal promise that he would send an expert to examine the scheme drawn up by the Superintendent of Gauhati Water-Works?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The scheme has already been examined.

SRIJUT DEBESWAR SARMAH: What I wanted to know is whether he made a promise to the gentlemen there, which he has conveniently forgotten, that he would send an expert to examine the scheme.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I did not make any promise to send an expert to Jorhat to examine the scheme.

SRIJUT DEBESWAR SARMAH: Referring to his inspection report dated 22nd May 1937, why was the scheme submitted by the Superintendent of the Gauhati Water-Works delayed? Did he enquire into the matter?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir, I enquired into the matter.

SRIJUT DEBESWAR SARMAH: Since then has the Hon'ble Minister had the scheme examined?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir, the scheme has been approved since.

SRIJUT DEBESWAR SARMAH: What are the further steps taken to materialise this scheme?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I think that will come under the questions that come after.

SRIJUT DEBESWAR SARMAH: Referring to paragraph 9 of the inspection report, the Hon'ble Minister remarked that "as this matter is urgent my Local Self-Government Department will take up this matter immediately". Was it taken up immediately?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir.

SRIJUT DEBESWAR SARMAH: And what did they do ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The replies to the other questions of the hon. member will explain the matter.

SRIJUT DEBESWAR SARMAH: In that case may I request that the other questions may now be taken up, Sir ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

98. (a)—Yes.

(b)—Administrative approval to the project prepared by the Board has been given.

(c)—Does not arise.

99. (a)—The Chairman discussed the matter informally with the Hon'ble Minister of Local Self-Government.

(b)—No.

100.(a)—There was no discussion as the Superintending Engineer had already given his opinion on the scheme.

(b)—Does not arise.

SRIJUT DEBESWAR SARMAH: Again referring to this inspection report, does the Hon'ble Minister for Local Self-Government think that this water-works will be able to supply water to the people of Jorhat town this winter ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Well, Sir, we have done what we can do from the stand point of Government. Whether the scheme will be sufficient or not to supply water to the Jorhat Municipality is a matter for experts and they say that it will be sufficient at least for the present.

SRIJUT DEBESWAR SARMAH: Paragraph 2 of the Inspection Report says "The great question in this Municipality is the water-supply question. During the month of April and the first part of May the tank of the catchment area in which rain-water is stored for the supply of water to the whole town for the whole year, became totally dry". In face of this, will the Hon'ble Minister be pleased to state, during the last seven months what steps were taken to safeguard against this contingency ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have already stated that the scheme was prepared by the Superintendent of the Water-Works at Gauhati. That scheme was prepared for the Municipal Board and it was the duty of the Municipal Board to have the scheme examined by the Executive Engineer. The scheme as examined by the Executive Engineer was sent to Government and the Chief Engineer approved of it. Then we have given administrative approval to the scheme. That is so far as the duty of the Government is concerned. And now it rests with the Municipal Board to have the estimates prepared in detail and have the work undertaken.

SRIJUT DEBESWAR SARMAH: Referring to paragraph 6 of the Inspection Report "I want Secretary, Local Self-Government, to get the opinion of the Public Works Department in this regard". Did he get it, Sir ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Yes, Sir, all that has been done.

SRIJUT DEBESWAR SARMAH: What was the opinion ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have already stated that the scheme was considered to be feasible.

SRIJUT DEBESWAR SARMAH: We are thankful to the Hon'ble Minister in this respect that he took notice of the fact that this question is a very important one to the Jorhat Municipal Board. Having admitted that, I want to know from him what was done by Government to safeguard

this stoppage of water-supply this winter. I want to know, Sir, categorically what was done, one, two, three. If nothing was done let us have it frankly that nothing was done.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already stated what was done. According to the Act, the Municipality should prepare the scheme and that scheme has to be prepared in consultation with the Executive Engineer and that has been done and the scheme has been sent to Government and Government has given administrative sanction to it and sent back to the Municipal Board. It is the Municipal Board that should prepare details and undertake the work and Government has also promised the Board to give them a loan.

SRIJUT DEBESWAR SARMAH: Of how much ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I think Rs.15,000.

KHAN BAHADUR MAULAVI KERAMAT ALI: Does the Hon'ble Minister know that the scheme that was sent to Government was referred to the Executive Engineer at Jorhat for working out details and to see how the scheme would work ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already said all that. As regards the last portion of the hon. member's question about sending the scheme to the Executive Engineer for detailed estimate, we have not heard anything. It is the duty of the Municipal Board to see to it.

SRIJUT DEBESWAR SARMAH: When can we expect the scheme to materialise ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That will depend on the Municipality. It is a self-governing body and I think the hon. member is himself a member of the Board.

SRIJUT DEBESWAR SARMAH: I am not: that does not matter. May I know.....

(At this stage Khan Bahadur Keramat Ali also stood up to ask a question and caught the eye of the Hon'ble Speaker.)

THE HON'BLE THE SPEAKER: Khan Bahadur Keramat Ali may put his question.

SRIJUT DEBESWAR SARMAH: On a point of order, Sir. I have not finished my series of questions yet. But, Sir, are not the members of the House bound by the ruling of the Speaker given the other day that the member who puts the question will be allowed to finish his question ?

KHAN BAHADUR MAULAVI KERAMAT ALI: I am helping you. The question I wanted to ask was whether the money has been sanctioned by Government for a loan ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes. The Government is willing to give a loan.

SRIJUT DEBESWAR SARMAH: Till the scheme materialises, are we to understand that the people of Jorhat will have to fall on their resources for their water-supply ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That question is for the Municipality to decide. It is a self-governing body and it is for them to decide what they would do.

### Introduction of Assamese as vernacular language in the Indra Narayan Academy

SRIJUT PARAMANANDA DAS asked :

\*101. Is the Hon'ble Minister aware that in the students' conference held at Abhoyapuri in last October, under the presidency of Mr. Amjad Ali, M.L.A., resolutions were passed asking the authorities of the Indra Narayan Academy, to introduce Assamese as vernacular language in the said Academy ?

\*102. Does the Hon'ble Minister propose to take steps, so that the said resolutions may be acted upon, in the coming school session ?

\*103. Is the Hon'ble Minister aware that in almost all primary schools, which feed the said Academy teaching is imparted in the Assamese language ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

101.—Yes.

102.—No. Government cannot interfere in this matter with the decision of the authorities of this High School which is an unaided institution.

103.—Government have no information, but have called for a report.

SRIJUT BELIRAM DAS : Has the Hon'ble Minister received a copy of the resolution and also a copy of the Presidential address delivered at the Students' Conference ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have already answered that question.

THE HON'BLE THE SPEAKER : Questions 102 and 103 will also be read and taken together.

SRIJUT BELIRAM DAS : As regards question 101, what steps, if any, have been taken to give effect to that resolution ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have already answered that in question 102.

MAULAVI GHYASUDDIN AHMED : May I know how many Assamese teachers there are in that school ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I cannot say off hand.

SRIJUT MAHI CHANDRA BORA : Is it an aided one, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The answer is already there, Sir.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have replied to that question already that it is an unaided school and the decision lies with the authorities of the institution.

KHAN BAHADUR MAULAVI KERAMAT ALI : Does he say that it is not already controlled by Government ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : In what respect ?

KHAN BAHADUR MAULAVI KERAMAT ALI : Inspection ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes, inspection is there.

MAULAVI MUHAMMAD AMJAD ALI : What does the Hon'ble Minister mean by authority ?



THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: The Managing Committee.

MAULAVI MUHAMMAD AMJAD ALI: Has the School Committee anything to do with it?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: The School Committee has nothing to do.

MAULAVI MUHAMMAD AMJAD ALI: What is the rule when they go on inspection?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: I have already said that the School Committee has nothing to do with this portion.

MAULAVI MUHAMMAD AMJAD ALI: Am I to take it, that this Government has absolutely no control over this Academy?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: I have already replied.

MAULAVI MUHAMMAD AMJAD ALI: That is no reply to my question. I want to know whether this Government has any control over this institution?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: I have already said that so far as recognition is concerned, Government has control. But as regards the decision of the Managing Committee in its internal administration, Government has no control.

MAULAVI MUHAMMAD AMJAD ALI: Is teaching of vernacular a matter of internal administration?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: Yes.

SRIJUT SARVESWAR BARUA: Who gave recognition to this school?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: The Education Department.

SRIJUT SARVESWAR BARUA: Did they not make enquiry as to the needs of these feeder schools at the time of giving recognition to the school?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: This institution is directly fed by several schools which teach Bengali.

SRIJUT SARVESWAR BARUA: Did it not occur to Government to consider the needs of the other nine schools in which Assamese is the medium of instruction?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: These schools do not directly feed the Academy.

MAULAVI MUHAMMAD AMJAD ALI: What is the meaning of the term 'directly feeding'?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: Those schools are in the locality surrounding the institution.

MAULAVI MUHAMMAD AMJAD ALI: The answer is not audible. What does the Hon'ble Minister mean by 'directly feeding'?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: 'Directly feeding' means feeding the locality.

MAULAVI MUHAMMAD AMJAD ALI: Are there not some schools which do not feed directly?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.  
WAHEED: As I have already said, it is for the Managing Committee to go into these matters.

MAULAVI MUHAMMAD AMJAD ALI: The answer is not given, Sir.

THE HON'BLE THE SPEAKER: What can I do if the answer is not given.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: It is for the Managing Committee or the authorities of the school to see what provision should be made for those schools which do not directly feed.

MAULAVI MUHAMMAD AMJAD ALI: What is the tone and spirit regarding vernacular of that school?

THE HON'BLE THE SPEAKER: Will the hon. member further explain?

MAULAVI MUHAMMAD AMJAD ALI: Whether Assamese or whether Bengali is the tone and spirit of that school?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am not aware of the tone and spirit of that school.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: In what year this particular Academy was started?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am not aware of that. I want notice.

SRIJUT RUPNATH BRAHMA: Do Government admit that there is a demand for introduction of Assamese in this school?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: As I said it is with the authorities of the institution.

MAULAVI MUHAMMAD AMJAD ALI: Do Government admit that this school is not an Assamese school?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: It might be an Assamese school in the sense that it is in the Assam Valley.

MAULAVI MUHAMMAD AMJAD ALI: When it is an Assamese school, do Government admit that Assamese ought to be the language of that school?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: That lies with the localities in which the institutions are situated.

MAULAVI MUHAMMAD AMJAD ALI: In answer to question 103, the Hon'ble Minister has replied that there are at least ten Assamese schools which are indirectly feeding this school. Do not the students of those schools find difficulty when they enter this school to read Bengali?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I have already replied that most of the schools teach Assamese. The nine schools which directly feed the Academy teach Bengali.

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister please state if he has received any representation from the guardians of the boys demanding the introduction of Assamese in that particular school?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, I will reply on behalf of Government. If there is a demand from the guardians of the boys for teaching through the Assamese medium, we will consider that question.

SRIJUT DEBESWAR SARMAH: Will the Hon'ble Chief Minister please state what is the policy of Government apart from the application of the guardians?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: In all Government schools of the Assam Valley, provision is made for teaching through Assamese and when there is a big number of Bengali boys, provision is also made for teaching through Bengali. This practice is followed in the aided schools also. This particular institution is an unaided one and has no direct connection with Government. The institution was recognised by the Department long ago and the present Government had no

hand in the matter. Before the resolution that was passed in the meeting presided over by my friend Maulavi Muhammad Amjad Ali, M.L.A., this Government did not know that there is a demand for teaching in Assamese in that school. Now on an enquiry we find that nine primary schools which directly feed this institution teach through the medium of Bengali. But there are a larger number of primary schools in that locality which teach through the medium of Assamese. So if the guardians of the students of these primary schools, where the medium of instruction is Assamese, represent to Government that they desire that their boys who have been taught in Assamese in the primary school should have facilities to read through the medium of Assamese in that school, we shall consider the matter.

**SRIJUT SARVESWAR BARUA:** Do not Government consider the resolution sufficient for the purpose?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** Yes. At the same time there may be a demand from some guardians who wish that the provision for teaching their boys through the medium of Bengali should be continued. We cannot object to that.

**SRIJUT JOGENDRA NATH BARUA:** May I know what is the number of students both Assamese and Bengali in that school?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** That was not enquired into.

**KHAN BAHADUR MAULAVI KERAMAT ALI:** Is it the policy of Government to teach the Assamese boys through Assamese?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** I have already answered that.

**SRIJUT JOGENDRA NATH BARUA:** As the question is up before the House, will the Hon'ble Minister please enquire about the number of students both Assamese and Bengali reading in that school?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** Yes.

**MAULAVI MUHAMMAD AMJAD ALI:** What is the future policy of the present Government on this school?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** There is no future policy or present policy, there is one policy. Where we know definitely that the students want to be taught through the medium of Assamese, we provide for Assamese there and where we find that there is a large number of students wanting facilities for instruction through the medium of Bengali we provide for that also.

### **Re Cattle Census Work**

**SRIJUT MAHI CHANDRA BORA** asked:

\*104. Will Government be pleased to state the reasons why the cattle census work was not done in Assam while it was done in all other provinces last year?

**THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN** replied:

104.—A census of cattle is made quinquennially all over India and in accordance with instructions received from the Government of India the last quinquennial census took place in Assam in 1935. Government are not aware that there was a census of cattle in other provinces last year.

MAULAVI ABDUR RAHMAN: May I know what is the utility of cattle census ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: In order to get an idea of how many cattle we have. A census is made quinquennially.

### Inspector of Motor Vehicles

KHAN SAHIB MAULAVI SAYIDUR RAHMAN asked:

\*105. (a) Is it a fact that the present Inspector of Motor Vehicles has no Motor-Engineering qualification at his credit ?

(b) If so, will Government be pleased to state why he was selected for a job ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

105. (a)—No.

(b)—Does not arise.

## SHORT NOTICE QUESTIONS AND ANSWERS

### UNSTARRED SHORT NOTICE QUESTIONS

#### Release of Srijut Hiranya Kumar Bose of Dhubri

SRIJUT PARAMANANDA DAS asked :

1. Will the Hon'ble Chief Minister be pleased to state—

(a) Whether Srijut Hiranya Kumar Bose of Dhubri has been released from detention by the Bengal Government ?

(b) If not, does the Hon'ble Chief Minister propose to take steps so that he may be set at liberty by the Bengal Government at an early date ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

1. (a)—Yes.

(b)—Does not arise.

BABU KARUNA SINDHU ROY : Has Srijut Hiranya Kumar Bose returned to Dhubri now ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I am not aware of the whereabouts of that gentleman.

BABU KARUNA SINDHU ROY : Is he lying in some hospital ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have absolutely no information.

SRIJUT BELI RAM DAS : Will the Hon'ble Minister make enquiries into the matter ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I see no reason for that. The gentleman was a detenu and detained by the Bengal Government. I understand that he has already been released by the Bengal Government.

SRIJUT SARVESWAR BARUA : May we know when he was arrested ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have no information.

### Assam Road Programme

MR. W. R. FAULL asked :

2. Will Government please state whether—  
 (a) the Assam Road Programme has been discussed by the Standing Committee for Roads ?  
 (b) if so, with what result ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

2. (a) and (b)—Government have no information. No communication has yet been received from the Government of India on the subject.

MR. W. R. FAULL: May I enquire if there was a meeting of the Standing Committee for roads in September ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There may have been. I will take the statement of the hon. member as correct.

MR. W. R. FAULL. Is there any reason why the Assam Road programme was not discussed in the September meeting ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I cannot say.

MR. W. R. FAULL : When the road programme was discussed by the Communications Board, and when it received the blessing of this House, were we not given to understand that the short time given for consideration was due to the necessity for getting the programme before the Committee at the September sitting ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir. I admit that in September there was a meeting of the Advisory Council.

MAULAVI MUHAMMAD AMJAD ALI: May I know what steps Government have taken ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not think we have taken any further step. We have submitted our case to the Council.

MAULAVI MUHAMMAD AMJAD ALI: Have the Local Government already received the sanction of the Council ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir.

MAULAVI MUHAMMAD AMJAD ALI: Has Government enquired ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The Chief Engineer is at Delhi just now and he is doing his best.

MR. W. R. FAULL: Will the Hon'ble Chief Minister take steps to ensure that in future the Road Programme will be submitted to the members of the Board at least two months before the Board is due to sit, in order that they may be in a position to give a considered opinion ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Does that question arise, Sir ?

THE HON'BLE THE SPEAKER: Of course it does not directly arise.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, I will consider the suggestion in due time.

## QUESTIONS AND ANSWERS

### UNSTARRED QUESTIONS

#### Personnel of the Assam Text-Book Committee

**SRIJUT RAJENDRA NATH BARUA** asked :

135. Do Government propose to consider the desirability of constituting the committee by election and to take such steps as to change the rules if any so that members are elected from amongst those in the Legislature ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED** replied :

135.—The Text-Book Committee consists of 10 official and 10 non-official members. Government see no reason why, in future, the Assembly should not elect the non-official members as vacancies occur if there is a general desire that this should be done.

**SRIJUT RAJENDRA NATH BARUA** : May I know whether Government will take steps or initiative to constitute the Text-Book Committee by election from the Legislative Assembly ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED** : As I have already said, as far as non-official members are concerned, Government see no reason why in future the Assembly should not elect non-official members as vacancies occur.

**SRIJUT RAJENDRA NATH BARUA** : Whether Government will take the initiative or it should come from the members of this House ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED** : The Director of Public Instruction has already recommended this and Government is considering.

**BABU DAKSHINARANJAN GUPTA CHAUDHURI** : Is Government prepared to constitute the Board with a non-official majority ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED** : We have not considered the question as yet, Sir.

#### Hawars of the Pargana Pyaingool

**MAULAVI MD. ABDUS SALAM** asked :

136. Are Government aware of the fact :

- (a) that some 'Hawars' of the western part of Pargana Pyaingool in the Jaintia Parganas have been turned into very large and deep watery lands having 9 or 10 feet water even in the winter season ?
- (b) that there were no such large watery lands in these places even at the time of the last re-settlement of the Jaintia Parganas ?
- (c) that those watery lands are of recent origin caused by the river Pyain near Companyganj Dak Bungalow, being silted up with sand brought down by the river Noagang flowing from Bhulaganj ?
- (d) that the water cannot go out of the said Hawars due to want of passages and canals and remains stored up in the said Hawars and thus vast areas remain under water all the year round ?

- (e) that the vast grazing land belonging to the above locality remains under water throughout the year ?
- (f) that the forest mahals in and surrounding the watery lands are gradually going to be extinguished, causing harm and distress to the local people in respect of their cattle fodder and of firewood, etc., for their *bonafide* use ?

137. If the answers to the above questions are in the negative do Government propose to make a thorough enquiry into the matter and take immediate necessary steps in the matter for the well being of the people concerned ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

136. (a)—The "Hawars" are water containing areas and some may contain water nine or ten feet deep.

(b)—This must necessarily be a matter of opinion as no records are available to prove or disprove the assumption.

(c)—Government have no reason to believe that the "Hawars" are of recent formation.

(d)—Without investigation on an extensive scale it is impossible to say if this is correct or not.

(e)—No. Much land in Sylhet goes under water during the rains due to the locality being low lying but grazing land does not remain under water throughout the year.

(f)—Government do not anticipate any such calamity.

BABU HARENDRA NARAYAN CHAUDHURI : The question was for elucidating information about certain *haors* of the Jaintia Parganas. The answer is a general definition of *haors*. How is that, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : What else can I say, Sir ? The question was whether certain *haors* are 9 or 10 feet deep. The Public Works Department have not measured the depth. There may be some *haors* of particular depth. It is unfortunate, Sir, I cannot hear one single word from that corner.

BABU HARENDRA NARAYAN CHAUDHURI : The proper answer would have been, yes or no. The definition is also incorrect.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That is a matter of opinion.

BABU HARENDRA NARAYAN CHAUDHURI : It is a question of fact.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I do not think it is a question of fact.

BABU RABINDRA NATH ADITYA : Definition from which geography ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The definition has been given from my personal knowledge.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

137.—No such enquiry can be made at present. If an Irrigation Department is possible in the future the question of drainage of this and other areas subjected to floods will be investigated.

### Resolution passed by the Nowgong Mouzadars' Association

DR. MAHENDRA NATH SAIKIA asked :

138. Will Government please state if they received a copy of the resolution forwarded to Government on the 25th October 1937, by the Nowgong Mouzadars' Association ?

139. Do Government propose to take early steps to give effect to the resolution ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

138.—As the subject matter of the resolution in question has not been mentioned it has not been possible to trace whether it was received or not.

DR. MAHENDRA NATH SAIKIA: Cannot Government come to a definite understanding as to what it contains by going through a copy of the resolution ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We have not been able to trace this resolution.

DR. MAHENDRA NATH SAIKIA: One copy of the resolution was submitted to the Hon'ble Minister when he visited Nowgong. Does the Hon'ble Minister find it difficult to find it from his papers ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It has not been possible to trace it. Will the hon. member say whether it was sent by registered post ?

DR. MAHENDRA NATH SAIKIA: It was handed over to the Hon'ble Minister there.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Who handed it over to me ? I do not remember to have got it.

DR. MAHENDRA NATH SAIKIA: It was submitted by the Mouzadars' Association. I cannot give the name.

MR. NABA KUMAR DATTA: Was it sent in a peon book ?

(No reply).

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

139.—Does not arise.

### Posts in the Assam Educational Service

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY asked :

140. Will Government be pleased to state how many posts there are in all, in the Assam Educational Service and how many of them excepting those for Moslem Education, have up till now, gone to the Moslems ?

141. Will Government be pleased to state the total number of professors and lecturers serving in the Murarichand College, Sylhet, and the Cotton College, Gauhati, respectively, showing the number of Moslems separately ?

142. Will Government be pleased to state how many of them excepting the professors of Arabic and Persian have up till now been held by the Moslems ?

143. Will Government be pleased to state whether any circular was issued defining the representation of different communities in Government service in Assam ?



144. If the answer to question 143 is in the affirmative, will Government be pleased to state the due number of Moslem representation in both the Colleges respectively and why this circular has not as yet been acted upon ?

145. Is it a fact that the Moslems are ill represented in the Assam Educational Service ?

146. Do Government propose to appoint a Moslem in the place of Mr. R. Thomas, M.A., A.E.S., transferred to the Public Service Commission ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

140—145.—The hon. member is referred to the replies given to similar questions asked by him at the Budget Session of the Assembly.

146.—The appointment has already been made.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: My question has not been answered, Sir, as the reply referred to is in regard to the School Service and not Provincial Service.

THE HON'BLE THE SPEAKER: The hon. member is putting a question to No.141 I think.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: What I want, Sir, is information as regards the Provincial Service.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: In reply to all these questions we gave answers in the last session of the Assembly.

#### **Abolition of the Maktab Section of the Sylhet Government Alia Madrasa**

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY asked :

147. Is it a fact that the primary or the Maktab Section of the Sylhet Government Alia Madrasa has been abolished ?

148. Do Government propose to reconsider its decision and include the Maktab section in the Sylhet Government Alia Madrasa ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

147 and 148.—The hon. member is referred to the replies to similar questions asked by him at the last session of the Assembly.

#### **Exemption of the students of Murarichand College from fan charge**

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY asked :

149. Do Government propose to exempt the students of the Murarichand College, Sylhet, from fan charge ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

149.—No.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: Is it not a fact that no *punkha* charge was realised from the students formerly ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I want notice of that question.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: Is it not a fact that the charge realised from the students is rather much more than what has to be paid to the Electric Company?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am not aware of that.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: Will Government be pleased to make an enquiry whether the College is making a profit from the students?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I think, Sir, some of the amount realised goes to the capital expenditure incurred in connection with the installation.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: Will Government be pleased to make an enquiry whether the amount realised is much more than the expenditure which may be necessary to be realised both in connection with the installation as well as the current charges?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I am ready to make an enquiry, Sir.

MAULAVI MABARAK ALI: May I know from which year the charge is being realised?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I do not remember, Sir.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: Will Government be pleased to consider the exemption of the students of the College from this tax?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I shall consider the whole question, Sir.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: May I enquire Sir, whether the Professors are exempted from payment for the use of fans?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I think not.

### **Discontinuance of the issue of Periodical reports with statistics of Rail and River borne trade of the Province**

SRIJUT JADAV PRASAD CHALIHA asked:

150. (a) Is it a fact that Government used to issue periodical reports with statistics of Rail and River borne trade of the Province, and that it has been discontinued now?

(b) If the reply to the second part of the above question is in the affirmative will Government be pleased to state why and when it was discontinued?

151. Is Government aware that such statistics are published by the Government of India and all other Provincial Governments?

152. Do Government propose to issue such statistics in future, as frequently as possible, at least half yearly?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied:

150. (a)—The reply is in the affirmative.

(b)—The publication of the statistics was discontinued with effect from 1st April 1923 as a measure of economy and as there was of no use to Government or of any practical value to the commercial community. Furthermore the compilation based, as it was, on the registration of country boat traffic was neither accurate nor complete.

151.—The reply to the first part of the question is in the affirmative. As regards the second part Government have no information.

152.—No.

**Trial of criminal cases of the Barpathar and Sarupathar mouzas**

SRIJUT RAJENDRA NATH BARUA asked :

153. With reference to supplementary question to unstarred question 243 of the last Budget session have Government enquired whether criminal cases of the Barpathar and Sarupathar mouzas were tried under the ordinary Criminal Law and Procedure and not under Mikir Hill Tracts Regulations till 1936 ?

154. Do Government propose to bring these two mouzas to the level of the other mouzas of the subdivision in the matter of Criminal and Civil Justice ? If so, from when do they propose to give the people the benefits ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

153.—Yes. On enquiry it is found that the Criminal cases of the Barpathar and Sarupathar mouzas were all along tried under the Special Rules for the administration of Justice and Police in the Sibsagar and Nowgong Mikir Hills Tracts and not under the ordinary Criminal Law and Procedure, though the spirit of the latter is followed.

SRIJUT RAJENDRA NATH BARUA : I cannot follow the answer to this question correctly. Will the Hon'ble Minister please explain ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The question asked was 'Have the Government enquired' and I said 'yes'. The result of the enquiry is given in the subsequent sentence.

SRIJUT RAJENDRA NATH BARUA : Am I to take it, Sir, that till 1935 the cases coming from these areas which were to be tried by the Sessions Court were actually tried in the Sessions Court by the Judge and Jury ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The result of my enquiry has been given, viz., that all those cases were tried, not under the ordinary criminal law, but under the special rules for the administration of justice.

SRIJUT RAJENDRA NATH BARUA : May I know whether any case in that area was tried in the Sessions Court ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : My report is not to that effect.

SRIJUT RAJENDRA NATH BARUA : Does the Hon'ble Minister deny ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If my hon. friend will give me the details of the cases, I will surely enquire.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

154.—The matter is under consideration.

SRIJUT RAJENDRA NATH BARUA : May I know whether it will be some months or a year or two before these people will be given the benefits ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : It will be a question of months, not a year or two.

**Placing of Public Works Department's contracts in Sylhet district**

MAULAVI ASHRAFUDDIN MD. CHAUDHURI asked :

155. Will Government be pleased to state the names, addresses of the persons with whom the Sylhet Executive Engineer placed Public Works Department's contracts, above the sum of Rs.5,000 in the years 1935, 1936 and 1937 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

155.—

1935-36—

1. Mr. A. K. Bhattacharjee, Shillong.
2. Sirdar Mela Singh, Sylhet.
3. Messrs. Burn & Co., Calcutta.
4. Babu Gangadhar Tushnial, Sylhet.
5. Messrs. Eastern Bengal and Assam Commercial Syndicate, Sylhet.
6. Reasat Ulla, Habiganj.

1936-37.—

1. Babu Gangadhar Tushnial, Sylhet.
2. Sirdar Mela Singh, Sylhet.
3. Maulvi Fazlur Rahman, Sylhet.
4. Babu Jogesh Chandra De, Sylhet.

1937-38—

1. Babu Gopesh Chandra Das, Sylhet.
2. Sirdar Mela Singh, Sylhet.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI: Will the Hon'ble Minister please state whether the persons given against Nos.1, 2, 3 and 4 are natives of this province or outsiders ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The native places of these persons will be apparent from the names. No. 2 Sirdar Mela Singh must be a man from the Punjab. As regards No. 1 we all know that our former colleague member of the old Council Mr. A. K. Bhattacharjee comes from Bengal. As regards Babu Gangadhar Tushnial, all Sylhet members know that he is a gentleman from Rajputana.

**Establishment of a Subdivision with Nalbari as its Headquarters**

SRIJUT GAURI KANTA TALUKDAR asked :

156. Will the Hon'ble Chief Minister be pleased to refer to his reply to my question No. 346 asked in the last Budget Session regarding the opening of an Additional Subdivision in the Kamrup district with Nalbari as its headquarters and to lay on the table a detailed statement of the cost estimated by Government ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

156.—No detailed estimate has been framed by Government.

SRIJUT GAURI KANTA TALUKDAR: Will the Hon'ble the Chief Minister be pleased to say on what basis he arrived at the figure of 2 lakhs for opening a subdivision at Nalbari ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That is the report given to us by different departments.

SRIJUT GAURI KANTA TALUKDAR : Was it an estimate for a lump sum that was given ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Details were not given by the Public Works Department that is, for building. For the establishment of a court with all its paraphernalia the total cost would be about 2 lakhs.

SRIJUT GAURI KANTA TALUKDAR : Will Government be pleased to enquire and find out what will be the approximate cost of opening a subdivision at Nalbari and get a detailed estimate ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I am not prepared to start an enquiry when I know that funds would not be available for opening a subdivision at Nalbari.

SRIJUT GAURI KANTA TALUKDAR : Even if funds do not permit, may I know what is the harm in calling for an estimate when Government have admitted the necessity of establishing a subdivision ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There is no harm, Sir, but some clerk shall have to waste his time in drawing up these detailed estimates, which we know may change later on when Government is in a position to start a subdivision there.

SRIJUT GAURI KANTA TALUKDAR : Do Government consider it a waste of time when they know that there is necessity for opening a subdivision there ? Is the time of a clerk so valuable in a matter of great importance ? Does Government think it is a waste ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If it is a supplementary question, Sir, I shall reply.

THE HON'BLE THE SPEAKER : The Hon'ble Minister may give him a reply.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Government are doing their best to give all facilities to the Nalbari subdivision. We have already started a criminal court there.

#### **Opening of a Sub-Registry office at Nalbari**

SRIJUT GAURI KANTA TALUKDAR asked :

157. Will the Hon'ble Minister in charge of Registration Department be pleased to state from when the proposed Sub-Registry office at Nalbari is going to be opened ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied :

157.—The question of opening a Sub-Registry office at Nalbari has been referred to the Inspector General of Registration for examination. Pending Inspector General of Registration's report it is difficult to say anything definitely now.

#### **Levy of heavier toll on the bridges constructed out of the fund from the Central Government**

SRIJUT BHUBAN CHANDRA GOGOI asked :

158. Is Government aware that the toll levied on the bridges, constructed out of the fund from the Central Government is heavier, except for motors, than the rate of pre-bridge days ?

159. Is it a fact that there are protests from the public against the imposition of this heavier toll ?

160. Will Government be pleased to consider the reduction of toll on these bridges ?

161. Is it a fact that the rate of tolls on these bridges is not uniform ?

162. Will Government be pleased to state the reason of this disparity ?

163. Do Government propose to make a standard rate for all these bridges ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

158.—No, the only enhanced fee is for crossing elephants.

159.—No, but the public have requested that all tolls should be abolished.

160.—This will be considered by the Retrenchment Committee.

161 and 162.—The hon. member is referred to the answers given to question No. 417 during the last Session of the Assembly ?

163.—No.

KHAN BAHADUR MAULAVI KERAMAT ALI: Does the Hon'ble Chief Minister remember that a similar question was put in the last Session and the reply was that the matter was under consideration. Has the Hon'ble Chief Minister come to any decision now ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, if I remember aright, I said that the rate of toll was exactly the one that was levied when there were no bridges, but ferries.

#### Number of Road Muharrirs in the Public Works Department

MAULAVI MABARAK ALI asked :

164. (a) Will Government please state the number of Road Muharrirs in the Public Works Department ?

(b) How many of them are Muhammadans ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

164. (a)—290.

(b)—41.

MAULAVI MABARAK ALI: May I know why the representation of the Muhammadans is so poor ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, it may be that either Government orders on this point were not carried literally or it may be that suitable candidates were not available. I am not sure what were the exact circumstances.

MAULAVI MABARAK ALI: Who makes those appointments ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: In the headquarters the Executive Engineer, and in the subdivisions the Subdivisional Officers.

MAULAVI MABARAK ALI: May I know whether any Government order was communicated to them ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: To this effect ? No Sir. There is a general order to give each community their due share in the services.

MAULAVI MABARAK ALI: What is the minimum qualification required for a Road Muharrir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Are we not digressing far from the question, Sir ?

MAULAVI MUNAWWAR ALI: At least many are anxious to know it.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, Sir, if my hon. friend puts a substantive question I will answer.

MAULAVI MABARAK ALI: Does it not follow from the answers that no suitable candidate was available ? What is the test of suitability ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: You, Sir, ordered the next question to be called.

THE HON'BLE THE SPEAKER: But the hon. member is putting question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, Sir. I did not say it was on account of suitability only. I said perhaps it might be, Government was not sure. As regards the qualifications necessary, the man must be literate and able to control labour.

MAULAVI ABDUR RAHMAN: May I know whether Government is prepared to remove this disparity by giving proportionate representation to the community ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That has been the policy of Government in the past and it is also the policy of the present Government.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Will Government make an enquiry whether the circulars are literally obeyed by the subordinates in the district offices ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is no necessity for any enquiry. If it will serve any purpose, I will again emphasise upon the district authorities the necessity of giving due proportion of services to all unrepresented and under-represented communities.

**Amount of revenue derived from the enhanced rate of Court-fees**

SRIJUT LAKSHESVAR BOROOAH asked :

165. (a) Will Government be pleased to state what is the amount of revenue derived from the enhanced rate of Court-fees in the last  $\frac{1}{2}$  year ending on the 30th June 1937 ?

(b) What is the amount derived for the same period in 3 previous years ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

165. (a) and (b)—The hon. member is referred to the answer given to the unstarred question No. 1418 at the last budget session.

It is not understood why questions which were answered at the last session are repeated in identical language at this one.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: May we know, Sir, the meaning of the following line: "It is not understood why questions which were answered at the last session are repeated in identical language at this one" ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is my misfortune, Sir, that my hon. friend was absent on the day when you gave your ruling on this very point.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI : May we take it as an explanatory thesis ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The other day we wanted a ruling from the Chair regarding questions which were put and answered on previous occasions, and which have been repeated this Session in identical language. You have given your ruling, Sir. I am sorry my hon. friend the questioner was not present then.

THE HON'BLE THE SPEAKER : Next question.

MAULAVI ABDUR RAHMAN : May I know, Sir.....

THE HON'BLE THE SPEAKER : Which question is the hon. member referring to ?

MAULAVI ABDUR RAHMAN : Question No.165, Sir.

THE HON'BLE THE SPEAKER : I have already called out the next question. The hon. member should have been prompt in putting his supplementary.

MAULAVI ABDUR RAHMAN : We could not follow him, Sir. Truly speaking, we cannot follow any hon. member from that side. I was really complaining to change my seat from this place. Of course, I have no natural defect (*Laughter*). Other members also complain to the same effect.

#### Timing of the Up and Down Mail train of the Assam-Bengal Railway between Gauhati and Tinsukia

SRIJUT LAKSHESVAR BOROOAH asked :

166. Has the attention of Government been drawn to the Editorial column of the *Times of Assam* of the 19th June 1937 regarding the inconvenience felt by the public of Dibrugarh about the timing of the Up and Down Mail train of the Assam-Bengal Railway running between Tinsukia and Gauhati and *vice versa* ?

167. Has the attention of Government been drawn to the timing suggested by Dr. Ghose published in the same number of the *Times of Assam* ?

168. Do Government propose to insist on the Assam-Bengal Railway authorities to make a change in the timings to suit the public convenience ?

169. (a) Is it a fact that the Second Class of the Assam-Bengal Railway carriages has been abolished and since the abolition of it the Assam-Bengal Railway authorities provide Inter Class compartments in the through trains running between Tinsukia and Gauhati and back ?

(b) If so, do Government propose to insist on the Assam-Bengal Railway authorities to provide more accommodation in Inter Class ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

166-169. (b)—It is not understood why the hon. member is repeating the same questions answered during the last session of the Assembly—Questions Nos. 1049 and 1050.

#### Dismissal of service of Srijut Padma Kanta Datta of Golaghat

SRIJUT SANKAR CHANDRA BARUA asked :

170. Is Government aware that Srijut Padma Kanta Datta of Golaghat was dismissed from service on 24th October 1934, while acting as a clerk in the office of the Subdivisional Officer, Golaghat ?



171. Is it a fact that the said clerk had been acting as a clerk in the Development Office, Barpathar till 22nd January 1934 ; and that his dismissal was based on the Audit Report of the Barpathar Development Officer ?

172. (a) Is Government aware that the said clerk had submitted petitions to the Subdivisional Officer, Golaghat, and the Deputy Commissioner, Sibsagar, on 9th January 1934 making allegations of serious misconduct on the part of the Development Officer, Barpathar ?

(b) If so, will Government please state if any enquiry was made into those allegations and any action taken ?

173. If the answer to question 172(b) is in the negative will Government please state why no enquiry was made and no action taken ?

174. If the answer to question 172(b) is in the affirmative, will Government please state what was the finding and what action was taken thereon ?

175. Is it a fact that the charges, resulting in the dismissal of the said clerk, was drawn up and the dismissal was ordered at the instance of the Development Officer, Barpathar, shortly after the Clerk's aforesaid complaints against the same officer ?

176. Is Government aware that the dismissal was based on two charges—viz., (1) Misappropriation of Rs.17-8 on the allegation of payment being made to a certain Vaccinator ; and (2) Non-deduction of Rs.7-8 from the pay of a certain Pandit ?

177. Is it a fact that the clerk made payment to the Pandit on the strength of the Bill having been endorsed by the Development Officer ?

178. Is Government aware that the Cheque for the pay of the staff, out of which the Vaccinator Dharneswar's pay for March, 1933, was alleged to have been misappropriated by the said clerk was cashed in the Golaghat Treasury by Overseer Srijut G. C. Datta on 14th March 1933 and that the same could not have come to the hand of the clerk to give him an opportunity to misappropriate ?

179. Is Government aware that the same Overseer had paid the said Vaccinator on 11th March 1933 from the Permanent Advance money kept by the Development Officer himself and that the same money was replenished after the cheque was cashed ?

180. If Government is not aware of these facts do Government propose to make or direct enquiry to be made about this ?

181. Is it a fact that a hand receipt obtained from the same Vaccinator for the amount in question was discovered in the files of the Development Officer's Office at Barpathar on 8th May 1934 ?

182. Is it a fact that this hand receipt was admitted by the said Vaccinator on 3rd September 1934 to have been executed by him but alleged that the same was extorted by the clerk only a month previous to that date (3rd September 1934) ?

183. Is it a fact that the Subdivisional Officer accepted this story of the Vaccinator and disbelieved the said receipt although discovered in the office file five months' previous ?

184. Do Government propose to direct a fresh enquiry by a different officer and to reopen the matter of the dismissal of the said clerk ?

185. If the cases were of criminal misappropriation, will Government please state why a criminal prosecution was not instituted ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

170—185.—Records in the case have been sent for and Government will examine them in light of remarks made in the questions.

SRIJUT RAJENDRA NATH BARUA: May I know, Sir, when Government will give their report?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not in a position to say that, now Sir.

### Construction of a bund at Desangmukh

SRIJUT SANKAR CHANDRA BARUA asked:

186.(a) Is it a fact that His Excellency Sir Michael Keane, the then Governor of Assam, accompanied by the Deputy Commissioner, Executive Engineer and other officials, visited the half-completed bund at Desangmukh 2 or 3 years ago and subsequently the Superintending Engineer reconnoitred the locality?

(b) Will Government be pleased to lay on the table a copy of the report submitted by the Superintending Engineer?

187.(a) Will the Hon'ble Minister in charge be pleased to state the reason for not completing the half completed bund or building a new one at Desangmukh?

(b) The approximate cost of (i) finishing the half completed bund; (ii) erecting a new one?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

186.(a)—The hon. member is possibly referring to a visit paid to the area by His Excellency Sir Laurie Hammond in July 1932. There is no record of any inspection of a half completed bund.

(b)—Government regret that inspection notes submitted by officers to their superiors or to Government cannot be placed on the table of the House as they are not public documents.

187.(a)—The question is not understood. Government never left any bund in a half finished state. A private bund started by the villagers was, it is believed, not completed.

(b)—The hon. member is referred to the reply at 186(a). The cost of constructing a new bund must depend on many factors such as length, height and cost of land acquisition and unless a detailed estimate was prepared it would be impossible to give even an approximate figure.

SRIJUT SANKAR CHANDRA BARUA: Sir, ১৮৬ অ'ক : ১৮৭ নম্বৰ প্ৰশ্নৰ লগত মোৰ অ'ক তিনটা প্ৰশ্ন অ'ছিল। সেই তিনটা প্ৰশ্নৰ উত্তৰ নোপে দাটনকে মই এই দুটা প্ৰশ্ন সম্বন্ধে আক প্ৰশ্ন কৰিব নোখোজোঁ।

THE HON'BLE THE SPEAKER: Very well, the hon. member may wait. When these questions will be coming up, the hon. member will be allowed to put his supplementaries then.

### Date of expiration of the lease of the Tezpur-Balipara Railway

SRIJUT OMEO KUMAR DAS asked:

188. Will Government be pleased to state when the terms of the lease to the Tezpur Balipara Railway expires?

189. Do Government propose to take steps to amalgamate the Tezpur-Balipara Railway with the Eastern Bengal Railway and extend the metre-gauge line from Rangapara north to Tezpur town?

190. Are Government aware of the difficulties of the passengers travelling in the Tezpur-Balipara Railway ?

191. Do Government propose to inquire into the administration of the Tezpur-Balipara Railway ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

188.—The hon. member is referred to the reply given to his own question No.9(a).

189.—Both the Railways mentioned are Federal and the Government of Assam have no power to take any such action as suggested.

190.—No. Government have received no complaints.

191.—This question does not arise.

Moreover, this is a Federal Railway and is now under the control of the Central Government.

#### Amounts spent for each of the Committees appointed by Government

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

192. Will Government please state what are the amounts hitherto spent for each of the Committees appointed by the Government, namely—

- (a) Rules Making Committee,
- (b) Retrenchment Committee,
- (c) Line System Committee,
- (d) Revenue Reduction Committee,
- (e) Dhubri Match Factory Enquiry Committee ?

193. Will Government please state what principle they followed in selecting members for these different Committees ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

192. (a)—Rules Making Committee...	...	...	Rs.2,145
(b)—Retrenchment Committee...	...	...	Rs.1,444
(c)—Line System Committee ...	...	...	Rs.326
(d)—Revenue Reduction Committee	...	...	Rs.1,030
(e)—Dhubri Match Factory Enquiry Committee	...	...	Rs.612

193.—The principle followed was that of having every party represented on each Committee, but on those Committees on which the Congress Party refused to serve, their places were filled by further members from the other parties.

#### Exemption of members of the Assam Legislatures from the payment of tolls at ferries, bridges, etc.

MR. BAIDYANATH MOOKERJEE asked :

194. (a) Are Government aware that the members of the Assam Legislatures are not exempted from the payment of tolls at ferries, bridges, etc., when they have to use them in the discharge of public duties ?

(b) If so, do Government propose to consider the desirability of exempting them from such payment as it is done in the cases of Government servants on duty ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA  
replied :

194. (a)—Yes.

(b)—No.

MR. BAIDYANATH MOOKERJEE : (b) The reply is "No". Sir, at least I expected that the reply will be put in a better way. The question is this, Sir : "Are Government aware that the members of the Assam Legislatures are not exempted from the payment of tolls at ferries, bridges, etc., when they have to use them in the discharge of public duties ?" The answer is "Yes". That is all right. Then "If so, do Government propose to consider the desirability of exempting them from such payment as it is done in the cases of Government servants on duty ?" The reply is simply "No", without any reason. May I know the reason, Sir ?

Sir, when the hon. members of this House want some privileges, the answer ought to be a bit more courteous. A simple "No" is really very much disappointing to us (laughter). Will the Hon'ble Chief Minister explain ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes, Sir, I will explain the reasons. I won't take any notice of the speech the hon. member made in the question time.

THE HON'BLE THE SPEAKER : That is human weakness.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The reason is this, Sir, that just we are in the midst of a contractual period and we cannot without breaking the terms of the contract give this concession. Then, my hon. friend will most probably ask "give it from the next contractual period". Sir, these ferries and bridges have been settled with different parties for a particular period, sometimes as long as 15 years and therefore under the contract we cannot give the concession. Another thing is that at every time unless the hon. members, who are given this concession, give a certificate to the effect that he is performing his journey on public duty, Government say that they cannot give a general concession. If my hon. friends will like to give such a certificate, I will consider.

MR. BAIDYANATH MOOKERJEE : Then may I take it that the privilege asked for will be provided in the contract whenever there will be any contract from to-day ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir. I said that if my hon. friend or the House would like to give a certificate that the journey was performed in public duty consistent with his office as member of the legislature, then the question of concession can arise.

MR. BAIDYANATH MOOKERJEE : To whom to submit this ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : To the Collector of tolls.

MR. FAKHRUDDIN ALI AHMED : Will a journey from the headquarters of a member to his constituency be considered as a journey performed on public duty ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If he goes to the constituency to appraise the constituency of the political situation or what was done in the Assembly, it will be considered a journey undertaken on public duty.

MR. BAIDYANATH MOOKERJEE : When this order will be issued to the lease holders ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have already said that such case will be considered provided that the House is agreeable to the term that I have already mentioned.

MR. B. I. BARRY: Sir, is Government prepared to consider granting exemption to the hon. members of this House from the payment of tolls at ferries, etc., when travelling to and from Sessions of the Assembly?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I suppose the hon. members are already enjoying this privilege.

[Several voices: No, Sir, *(loud laughter)*.]

THE HON'BLE THE SPEAKER: Order, order.

MR. BAIDYANATH MOOKERJEE: This will be continued next year *(laughter)*.

### PROCEDURE RE GIVING NOTICES OF ADJOURNMENT MOTIONS.

SRIJUT BELIRAM DAS: Sir, I gave notice of an adjournment motion at 10.45 a. m. May I be permitted to move that?

THE HON'BLE THE SPEAKER: I am drawing the attention of the hon. member to Governor's rule 17. Two days are fixed for voting on supplementary demands and no other business can interrupt that business. So the hon. member is not in order.

SRIJUT BELIRAM DAS: Will it be possible for me to move it to-morrow?

THE HON'BLE THE SPEAKER: That will not be also permissible because to-morrow is also meant for voting on supplementary demands.

SRIJUT BELIRAM DAS: Then may I be permitted to move it on Monday next?

THE HON'BLE THE SPEAKER: The hon. member has tabled his motion to-day. I will consider what can be done.

MR. ARUN KUMAR CHANDA: Will in that case "recent occurrence" still continue, Sir?

THE HON'BLE THE SPEAKER: It is in the power of the Chair to waive that when occasion demands.

MR. ARUN KUMAR CHANDA: All right, Sir. I have taken your hint.

### SUPPLEMENTARY DEMANDS FOR GRANTS

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We are on a point of order, Sir.

THE HON'BLE THE SPEAKER: The other day the Hon'ble Chief Minister only presented his estimate. To-day he has to move.

SRIJUT GOPINATH BARDOLOI: I want to raise a point of order.

THE HON'BLE THE SPEAKER: The hon. member will get time.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA to move:—

On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs. 25,300 be granted to the Minister in charge to defray the charges which will come in the course of payment during the year ending on the 31st March, 1938 for the administration of the head—"25.—General Administration".

Rs.	
Grant originally passed by the Assembly	... 18,63,254

II.—Sub-heads under which the supplementary demand will be accounted for by the Departments of General Administration—

R.—Commissioners—

				Rs.
1. Pay of officers	...	...	...	3,260
2. Pay of establishment	...	...	...	19,236
3. Allowances	...	...	...	720
4. Contingencies	...	...	...	2,084

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25,300

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THE HON'BLE THE SPEAKER : The motion moved is that—

On the recommendation of His Excellency the Governor of Assam, an additional sum of Rs. 25,300 be granted to the Minister in charge to defray the charges which will come in the course of payment during the year ending on the 31st March, 1938 for the administration of the head—"25.—General Administration".

Rs.

Grant originally passed by the Assembly ... 18,63,254

II.—Sub-heads under which the supplementary demand will be accounted for by the Departments of General Administration—

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				Rs.
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2. Pay of establishment	...	...	...	19,236
3. Allowances	...	...	...	720
4. Contingencies	...	...	...	2,084

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25,300

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RAI BAHADUR PROMODE CHANDRA DUTT : Sir, you assured us the other day that we should have an opportunity of discussing the policy behind this grant and therefore I beg to submit that you will not confine us to a few minutes only. Now, Sir, the Hon'ble Finance Minister has presented a supplementary statement of expenditure presumably purporting to act under section 81 of the Government of India Act. That is the only section that provides for supplementary demands being made and the condition laid therein must be satisfied before any demand can be said to be in order. On the basis of that statement, two demands for grants have been tabled. But I am concerned with the first demand for the moment. Now, Sir, before I come to the question of legality, I would like to refer to the peculiarity of the present budget. Our official year begins from the first of April and extends up to 31st March of the year following and the usual practice has always been to prepare the budget in March previous but as regards the budget of this year that procedure was not followed because elections were in progress then. Therefore, Sir, in July 1936, His Majesty issued an Order In Council on the 3rd of July. There it was provided that His Excellency the Governor could in his discretion authorise expenditure

for a period not exceeding six months from the date of announcement of the New Constitution, *i.e.*, from the 1st of April up to 30th of September, 1937. Accordingly the Governor had prepared a budget authorising expenditure up to the 30th September. In the Order In Council it was also provided that the budget for the year must be presented in time to be passed and the schedule of expenditure should be authenticated before the 30th of September, 1937 in any case. In pursuance of that, the budget was presented here, I think, in August last and the schedule of expenditure was authenticated by the Governor on the 1st of September, 1937. Now, Sir, one would naturally expect that the budget as presented would contain only expenditure from the 1st of October up to 31st March, 1938 because the Government had already prepared a budget from the 1st of April up to 30th of September, 1937 but that was not so. It was directed that the budget for the whole year must be presented to this Assembly although some expenditure may have been incurred before that date. As a matter of fact when the budget was presented to this House in August last, certain expenditure had already been incurred on the basis of the budget prepared by the Governor. Now what was the object of putting this whole budget before the Assembly? Undoubtedly for the reason that the Legislature should be placed in a position to record their approval or disapproval to the expenditure that had been sanctioned by His Excellency the Governor. Now what would happen if the House would refuse to assent to the expenditure already incurred before the schedule of expenditure was authenticated? In that case, the provision was that, that expenditure would be deemed to have been authorised by this House. I am referring to this just to show what is really the matter. The demand for "General Administration" was made on the 16th of August. It included the item of the Commissioners' establishment. There was a motion for cutting out the entire amount proposed in that item. The amount was Rs.78,446 and the House cut out that amount refusing to give sanction to the proposal. In the schedule of expenditure authenticated by the Governor, this amount of Rs.78,446 was deducted. Now, Sir, what is the effect of the voting of the Assembly as regards the office of the Commissioners considered with reference to the Order In Council to which I referred a few seconds ago? I submit that the net effect is that this House must be deemed to have agreed to pay for the establishment of the Commissioners' offices up to the 1st of September 1937. Beyond that, *i.e.*, from the 1st September 1937 to the 31st of March 1938, this House gave its mandate that there should be no offices for the Commissioners. That is the position. But now, Sir, they have come forward with a demand in this shape—they do not say that they would not carry out the wishes of this House, but what they say is this—they say they had to give notice to these people, as under the rules, they are entitled to notice—they had to be given three months' notice—in this particular case it is for 4 months—, and they require the money to keep the office going till this notice expires for that reason. My point is that the question of relief to the establishment is a matter entirely apart. The House has given its verdict that the offices of the Commissioners must cease to exist from 1st September 1937, and they should have ceased to exist from that date. That relief should be given to certain people is a different matter and the House will know how to deal with that question. The point is whether Government should have abolished those offices. They have not done so, and they have now come forward with a supplementary demand so that the life of the offices may be extended by four months. I think that a supplementary demand cannot lie for that purpose. Whether compensation or relief should be given to these people is a different matter. I repeat, but here under the pretext of

having to pay a compensation or giving relief to these officers they are continuing the life of the offices for 4 months, which I submit they cannot do by means of a supplementary demand. Let us see what supplementary demands are admissible and for what object they are put. At page 201 of the Manual of Procedure in the British House of Commons, you will find the purpose of supplementary demands to be stated as follows:—"an estimate must be presented for a supplementary or additional grant when— (1) the amount named in the ordinary estimates for a particular service is found to be insufficient for the purposes of the current year; or (2) a need arises during the current year for expenditure upon some new service not contemplated in the ordinary estimates for that year". In the British House of Commons a supplementary demand such as the one which has been brought up to-day will not be permissible, and I should like to know whether it is permissible here. I submit, that it is not, having regard to the provision of section 31. There may be necessity for paying the establishment but not for keeping the offices of Commissioners going. Let me make the point further clear. Let us take the case of the Cotton College. We want that College to be carried on from the 1st of April 1937 to the 31st March 1938, and we give it a grant of one lakh of rupees. If it is found during the course of the year that that grant is not sufficient, it is quite open to Government to come up within the year for a supplementary grant to keep the College going up to the 31st March 1938—that is permissible, but in this particular case, when the House had given its verdict that the offices must be carried on only up to the 1st of September 1937 and not beyond that, if any amount was required to keep it going during that period, it would have been quite in order for the Government to come up with a supplementary grant, but not beyond that. To come up now with a supplementary demand to enable the offices to be kept alive after the 1st of September, is not authorised by the Government of India Act. That would be asking the House to review its own verdict, which verdict was that the offices must be carried on only till the 1st of September 1937. It amounts to asking the House to review its own verdict, and I submit that it cannot be done by means of a supplementary demand. A supplementary demand for this purpose does not lie. If these people have to be paid some sort of compensation or given some relief that is entirely a different matter. These people could have been provided for elsewhere; any Head of a Department would have been glad to have a couple of extra hands to work off arrears—they could have been absorbed in various other ways—but so far as the offices of the Commissioners are concerned they should have been abolished. But here we find the Government bringing forward a supplementary demand against the mandate of the House. This would be calling upon the House as I have said to review its verdict, so I submit that this supplementary demand is illegal. The House had given its verdict that the offices should be abolished from the 1st of September 1937, but here we find that the Ministers in defiance of the verdict of this House have come forward with a supplementary demand. I would remind the House that it can only exercise control over the Government through the budget, and it must see that the directions given as regards the budget are strictly followed. Once you allow these directions to be disregarded you will not only deprive yourselves of the right which you have got, but at the same time you will create a bad precedent which will often land you in very awkward positions. Supposing on the 1st of January the Hon'ble Minister again comes forward with a supplementary demand and says some more relief is required to be given to these people and the office should be continued for another three months.....



**KHAN BAHADUR MAULAVI KERAMAT ALI:** On a point of information. Is the relief bound to be given under the law?

**RAI BAHADUR PROMODE CHANDRA DUTT:** That is a different thing altogether, and I will come to that presently.

Sir, my learned friend has asked is it not right to give these people relief?

I refer to Rule 436 of the Civil Service Regulations which deals with this matter. It says—"Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months may be paid to him". It means this—a man is in permanent employ, you tell him that you do not want his services from tomorrow. He is bound to go. But what is his right? He can only claim his emoluments for three months. There can be a proposal for granting those emoluments, that is a different matter. But in this case, you have not come for that alone. Under cover of a supplementary demand you are keeping the offices also alive and that I say is not permissible under section 81.

**THE HON'BLE THE SPEAKER:** That would arise only when the Government has decided to give effect to the vote of the Legislature.

**RAI BAHADUR PROMODE CHANDRA DUTT:** They have given notice to these people.

**THE HON'BLE THE SPEAKER:** From that fact does it not arise that they are intending to give effect to the vote?

**RAI BAHADUR PROMODE CHANDRA DUTT:** They are not going to and they have not. My hon. friend Khan Bahadur Keramat Ali asked whether they are not entitled to compensation. Yes. But what has been asked for here? Not that alone—'Pay of officers—Rs. 3,260; Pay of Establishment—Rs. 19,236; Allowances—Rs. 720 and then Contingencies—Rs. 2,084.' What are these things? Are Contingencies also officers who are entitled to compensation from Government? On the other hand does not this clearly show that the Government is not really anxious about the pay of these officers but they only want to carry on these offices for four months more? And again, why? The Hon'ble the Chief Minister told us the other day that the Government has written to the Secretary of State asking as to what action should be taken now and that the recommendation of Government is that the post of one Commissioner might be abolished. Well, Sir, the Hon'ble Chief Minister is waiting for the orders of the Secretary of State and if the Secretary of State says 'No', the Government will come with a supplementary demand. In the meantime, pending that, the Government position is that they will carry on these offices for four months. Is that not defiance of the directions of this House? I would appeal to this House to look at this position. The amount asked for, whether it is Rs. 3,000 or Rs. 20,000 that does not matter. The question is whether it is we who should dictate the way in which money should be spent or is it the Government that should dictate? Is the Executive to go beyond our directions and do things in any way they like? That is a question of propriety. As regards the question of legality also, under cover of a supplementary demand, the Government cannot ask this House to keep alive the offices which this House refused to grant supplies for.

**KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI:** Is not the notice sufficient indication of the intention of the Government?

RAI BAHADUR PROMODE CHANDRA DUTT: As regards what ?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: As regards the abolition.

RAI BAHADUR PROMODE CHANDRA DUTT: If that shows the intention, then from what date ? The Government may intend to abolish but we have to wait for four months. We have told the Government that it should be abolished from the 2nd September and it is for this reason that His Excellency has excluded this expenditure from the schedule of expenditure. But why should we wait for these four months more ? That is the whole point. I am not going to wait a minute. Can you have a supplementary demand to restore a grant which has been refused on the ground that the service to which it relates is not wanted ? I tell you, Sir, there is no precedent of that kind anywhere.

MAULAVI ABDUL MATIN CHAUDHURY: On a point of information, Sir, may I draw the attention of the Rai Bahadur to Rule 93 (2) ?

RAI BAHADUR PROMODE CHANDRA DUTT: I am coming to that. I am aware of all these things.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know from the Rai Bahadur in what form he would come to the House to give these officers three months' emoluments ?

MR. FAKHRUDDIN ALI AHMED: If the Khan Bahadur will have patience, I will deal with that point.

KHAN BAHADUR MAULAVI KERAMAT ALI: My question was addressed to the Rai Bahadur and not to Mr. Fakhruddin Ali Ahmed.

RAI BAHADUR PROMODE CHANDRA DUTT: The Rai Bahadur will answer that question when it arises, but not now. The Khan Bahadur ought to know how to come for it. Now I am referring to Rule 93 (2).

"A demand may be presented to the Assembly for an additional or supplementary grant in respect of any demand for grant to which the Assembly has previously refused its assent." I submit that this rule is entirely inconsistent with the provisions of section 81. And I am told this matter was considered by the Rule Making Committee. My attention has been drawn to a letter from the Government of India on this point which makes it clear therein that rule 32 which corresponds with the rule under which this supplementary demand has been brought is *ultra vires* and should go out of the present Act.

THE HON'BLE THE SPEAKER: What is the authority for the hon. member's statement regarding the letter from the Government of India ?

RAI BAHADUR PROMODE CHANDRA DUTT: Here is the letter which my hon. friend Mr. Kamini Kumar Sen has placed in my hands. I understand that this letter was circulated among the members of the Rule Making Committee. There in paragraph 6 it is said: "Section 81 does not contemplate the submission of a demand for a supplementary grant except in the circumstances referred to in that section. If it is desired at a stage after the authentication of a schedule to incur expenditure not on a technically 'new service' but on what has been called in the past a new 'instrument' of service (a 'new' service being *ex-hypothesi* outside the scope of the grant, while a new 'instrument' of service may lie within its scope) section 81 does not contemplate that a demand, token or otherwise, shall be submitted for it." Can the intention be more clearly stated ? Section 81 does not contemplate submission of a demand except under the circumstances referred to in that section. Then, Sir, it says in the last paragraph "It is suggested therefore that provincial Government should avoid a statutory anomaly by cancelling the existing rule 32 in the course of the adaptations effected under section 84 (3) of the Act." Now, Sir, this rule was made under section 84(3) as the Government of India states. Now

what is that rule 32, Sir ? It is that the Assembly may be presented with an estimate when “(1) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year or (2) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.”

You will find, Sir, that it has been copied word for word in our Legislative Rules.

THE HON'BLE THE SPEAKER: Not the same word for word. But in substance it is the same.

RAI BAHADUR PROMODE CHANDRA DUTT: As regards this rule 32, Sir, the Government of India is clear in its mind that it should go and says so actually, because 84 (3) does not contemp'ate a rule of that kind. So that the rule to which my hon. friend referred should no longer be there.

Then, Sir, paragraph 9 of that letter reads thus:—“The conclusion has accordingly been arrived at that the substance of rule 32 is either covered by the new Act itself or is strictly speaking inconsistent with it, and that no such rule will be necessary or desirable from the 1st April 1937”. So I say that as a matter of law, the demand is illegal, and should be rejected at once.

MAULAVI ABDUL MATIN CHAUDHURY: May I ask the hon. Rai Bahadur a further question ? In conducting the proceedings of the House, are we bound by these rules or by *obiter dicta* of the Government of India ?

RAI BAHADUR PROMODE CHANDRA DUTT: We are bound by these rules so far they are consistent with the Government of India Act. The letter of the Government of India has done nothing but interpret the Act.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: When that interpretation was given by the Government of India ?

RAI BAHADUR PROMODE CHANDRA DUTT: New Delhi, the 16th March 1937.

MAULAVI ABDUR RAHMAN: May I know when notice of discharge of the Commissioners' staff was given ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Immediately after the vote of the House.

MR. BAIDYANATH MOOKERJEE: For how many months ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already said that. Originally we gave three months' notice.

SRIJUT GOPINATH BARDOLOI: I rise in support of the point of order raised by my hon. friend Rai Bahadur Promode Chandra Dutt. Fortunately, Sir, the conclusions that have been arrived at by my hon. friend in reference to the point of order are practically the same as that arrived at by me. I have also tried to look into this matter as carefully as it has been possible for me to do and I find that this supplementary demand is absolutely inadmissible before this House. That is really the point of order that we wanted to raise the other day. I will only add a few arguments in addition to what has been placed by my hon. friend in support of the same conclusions. But before I do so, I also want to say

a few words in continuation of what I had said the other day in reference to a certain suggestion that was made by the Hon'ble Finance Minister in regard to the retention of one Commissioner for this province.

Sir, I do not know how the Hon'ble Finance Minister ventures to make this suggestion. The House after due deliberation refused to sanction the pay of the Commissioners' staff, not because they wanted to deprive our good clerks of their services or refuse to pay them, but because the Government refused to take any note of the feelings of the House over the matter. The question of abolition of both the Commissioners was taken up as early as 1924 in the Webster Committee of which the hon. Rai Bahadur Promode Chandra Dutt and, I believe, my friend the hon. Mr. Munawwar Ali were members. The objection now raised by the Hon'ble Chief Minister regarding the retention of the Commissioner for the necessity of his exercising original and certain appellate powers, was fully discussed and adequately replied to by the hon. Rai Bahadur in his illuminating note of dissent and I do not propose to take the time of the House over this matter. The fact, however, remains that a committee presided over by an erstwhile Commissioner decided to abolish the posts. The Hon'ble Chief Minister instead of obeying the overwhelming wishes of the House seeks to belittle it by asking the House to retain one Commissioner. I do not know whether he considers this House to be a bedlam and its members all mad men. I am sure the House is for the abolition of both Commissionerships after full and prolonged consideration. The suggestion of the Hon'ble Finance Minister is to my mind an insult to the intelligence of the members of the House and I, for one, resent the suggestion, much less prepared to consider it.

Then regarding the point of order, Sir, the first point is whether expenditure shown in the supplementary demand can come within the provision of section 81, that being the only section under which this can be permissible. My contention is that this section does not permit it. The subject-matter of this demand was thoroughly discussed and the House refused the demand in the cut motion accepted by the House on the motion of my friend the hon. Maulavi Abdur Rahman. We have therefore to determine whether supplementary demand can also cover expenditure which has been refused by this House.

Now the procedure which is followed in British House of Parliament in regard to supplementary grant has been read out by my predecessor in his argument. I will only repeat what has been stated in Erskine May's Book, 12th Edition, page 452. It reads thus:—"A supplementary estimate may be presented either for a further grant to a service already sanctioned by Parliament, in addition to the sum already demanded for the current financial year, or for a grant caused by a fresh occasion for expenditure that has arisen since the presentation of the sessional estimates, such as, expenditure newly imposed upon the Executive Government by a statute, or to meet the cost created by an unexpected emergency, such as, an immediate addition to an existing service, or the purchase of land, or of a work of art. The need for a supplementary grant to an existing service is not infrequently caused by the system in force to ensure the control of Parliament over public expenditure. To provide for the early presentation of the annual estimates, the departments are obliged to compute in the month of November their anticipated expenditure for the ensuing financial year, dating from the coming 1st April. Fallibility must attend calculations which range over sixteen months in advance; and as too large a demand for money is a great departmental error, the official tendency is to make the demand too small. If the lesser error

occurs, to avoid the still greater evil of excess expenditure, recourse of necessary must be had to a supplementary grant".

In view of this procedure it is definitely clear that in the British House of Parliament at least, a grant which has been refused by the House cannot come as a supplementary grant.

Therefore my submission is that a refused grant can never come as a supplementary demand. This of course may be extraordinary in the British Parliament for one other reason. No one who knows the meaning of the party Government can believe that after a Ministry is defeated on a major issue like the retention of Commissionership, it could yet remain in office to bring a supplementary demand. It would have immediately resigned and no issue like the one we have before us could at all arise. Sir, if we read section 81 carefully the same conclusion is obtained, particularly if we read that section in reference to section 79 (2) and 80 (3). The section says:—

"If in respect of any financial year 'further expenditure' from the revenues of the province becomes necessary over and above the expenditure theretofore authorised for that year....."

Therefore, Sir, this amount can never come as a supplementary demand, and the Hon'ble Finance Minister is not entitled to present this before the House. This demand is not a "further expenditure" within the meaning of the section. It does not supplement any demand, but proposes to reinstate one, which has been refused by this House.

There is another point which I desire to place for your consideration, Sir. The presentation of a supplementary demand involves that the demand is placed for the approval of the House and the approval of the House has to be taken before the expenditure is actually incurred. The House, is not here to sanction an expenditure already incurred irresponsibly. What the procedure is in the House of Commons I have already stated. This only shows the defiance of the Ministers to the opinion of the House. In the present case the Hon'ble Minister had more than enough time to secure the assent of the House if the supplementary demand was at all admissible. Sir, this House refused the demand for the staff of the Commissioner on the 16th August 1937. Not satisfied with the verdict of the House, the highest legal opinion Government could give was obtained on the 24th August wherein it was given that the attitude of the House was not only perfectly legitimate but the cut must be held to be in order. The authenticated schedule of expenditure was presented before the House on the 1st September 1937. Hence even after the doubts of the Hon'ble the Finance Minister were removed he had a clear week for submitting a supplementary demand if, as I said, it was at all admissible, and secure the consent of the House before any expenditure was incurred. But to-day after having spent the money even beyond that allowable by the rule governing the termination of services, the Hon'ble the Finance Minister comes for sanction. This procedure is not only unconstitutional in the extreme but a clear insult to the House. This is a direct attack of the executive on the privileges of the House. This is a direct attack of the House can exhibit its resentment by refusing to sanction this expenditure. Still less justifiable is the payment for the fourth month which is condemnable in the strongest terms, and cannot in any circumstances be approved by the House. Sir, the sitting of the Assembly in December can be no excuse for the Hon'ble Finance Minister to incur expenditure for December. If the staff had the statutory right to be there for three months, how can the Hon'ble Finance Minister retain them for another month and pay them in face of

motion of the House refusing the entire grant on that account? Therefore from that point of view this demand is not presentable.

Then, Sir, lastly and here I want to give a reply to my hon. friend Khan Bahadur Maulavi Keramat Ali.

THE HON'BLE THE SPEAKER: He has not yet spoken.

SRIJUT GOPINATH BARDOLOI: But he raised the point.

In reference to that we have got to say, whether this expenditure is enforceable by any statute or rule having the force of a statute, in which case His Excellency might by virtue of his special powers charge this on the revenues of the province under section 52(c) of the Government of India Act, 1935.

In the exercise of his functions the Governor shall have the following special responsibilities, that is to say:—

(c) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests.

Necessarily therefore their legitimate interest would be that they are entitled to three months' pay according to the terms of service. Now if His Excellency was rightly advised he would have shown this in the authenticated schedule submitted before the House on the 1st September. But if there is no statutory obligation; the whole expenditure has been illegal and the House can have no authority to pass this expenditure. I have no doubt that the matter of the presentation of this demand is inadmissible.

In this connection it may be permissible to point out that if this contention is correct, the present rule 93(2) of the Assembly Rules that has just now been referred to by the Hon'ble Finance Minister is quite out of order and *ultra vires*. The point was raised by us in the Rules Committee. We therefore crave your indulgence for a ruling on the points raised by us.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, in this House my hon. friend the Rai Bahadur and the Hon'ble Leader of the Opposition are raising issues which are quite irrelevant. The real issue before the House is whether these clerks are to be paid four months' salary. No question of policy can be discussed on a supplementary demand. It has been ruled times without number in the Central Legislative Assembly by President Patel and other Presidents. In supplementary demands the scope of discussion is very narrow and restricted.

THE HON'BLE THE SPEAKER: The policy with regard to the demand may be discussed.

MAULAVI ABDUL MATIN CHAUDHURY: The question whether the Commissionerships should remain or not is not the issue before the House. By voting for the supplementary demand we do not vote on the question of the retention of the Commissioners or otherwise. We only vote for the payment of the establishment of the Commissioner.

BABU KAMINI KUMAR SEN: Sir, it seems there has been some misunderstanding on this question. My hon. friend Mr. Abdul Matin Chaudhury has already said, that many irrelevant things have been mixed up with this issue. But the main thing, Sir, is this, that the supplementary demand, as it has been presented before us, is illegal, *ultra vires* and absolutely out of order. I do not wish, Sir, to dilate on the question of propriety about which enough has already been said but on the legal aspect I would only refer to some facts.

Supplementary demands can only be asked for under section 81 of the Government of India Act. If you will permit me, Sir, I will read the section—"If in respect of any financial year further expenditure on the revenue of the province becomes necessary over and above the expenditure theretofore authorised for that year, the Local Government shall cause to be laid before the Chamber or Chambers a supplementary demand." Now, Sir, I should like to draw your particular attention to the words 'further' and 'over and above.' In the last budget session we totally refused the demand for the Commissioners' establishment and no provision at all was made for that purpose. The words 'over and above' and 'further', which are meant to supplement something, cannot apply in the present case. There was absolutely no provision at all. Therefore, there is no question of further expenditure over and above the provision that has been made. That this is the correct interpretation of this section, *viz.*, that an item that has been once totally refused cannot be brought forward again in the way of a supplementary demand, has also been admitted by the Government of India in their demi-official letter No. F.26/36F., dated the 16th March 1937, addressed to Mr. Dawson, the then Chief Secretary to the Government of Assam. In that letter, Sir, this section 81 has been clearly explained and the circumstances under which supplementary demands under section 81 can be made have been fully dealt with. I also refer to paragraph 6 of this letter, which has already been referred to. I would draw your particular attention, Sir, to these words which appear in that paragraph "if it is desired at a stage after the authentication of a schedule to incur expenditure not on a technically 'new service' but on what has been called in the past 'a new instrument' of service."

I would request you to look to the words, 'new service' and 'new instrument of service.' The letter goes on—"a 'new' service being *ex-hypothesi* outside the scope of the grant, while a new 'instrument' of service might lie within its scope." The head under which the supplementary demand is made is not a new service, Sir. On the other hand it is a service which was within the scope of the grant. It was already provided for in the old budget and was totally refused by this House. It may at best be called a new instrument of service. But that also, as my hon. friend the Rai Bahadur has already said, is not correct. In any case, Sir, it is not a new service. It was not also outside the scope of the grant. So, Sir, if we take the explanation of the Government of India, which is binding on the Government as well as the Legislature, it is clear, that "if it is desired at any stage after the authentication of a schedule to incur expenditure not on a technically "new service" but on what has been called in the past a new 'instrument' of service (a 'new' service being *ex-hypothesi* outside the scope of the grant, while a new 'instrument' of service might lie within its scope), section 81 does not contemplate that a demand, token or otherwise, shall be submitted for it." I think, Sir, that it is now sufficiently clear that this 81—and this section is the only one under which a supplementary demand can be presented.

To be more explicit, Sir, paragraph 7 states what are the instances in which a supplementary demand can be made. And that is—

"But it is clear that an intention to incur in the course of a year expenditure on a service or item lying outside the scope of the grant itself is an intention to incur expenditure over and above what will have been authorised, either explicitly or implicitly, in the originally authenticated schedule,

and will therefore have to be put to the legislature under the procedure laid down in section 81 of the Act."

So, Sir, this is the only circumstance under which a supplementary demand can be brought forward. I would then refer to another sentence, in paragraph 6, Sir. "If the explicit concurrence of the Legislature is desired to such an item of expenditure, it could be obtained through the process of a resolution." But it cannot be through the process of a supplementary demand. Rule 32 referred to in that letter, Sir, is practically the same as our rule 93 and that is why it has been directed in the letter—"The conclusion has accordingly been arrived at that the substance of Rule 32 is either covered by the new Act itself or is strictly speaking inconsistent with it, and that no such rule will be necessary or desirable from the 1st April 1937". So, Sir, if that rule goes, only section 81 remains, and if the supplementary demand is not consistent with section 81, it must be declared *ultra vires*. I do not see, Sir, anything more appropriate, anything more clear to support my contention. With these words, Sir, I submit that this supplementary demand cannot come in the way it has been presented and is out of order.

MR. BAIDYANATH MOOKERJEE: Sir, rule 16 permits the bringing of such demands as the present one before the last of the days allotted for the voting of demands. Shall I read it, Sir?

"On a day fixed before the last of the days allotted by him for the voting of demands, further demands may be moved, provided they are required for purposes which in the opinion of the Governor are of an urgent nature....." Sir, the amount provided for the Commissioners' establishment was reduced on the 16th of August 1937 and the last day allotted for the demand was the 29th of August 1937. The Government might have come in with a demand on one of these days. Not having done so, the Government have spent the money in defiance of the Assembly's order. Now, Sir, Government comes for regularising the expenditure after having incurred it. When there is no grant on this item, Sir, how can it be supplemented?

Sir, much has been said on the legal side of the matter. In my opinion, Sir, the demand should be refused by the House, if it wants to exercise its right of control over the executive (*hear, hear*).

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Sir, I am not very much convinced by the arguments advanced by the hon. Rai Bahadur and Mr. Sen. First of all, Sir, the demand under discussion has been laid down before the House in a supplementary form.

THE HON'BLE THE SPEAKER: What is a supplementary form?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: In the form of a Supplementary demand, Sir.

THE HON'BLE THE SPEAKER: What is a supplementary demand? There is nothing about 'supplementary demand' in the Act.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: Then under what rules, Sir, this demand has been placed before the House. That is to be seen. We have got a set of rules for the guidance of this House—it is this blue book, Assam Legislative Assembly Rules. How these rules have been framed? What is the authority behind these rules? Sir, in section 84(3) of the Government of India Act it has been laid down that "until rules are made under this section the rules of procedure and standing orders in force immediately before the commencement of this Part of this Act with respect to the Legislative Council of the Province shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion". Then, Sir, in the Introductory Note to the Assam Legislative



Assembly Rules it has been laid down "these rules have been made under section 84(3) of the Government of India Act, 1935. After the election of the Speaker and in consultation with him by His Excellency the Governor, Part I of these Rules will be separated and issued as Rules made under the proviso to section 84(1) of the Act. The Rules in Part II will remain in operation till the Assam Legislative Assembly frames its own rules under section 84(1)." But I think, Sir, this Assembly has not framed any rules with regard to section 84(1) and the rules framed by His Excellency are still in force and the argument advanced by my learned friend Mr. Sen would be more appropriate in the Rule-making Committee than in this House (*hear, hear*). Then it is apparent that we are being guided by these rules. Then, Sir.....

BABU KAMINI KUMAR SEN : On a point of information, Sir. May I know from the hon. member if the rules can override the provision of the Act ? Are the rules to be given preference over the Act ? I want a reply from the hon. member himself.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : I shall reply. As we have got this set of rules, these rules are for our guidance. Rule 93(2) expressly provides "A demand may be presented to the Assembly for an additional or supplementary grant in respect of any demand for grant to which the Assembly has previously refused its assent, or in respect of the amount which the Assembly has previously reduced". Under these circumstances, I think, Sir, that this supplementary demand is quite in order.

THE HON'BLE THE SPEAKER : Does the hon. member reply to my question ? He has read out section 84(3). There it is said that old rules are to be accepted "subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion". Will the hon. member please say how the old rules have been adapted to the provision of the Act ?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : Well, Sir. In section 84(3) it is said "shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion". Therefore these adaptations were not to be made by this House. It was for His Excellency the Governor, and I think, Sir, His Excellency did it (*Laughter from the Congress Benches*).

THE HON'BLE THE SPEAKER : How His Excellency did it ? What matter weighed with him for making the adaptations ?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : Sir, section 84(3) was not to escape the notice of His Excellency (*Loud laughter from all sides*).

[At this time several hon. members invited the attention of the Hon'ble Speaker that it was 4 o'clock].

THE HON'BLE THE SPEAKER : Of course it is 4. But I want to finish this point of order to-day. It is an important point of order, and I shall have to give my ruling to-morrow. So, I require sufficient time for that. I think the hon. members will excuse me if I ask them to sit a little longer to-day.

MAULAVI ABDUR RAHMAN : May I know, Sir, whether we shall be allowed to speak on the merits of the question raised.

THE HON'BLE THE SPEAKER : So far as relevant to the point of order raised.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Mr. Speaker, Sir, I have listened very carefully to the different arguments that have been advanced in support of the point of order, and from the speeches of the hon. members, who have spoken on the subject, I find, Sir, three different points have been raised in the discussion.

The first point is that section 81 does not contemplate a demand of the nature that has been presented before this House. The second point is that rule 93, sub-rule (2) of the rules, which we have adopted to guide our procedure so long, this House does not frame its own rules, is *ultra vires* and thirdly that this is an attempt on the part of the Executive to flout the opinion of the Legislature.

Sir, as regards the first point, my submission is that the present supplementary statement of expenditure does come within the purview of section 81. The section runs thus: "If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, etc. etc.....". My submission before the House is that a further expenditure from the revenues of the Province has become necessary over and above the expenditure that was authenticated by His Excellency the Governor on the 1st of September. Sir, some of the hon. members who have participated in this discussion, have admitted that members in services have to be given notice before termination of their services on account of the vote of this House, and, as I have pointed out, under Civil Service Regulations Article 436, at least three months' notice is to be given. In this case, Sir, Government have given them four months' notice in place of three months.

THE HON'BLE THE SPEAKER : For what purpose ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Because I wanted to come before the House to get this supplementary grant. The House was not sitting in November, and therefore, I had to come in December.

SRIJUT GOPI NATH BARDOLOI : They might have been discharged on the 30th of November, all the same.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I do not know whether I should reply to the Hon'ble Speaker or to the hon. member. I suppose, when you as elected Chairman of this House are putting a question, any other hon. member should not intervene before the reply from the Government comes.

THE HON'BLE THE SPEAKER : Certainly.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, the purpose of Government in giving four months' notice was, in my opinion, to uphold the dignity and prestige of this House (*hear, hear*). Sir, I was astounded to hear from my learned friend the Leader of the Opposition suggesting to Government that they should have adopted the special powers of His Excellency the Governor under section 52 (c).

SRIJUT GOPI NATH BARDOLOI : On a point of personal explanation, Sir. I did not say that. What I said was that they might have been discharged by Government under section 52(c), if there was any statutory obligation to pay. But I did not say that we had that obligation.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Very well Sir. It was open to the Executive or Ministry to give three months' notice to these people and then ask His Excellency that he should exercise his special power under section 52(c) of the Government

of India Act and to give them emoluments or salary whatever that may be. Instead of doing that Sir, I advised His Excellency the Governor to take the regular and more responsible course of coming before the House and getting the funds necessary for the maintenance of the establishment of the Commissioners for four months after their voting.

BABU KAMINI KUMAR SEN: On a point of information, Sir. Did not the Hon'ble Chief Minister consider it necessary to advise His Excellency the Governor to authorise him to put forward a supplementary demand before the authentication of the schedule of expenditure according to Rule 16?

MR. BAIDYANATH MOOKERJEE: Exactly so.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, the authentication was on the 1st of September and the notices to these people were also given from that date. We thought it more prudent that public money would be better utilised if the services of the establishments are obtained for the period for which they have to be paid. Sir, if I adopted this course mainly with the purpose of getting the full value for the money that was going to be paid to them (*hear, hear*).

MR. BAIDYANATH MOOKERJEE: What about the travelling allowances and contingencies?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There was no travelling allowance.

BABU KAMINI KUMAR SEN: Sir, it seems to me that the Hon'ble Chief Minister has misunderstood me. The Hon'ble Chief Minister was saying that he was reluctant to advise His Excellency the Governor to certify this expenditure and what I said was that "did he not consider it his duty to advise His Excellency to give him sanction to bring forward a supplementary demand under rule 16 before the expenditure was authenticated?"

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We were at that time dealing with the budget itself and we were pre-occupied with the session of the House in voting demands (*laughter*). After all the Ministers are not machines. They are all human beings and they had to sit in this House from 11 o'clock to 5 p.m. We were very busy with the work before the Assembly and there was absolutely no time to go into the matter and advise His Excellency in the way that has been suggested by my hon. friend.

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir. Just now the Hon'ble Chief Minister has said that there are no travelling allowances or contingency charges. May I read some of the explanatory notes submitted by the Hon'ble Chief Minister?

THE HON'BLE THE SPEAKER: There is of course contingency charges.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, there is allowance.

MR. BAIDYANATH MOOKERJEE: There are also contingency charges.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Contingency charge there must be. They have got to work and they must be supplied with papers and pencils, etc.

MR. BAIDYANATH MOOKERJEE: This money could have been saved but instead of that some more good money have been spent, Sir, that is not good management in this particular case at least.

THE HON'BLE THE SPEAKER: The Hon'ble Chief Minister should be allowed to go on uninterrupted.

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :**  
 Sir, in my opinion, this expenditure from the revenue of the province has become necessary over and above the expenditure which has been already authenticated by His Excellency the Governor. Therefore it comes within the purview of that section. We are fortified in this attitude by the presence of Rule 93, sub-rule 2 which has already been discussed by the previous Speaker.

Now my contention is that apart from the ruling which has been given by the Government of India, when section 84 of the Government of India Act is to be followed, we are bound by this provision and so long as this House in the exercise of the right that has been given to them, do not frame a separate set of rules, we are to follow the procedure that has been laid down here and the present supplementary demand surely comes within the purview of that rule. Sir, one astounding proposition—rather I should say, a proposition of startling nature has been advanced by my hon. friend the Leader of the Opposition Mr. Bardoloi, that we have added insult to injury by incurring an expenditure for which this House has not voted any supplementary demand. If we are to push this proposition to the extreme, we shall be landing ourselves into very great and unforeseen difficulty.

Sir, generally there is no provision in our budget for famine relief. But as soon as we get the news that a particular district or a particular area in the province is suffering from famine or has been visited by sudden flood which necessitate immediate expenditure, we certainly incur some expenditure in that direction. Now if we are to hold that Government cannot spend a single farthing without the sanction of the House then you will be tying the hands of the Ministry—whether this Ministry or any Ministry that may be in field, to render any relief.

**SRIJUT GOPINATH BARDOLOI :** On a point of personal explanation, Sir. I did never say that. I admit that something may come in between. But that must be unforeseen. What I said is that there is no right in the Ministry to put any supplementary demand over a refused demand. The question urged was whether the refused demand can be included in the supplementary demand.

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** Originally the grant was for the whole year and it was refused but under the Civil Service Regulations, notice had to be given to these people and thus the unforeseen expenditure whether for 3 months or 4 months had to be incurred. I listened to the speech of my hon. friend with the attention which he deserved being the leader of a big party and a disciplined party. He used the words twice that this supplementary demand was nothing but an insult to the House. I have already replied to that that it was far from our intention to flout the opinion expressed by their vote, and I would conclude by quoting the words of George Bernard Shaw, which I read some years ago, replying to one who took exception to something which he said—“Hoots, toots mon, why take offence when none is meant”.

**BABU RABINDRA NATH ADITYA :** On a point of information, Sir. Has this statement of expenditure been laid before the Upper House also ?

**THE HON'BLE THE SPEAKER :** I am going to ask the Chief Minister a question. Can the Hon'ble Chief Minister give the House an assurance that on the 1st of January 1938, the offices of the Commissioners will cease to exist ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :**  
 Yes, Sir.

THE HON'BLE THE SPEAKER: What was the recommendation of the Government to the Secretary of State ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The recommendation of the Government was that the post of the Commissioner of the Surma Valley should be abolished.

THE HON'BLE THE SPEAKER: Then it will be necessary to come up again for a demand for the office of the Commissioner of the Assam Valley ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Not necessarily. In this connection I may explain that the retention of the Commissionership of one Valley has no reference to the retention of the establishment. The establishment is separate.

THE HON'BLE THE SPEAKER: I want to know exactly what the recommendation to the Secretary of State was.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Our recommendation to the Secretary of State was that there was no necessity for one Commissioner, *i.e.*, the Commissioner of the Surma Valley. As I have already pointed out there are certain legislative difficulties for which one of the Commissioners will have to be kept on for some time.

THE HON'BLE THE SPEAKER: But will it not be necessary to come up with another demand for the period from the 1st of January 1938 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: As the House has already refused the supply, we will not come up with any further demand for the establishment during the current year.

THE HON'BLE THE SPEAKER: If the post of the Commissioner of the Assam Valley is retained, will it not be necessary to come up for a supplementary grant from the 1st of January 1938 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, except for one or two clerks.

THE HON'BLE THE SPEAKER: Is the Hon'ble Minister sure ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am sure because he may be transferred to Shillong and he will be attached to the Secretariat. So far as this present matter is concerned, we have asked the House to only sanction the cost of this establishment up to the 31st of December 1937.

THE HON'BLE THE SPEAKER: But the House cannot be sure that there will be no further supplementary demand.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: When another supplementary demand is made, the House will know how to deal with that demand.

THE HON'BLE THE SPEAKER: If the Secretary of State refuses to sanction the abolition of the posts of Commissioners ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Then the Commissioners will remain, but the Government is bound to follow the mandate of the House as regards the establishment.

THE HON'BLE THE SPEAKER: Then there will be no necessity for a further demand for the balance of the grant ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir.

THE HON'BLE THE SPEAKER: Supposing Government has recommended the abolition of the post of one Commissioner and the Secretary of State does not sanction it and says that both the Commissioners should be retained, will it not be necessary to come for a supplementary demand ? Will the Commissioners go without the establishment ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, that is the verdict of the House,

THE HON'BLE THE SPEAKER: Then am I to accept the assurance of the Hon'ble Chief Minister that even if the Secretary of State does not sanction the abolition of the post of the Commissioner as has been recommended by Government, that the two Commissioners will go on functioning without establishment?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If the House does not sanction the expenditure they will have to. If these two posts remain, it may be, that we may come up for one or two clerks.

THE HON'BLE THE SPEAKER: But if Government comes up later for the restoration of the balance of the grant?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Then the House will know how to deal with that, but if you say that it is inadmissible then there is an end of it.

THE HON'BLE THE SPEAKER: But the House must be sure that there will be no further demand.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That will come more under the category of impropriety of the demand. I think the House can trust me to see that the dignity of the House is not flouted. Beyond this I cannot go at this stage.

THE HON'BLE THE SPEAKER: Would it not have been better to wait till the decision of the Secretary of State have been obtained?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We have done our best. If we waited till the reply of Secretary of State came, we will be charged with trampling the vote of House with greater justification.

THE HON'BLE THE SPEAKER: There is yet time up to the 31st of March.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I tried my best to get the Secretary of State's decision before the session, and we have not got it yet. We wired on the 1st of December, and in reply to that, the Foreign Department of Government of India replied that owing to important general questions arising out of the proposal it would be impossible to get the views of the Secretary of State by the 8th instant and they suggested that the Legislature be invited to restore the cut. That is the reply which I got but I am sticking to my original proposal.

THE HON'BLE THE SPEAKER: Then everything rest with the Secretary of State. The Secretary of State is pulling you one way and the House is pulling you the other way. The question of adjustment will arise afterwards.

BABU RABINDRA NATH ADITYA: Section 81 clearly provides that a statement of the expenditure should be placed before both the Houses. Has that been done?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is not necessary that this should be done simultaneously. It could be done afterwards.

BABU RABINDRA NATH ADITYA: After the vote has given on this question?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, that has been the procedure before.

SRIJUT PURNA CHANDRA SARMA: Do Government definitely assure us that there will be no office of the Commissioner after the 31st December?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already stated that our present supplementary demand takes up till the 31st December.

BABU RABINDRA NATH ADITYA : If I read the section correctly, it requires that the statement of expenditure should be placed before both the Houses before voting takes place.

THE HON'BLE THE SPEAKER : The other day the hon. member Mr. Hockenull drew my attention to one fact, viz., the inconvenience caused by draught coming in through the door behind the members of the European group. I tried my best to have a screen put up. I made a reference to the Public Works Department and the Executive Engineer came and inspected the place with a view to see whether the curtain might be put up. But it was found that an elaborate arrangement would be necessary and having regard to the structure without an elaborate arrangement a screen could not be put up. Even then it will be a thick screen and brackets and brass bars would be necessary. So it was found that it would not be possible for me to provide the comfort, which the hon. member Mr. Hockenull drew my attention to. The position, therefore, is that, the screen could not be put having regard to the position of the door and also other things.

MR. BAIDYANATH MOOKERJEE : Is it that it can never be done or it could not be done this session only ?

MR. F. W. HOCKENHULL : I hope, Sir, the necessity will be avoided in future by not meeting in this December.

(The Assembly was then adjourned till 11 a.m., on Saturday, the 18th December 1937.)

*Shillong :*

*The 29th January, 1938.*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*